

1-1 By: Guillen (Senate Sponsor - Hinojosa) H.B. No. 3264
 1-2 (In the Senate - Received from the House May 6, 2015;
 1-3 May 7, 2015, read first time and referred to Committee on
 1-4 Agriculture, Water, and Rural Affairs; May 19, 2015, reported
 1-5 favorably by the following vote: Yeas 6, Nays 0; May 19, 2015, sent
 1-6 to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the enforcement of permit requirements for the
 1-19 operation of a domestic wastewater treatment facility.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subchapter L, Chapter 5, Water Code, is amended
 1-22 by adding Section 5.5146 to read as follows:

1-23 Sec. 5.5146. EMERGENCY ORDER CONCERNING OPERATION OF
 1-24 CERTAIN TREATMENT FACILITIES WITHOUT PERMIT. The commission may
 1-25 issue an emergency order under this subchapter suspending
 1-26 operations of a treatment facility that:

1-27 (1) handles waste and wastewater from humans or
 1-28 household operations;

1-29 (2) is required to obtain a permit from the
 1-30 commission; and

1-31 (3) is operating without the required permit.

1-32 SECTION 2. Subchapter B, Chapter 7, Water Code, is amended
 1-33 by adding Section 7.035 to read as follows:

1-34 Sec. 7.035. INJUNCTION AND ENFORCEMENT RELATING TO CERTAIN
 1-35 TREATMENT FACILITIES. (a) Except as provided by Subsection (b), if
 1-36 the commission determines that a treatment facility that handles
 1-37 waste and wastewater from humans or household operations is
 1-38 operating without a permit required by the commission, the
 1-39 commission shall:

1-40 (1) issue an order:

1-41 (A) enjoining further operation of the facility
 1-42 until the commission issues the required permit; and

1-43 (B) imposing an administrative penalty under
 1-44 this chapter; or

1-45 (2) institute a civil action under Subchapter D to:

1-46 (A) enjoin further operation of the facility
 1-47 until the commission issues the required permit; and

1-48 (B) impose a civil penalty.

1-49 (b) If the commission determines there is no feasible
 1-50 alternative treatment or disposal option for the wastewater being
 1-51 sent to the treatment facility, including the option of hauling the
 1-52 wastewater to a permitted facility, the commission is not required
 1-53 to enjoin the operation of the facility under Subsection (a) and may
 1-54 impose other applicable penalties under this chapter.

1-55 SECTION 3. The changes in law made by this Act apply only to
 1-56 a violation that occurs on or after the effective date of this Act.
 1-57 A violation that occurs before the effective date of this Act is
 1-58 governed by the law in effect on the date the violation occurred,
 1-59 and the former law is continued in effect for that purpose.

1-60 SECTION 4. This Act takes effect immediately if it receives
 1-61 a vote of two-thirds of all the members elected to each house, as

2-1 provided by Section 39, Article III, Texas Constitution. If this
2-2 Act does not receive the vote necessary for immediate effect, this
2-3 Act takes effect September 1, 2015.

2-4

* * * * *