

By: Phillips

H.B. No. 147

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the deferral of an administrative penalty imposed by
3 the Texas Commission on Environmental Quality against certain
4 utilities and districts.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 7, Water Code, is amended
7 by adding Section 7.034 to read as follows:

8 Sec. 7.034. DEFERRAL OF PENALTY FOR CERTAIN UTILITY
9 FACILITIES. (a) In this section:

10 (1) "District" has the meaning assigned by Section
11 49.001.

12 (2) "Municipally owned utility" and "water supply or
13 sewer service corporation" have the meanings assigned by Section
14 13.002.

15 (b) The commission may allow a municipally owned utility, a
16 water supply or sewer service corporation, or a district to defer
17 the payment of all or part of an administrative penalty imposed
18 under Subchapter C for a violation on the condition that the entity
19 complies with all provisions for corrective action in a commission
20 order to address the violation.

21 (c) In determining whether deferral of a penalty under this
22 section is appropriate, the commission shall consider the factors
23 to be considered under Section 7.053 and the following factors:

24 (1) the financial position of the entity and its

1 ability to reasonably pay the costs of corrective action under the
2 terms of a commission order;

3 (2) risks to public health and the environment of any
4 delay in addressing the corrective actions as a result of limited
5 financial resources;

6 (3) alternatives reasonably available to the entity
7 for paying both the costs of corrective action and the penalty; and

8 (4) potential effects of the payment of the penalty on
9 other essential public health and safety services for which the
10 entity is responsible.

11 (d) At the discretion of the commission, any penalty
12 deferred under this section becomes due and payable on a commission
13 determination that the entity is not in compliance with a provision
14 for corrective action in a commission order to address the
15 violation.

16 SECTION 2. Section 7.034, Water Code, as added by this Act,
17 applies only to a violation that occurs on or after the effective
18 date of this Act. A violation that occurs before the effective date
19 of this Act is covered by the law in effect on the date the violation
20 occurred, and the former law is continued in effect for that
21 purpose.

22 SECTION 3. This Act takes effect September 1, 2007.