

By: Guillen

H.B. No. 3264

A BILL TO BE ENTITLED

AN ACT

relating to emergency orders suspending, administrative and civil actions enjoining, and penalties for operating certain wastewater treatment facilities without a permit.

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

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

Sec. 5.5146. EMERGENCY ORDER CONCERNING OPERATION OF CERTAIN WASTEWATER TREATMENT FACILITIES WITHOUT PERMIT.

(a) The commission may issue an emergency order under this subchapter suspending operations of a domestic wastewater treatment facility that is required to obtain a permit from the commission and is operating without the required permit.

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

Sec. 7.035. CORRECTIVE ACTION RELATING TO CERTAIN WASTEWATER TREATMENT FACILITIES.

(a) Except as provided in Subsection (b), if the commission determines that a domestic wastewater treatment facility that is required to obtain a permit from the commission is operating without the required permit, the commission shall:

(1) issue an order enjoining further operation of the facility until the commission has issued a permit authorizing the operation and imposing an administrative penalty pursuant to

1 Section 7.052(c); or

2 (2) institute a civil action under Subchapter D to
3 enjoin further operation of the facility until the commission has
4 issued a permit authorizing the operation and to impose a civil
5 penalty;

6 (b) The commission may initiate alternative enforcement
7 action under this Chapter if the commission determines there is no
8 feasible alternative treatment or disposal option for the waste
9 stream being sent to the facility, including the option of hauling
10 the waste stream to a permitted facility.

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

16 SECTION 5. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2015.