

1-1 By: Bonnen (Senate Sponsor - Averitt) H.B. No. 3780
1-2 (In the Senate - Received from the House May 14, 2007;
1-3 May 15, 2007, read first time and referred to Committee on Natural
1-4 Resources; May 21, 2007, reported favorably by the following vote:
1-5 Yeas 10, Nays 1; May 21, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to initiation of enforcement by the Texas Commission on
1-9 Environmental Quality for violations based on information received
1-10 from a private individual.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 7.0025, Water Code, is amended by adding
1-13 Subsection (e) to read as follows:

1-14 (e) If the commission determines that there are multiple
1-15 violations based on information it receives from a private
1-16 individual, only those that require initiation of formal
1-17 enforcement will be included in any proposed enforcement action.
1-18 For all other violations that do not require initiation of formal
1-19 enforcement, the commission shall not include in the enforcement
1-20 action the following:

1-21 (1) violations that are not repeat violations due to
1-22 the same root cause from two consecutive investigations within the
1-23 most recent five-year period; or

1-24 (2) violations that have been corrected within the
1-25 time frame specified by the commission or for which the facility has
1-26 not had the time specified by the commission to correct the
1-27 violations.

1-28 SECTION 2. This Act takes effect immediately if it receives
1-29 a vote of two-thirds of all the members elected to each house, as
1-30 provided by Section 39, Article III, Texas Constitution. If this
1-31 Act does not receive the vote necessary for immediate effect, this
1-32 Act takes effect September 1, 2007.

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