

By: Miles

H.B. No. 2198

A BILL TO BE ENTITLED

AN ACT

relating to administrative penalties for air quality violations.

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

SECTION 1. Section 7.052(d), Water Code, is amended to read as follows:

(d) Except as provided by Subsection (b), each day that a continuing violation occurs may be considered a separate violation. For a violation of Chapter 382, Health and Safety Code, the commission may assess a separate penalty for each type of pollutant emitted in violation of that chapter. The commission may authorize an installment payment schedule for an administrative penalty assessed under this subchapter, except for an administrative penalty assessed under Section 7.057.

SECTION 2. (a) The change in law made by this Act to Section 7.052, Water Code, applies only to a violation that occurs on or after the effective date of this Act. For purposes of this section, a violation occurs before the effective date of this Act if any element of the violation occurs before that date.

(b) A violation that occurs before the effective date of this Act is governed by the law in effect on the date of the violation, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2011.