

BILL ANALYSIS

Senate Research Center

S.B. 530
By: Birdwell
Natural Resources & Economic Development
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 341 (Minimum Standards of Sanitation and Health Protection Measures) of the Health and Safety Code, Subchapter C, generally gives the Texas Commission on Environmental Quality (TCEQ) the authority to adopt and enforce rules to implement the Federal Safe Drinking Water Act (42 U.S.C. Section 300f et seq.). Subchapter C includes public safety standards and also includes legislative guidelines for both civil and administrative enforcement.

S.B. 530 seeks to provide additional flexibility to allow TCEQ to penalize public water suppliers who simply pay the monetary penalties ordered by TCEQ and do not undertake the necessary corrective actions ordered by TCEQ. S.B. 530 increases the maximum civil and administrative penalty amount from "not less than \$50 nor more than \$1,000 for each violation" to "not less than \$50 and not more than \$5,000 for each violation." TCEQ will retain the flexibility to consider a range of penalties utilizing its penalty policy. (Original Author's/Sponsor's Statement of Intent)

S.B. 530 amends current law relating to civil and administrative penalties assessed or imposed for violations of laws protecting drinking water, public water supplies, and bodies of water.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 341.048(b), Health and Safety Code, to require that a person who causes, suffers, allows, or permits a violation under this subchapter (Sanitary Standards of Drinking Water; Protection of Public Water Supplies and Bodies of Water) be assessed a civil penalty of not less than \$50 and not more than \$5,000, rather than not less than \$50 nor more than \$1,000, for each violation.

SECTION 2. Amends Section 341.049(a), Health Safety Code, to prohibit the penalty assessed by the Texas Commission on Environmental Quality, as provided by this section, from being less than \$50 nor more than \$5,000, rather than less than \$50 nor more than \$1,000.

SECTION 3. (a) Provides that Section 341.048(b), Health and Safety Code, as amended by this Act, applies to an action brought on or after the effective date of this Act, regardless of whether the violation giving rise to that action occurred on, before, or after that date.

(b) Makes application of Section 341.049(a), Health and Safety Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2019.