

By: Gallegos

S.B. No. 673

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of the Texas Commission on Environmental
3 Quality to approve certain supplemental environmental projects
4 undertaken by local governments.

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

6 SECTION 1. Section 7.067, Water Code, is amended to read as
7 follows:

8 Sec. 7.067. SUPPLEMENTAL ENVIRONMENTAL PROJECTS. (a) The
9 commission may compromise, modify, or remit, with or without
10 conditions, an administrative penalty imposed under this
11 subchapter. In determining the appropriate amount of a penalty for
12 settlement of an administrative enforcement matter, the commission
13 may consider a respondent's willingness to contribute to
14 supplemental environmental projects that are approved by the
15 commission, giving preference to projects that benefit the
16 community in which the alleged violation occurred. The commission
17 may encourage the cleanup of contaminated property through the use
18 of supplemental environmental projects. The commission may approve
19 a supplemental environmental project with activities in territory
20 of the United Mexican States if the project substantially benefits
21 territory in this state in a manner described by Subsection (b).
22 Except as provided by Subsection (a-1), the [The] commission may
23 not approve a project that is necessary to bring a respondent into
24 compliance with environmental laws, that is necessary to remediate

1 environmental harm caused by the respondent's alleged violation, or
2 that the respondent has already agreed to perform under a
3 preexisting agreement with a governmental agency.

4 (a-1) The commission may approve a supplemental
5 environmental project that is necessary to bring a respondent into
6 compliance with environmental laws, that is necessary to remediate
7 environmental harm caused by the respondent's alleged violation, or
8 that the respondent has already agreed to perform under a
9 preexisting agreement with a governmental agency if the respondent
10 is a local government.

11 (b) In this section:

12 (1) "Local government" means a school district,
13 county, municipality, junior college district, river authority,
14 water district or other special district, or other political
15 subdivision created under the constitution or a statute of this
16 state.

17 (2) "Supplemental [~~,"supplemental]~~ environmental
18 project" means a project that prevents pollution, reduces the
19 amount of pollutants reaching the environment, enhances the quality
20 of the environment, or contributes to public awareness of
21 environmental matters.

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
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2011.