

By: Bonnen

H.B. No. 3780

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to initiation of enforcement by the Texas Commission on  
3 Environmental Quality for violations based on information received  
4 from a private individual.

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

6 SECTION 1. Section 7.0025, Water Code, is amended by adding  
7 Subsection (e) to read as follows:

8 (e) If the commission determines that there are multiple  
9 violations based on information it receives from a private  
10 individual, only those that require initiation of formal  
11 enforcement will be included in any proposed enforcement action.  
12 For all other violations that do not require initiation of formal  
13 enforcement, the commission shall not include in the enforcement  
14 action the following:

15 (1) violations that are not repeat violations due to  
16 the same root cause from two consecutive investigations within the  
17 most recent five-year period; or

18 (2) violations that have been corrected within the  
19 time frame specified by the commission or for which the facility has  
20 not had the time specified by the commission to correct the  
21 violations.

22 SECTION 2. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2007.