

By: Perry

S.B. No. 394

A BILL TO BE ENTITLED

AN ACT

relating to the use of supplemental environmental projects by a local government to come into compliance with environmental laws or remediate environmental harm caused by the local government.

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

SECTION 1. Sections 7.067(a-1) and (a-2), Water Code, are amended to read as follows:

(a-1) For a respondent that is a local government, the ~~[The]~~ commission:

(1) may approve a supplemental environmental project that is necessary to bring the [a] respondent into compliance with environmental laws or that is necessary to remediate environmental harm caused by the local government's [respondent's] alleged violation; and

(2) shall approve a supplemental environmental project described by Subdivision (1) if the local government:

(A) has not previously committed a violation at the same site with the same underlying cause in the preceding five years, as documented in a commission order; and

(B) did not agree, before the date that the commission initiated the enforcement action, to perform the project ~~[if the respondent is a local government].~~

(a-2) The commission shall develop a policy to prevent regulated entities from systematically avoiding compliance through

1 the use of supplemental environmental projects under Subsection
2 (a-1)(1) [~~Subsection (a-1)~~], including a requirement for an
3 assessment of:

4 (1) the respondent's financial ability to pay
5 administrative penalties;

6 (2) the ability of the respondent to remediate the
7 harm or come into compliance; and

8 (3) the need for corrective action.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2015.