

## **BILL ANALYSIS**

Senate Research Center

S.B. 394  
By: Perry  
Agriculture, Water & Rural Affairs  
7/23/2015  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, many local communities are receiving large penalties for first-time citations from the Texas Commission on Environmental Quality (TCEQ).

Interested parties argue that it is not fair to penalize a community for an infraction they may not be aware exists. Additionally, funds used to pay these penalties ultimately end up being passed on to local taxpayers who likely had no knowledge of or involvement in the offense.

S.B. 394 allows first-time offenders of a particular offense to apply their penalty towards a supplemental environmental project (SEP) that will bring them into compliance.

S.B. 394 amends current law relating to the use of supplemental environmental projects by a local government to come into compliance with environmental law or remediate environmental harm cause by the local government.

[Note: While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

### **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 Sections 7.067(a-1) and (a-2), Water Code, as follows:

(a-1) Provides that, for a respondent that is a local government, the Texas Natural Resource Conservation Commission (TNRCC):

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

(2) is required to approve a supplemental environmental project described by Subdivision (1) if the local government has not previously committed a violation at the same site with the same underlying cause in the preceding five years, as documented in a TNRCC order, and did not agree to perform the project before the date that TNRCC initiated the enforcement action.

Makes nonsubstantive changes.

(a-2) Changes a reference to Subsection (a-1) to Subsection (a-1)(1) and makes no further change to this subsection.

SECTION 2. Effective date: upon passage or September 1, 2015.