

By: Guillen

H.B. No. 3264

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of permit requirements for the operation of a domestic wastewater treatment facility.

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

SECTION 1. Subchapter L, Chapter 5, Water Code, is amended by adding Section 5.5146 to read as follows:

Sec. 5.5146. EMERGENCY ORDER CONCERNING OPERATION OF CERTAIN TREATMENT FACILITIES WITHOUT PERMIT. The commission may issue an emergency order under this subchapter suspending operations of a treatment facility that:

(1) handles waste and wastewater from humans or household operations;

(2) is required to obtain a permit from the commission; and

(3) is operating without the required permit.

SECTION 2. Subchapter B, Chapter 7, Water Code, is amended by adding Section 7.035 to read as follows:

Sec. 7.035. INJUNCTION AND ENFORCEMENT RELATING TO CERTAIN TREATMENT FACILITIES. (a) Except as provided by Subsection (b), if the commission determines that a treatment facility that handles waste and wastewater from humans or household operations is operating without a permit required by the commission, the commission shall:

(1) issue an order:

1           (A) enjoining further operation of the facility  
2 until the commission issues the required permit; and

3           (B) imposing an administrative penalty under  
4 this chapter; or

5           (2) institute a civil action under Subchapter D to:

6           (A) enjoin further operation of the facility  
7 until the commission issues the required permit; and

8           (B) impose a civil penalty.

9           (b) If the commission determines there is no feasible  
10 alternative treatment or disposal option for the wastewater being  
11 sent to the treatment facility, including the option of hauling the  
12 wastewater to a permitted facility, the commission is not required  
13 to enjoin the operation of the facility under Subsection (a) and may  
14 impose other applicable penalties under this chapter.

15           SECTION 3. The changes in law made by this Act apply only to  
16 a violation that occurs on or after the effective date of this Act.  
17 A violation that occurs before the effective date of this Act is  
18 governed by the law in effect on the date the violation occurred,  
19 and the former law is continued in effect for that purpose.

20           SECTION 4. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2015.