

By: Perry

S.B. No. 1406

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the suspension of an enforcement action against a
3 regional water supply, sewer, or wastewater treatment service for a
4 violation committed by a retail public utility being integrated
5 into the regional service.

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

7 SECTION 1. Section [7.0026](#), Water Code, is amended to read as
8 follows:

9 Sec. 7.0026. SUSPENSION OF ENFORCEMENT ACTION AGAINST
10 CERTAIN REGIONAL WATER, SEWER, OR SOLID WASTE SERVICES. (a) In
11 this section, "retail public utility" has the meaning assigned by
12 Section [13.002](#).

13 (b) If a water supply, sewer, wastewater treatment, or solid
14 waste disposal service operated by or for a municipality or county
15 is being integrated into a regional water supply, sewer, wastewater
16 treatment, or solid waste disposal service, the commission may
17 enter into a compliance agreement with the regional service under
18 which the commission will not initiate an enforcement action
19 against the regional service for existing or anticipated violations
20 resulting from the operation by the regional service of the service
21 being integrated. A compliance agreement under this section must
22 include provisions necessary to bring the service being integrated
23 into compliance.

24 (c) If a water supply, sewer, or wastewater treatment

1 service operated by a retail public utility, other than a
2 municipality or county, is being integrated into a regional water
3 supply, sewer, or wastewater treatment service administered by
4 another entity, the commission may enter into a compliance
5 agreement with the regional service under which the commission will
6 not initiate an enforcement action against the regional service for
7 existing or anticipated violations resulting from the operation by
8 the regional service of the service being integrated. A compliance
9 agreement under this section must include provisions necessary to
10 bring the service being integrated into compliance.

11 (d) This section does not prohibit the commission from
12 initiating an enforcement action against a regional service that is
13 a party to a compliance agreement if the regional service does not
14 substantially comply with the agreement.

15 SECTION 2. Not later than December 1, 2023, the Texas
16 Commission on Environmental Quality shall adopt rules as necessary
17 to implement Section 7.0026(c), Water Code, as added by this Act.

18 SECTION 3. This Act takes effect September 1, 2023.