

BILL ANALYSIS

Senate Research Center
82R3980 KJM-D

S.B. 673
By: Gallegos
Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, supplemental environmental projects (SEPs) are defined and outlined in Section 7.067 (Supplemental Environmental Projects), Water Code. However, the statute is restrictive of local governments that may wish to participate in the program. Texas Commission on Environmental Quality (TCEQ) policy requires SEP projects to follow, not precede, an enforcement action. SEP credit cannot be approved for a project that is already completed or included in a respondent's budget or already committed to be undertaken. For local governments, this prohibition makes it nearly impossible to participate in the SEP program.

S.B. 673 will make it easier for local governments to participate in the SEP program by allowing TCEQ discretion to approve SEP projects that are already committed or included in local governmental budgets.

As proposed, S.B. 673 amends current law relating to the authority of the Texas Commission on Environmental Quality to approve certain supplemental environmental projects undertaken by local governments.

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 7.067, Water Code, as follows:

Sec. 7.067. SUPPLEMENTAL ENVIRONMENTAL PROJECTS. (a) Prohibits the Texas Commission on Environmental Quality (TCEQ), except as provided by Subsection (a-1), to approve a project that is necessary to bring a respondent into compliance with environmental laws, that is necessary to remediate environmental harm caused by the respondent's alleged violation, or that the respondent has already agreed to perform under a preexisting agreement with a governmental agency.

(a-1) Authorizes TCEQ to approve a supplemental environmental project that is necessary to bring a respondent into compliance with environmental laws, that is necessary to remediate environmental harm caused by the respondent's alleged violation, or that the respondent has already agreed to perform under a preexisting agreement with a governmental agency if the respondent is a local government.

(b) Defines, in this section, "local government." Makes a nonsubstantive change.

SECTION 2. Effective date: upon passage or September 1, 2011.