

Chapter 1145

S.B. No. 394

AN ACT

1
2 relating to the use of supplemental environmental projects by a
3 local government to come into compliance with environmental laws or
4 remediate environmental harm caused by the local government.

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

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

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

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

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

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

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

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

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2015
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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;

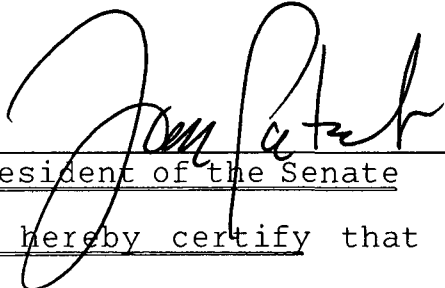
6 (2) the ability of the respondent to remediate the
7 harm or come into compliance; and

8 (3) the need for corrective action.

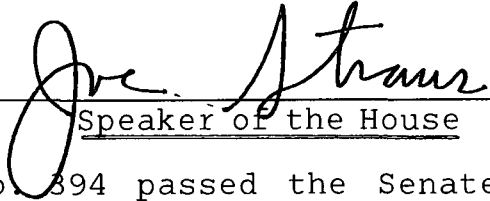
9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1,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

see
file

S.B. No. 394

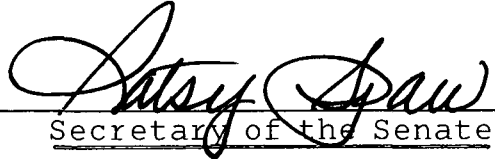


President of the Senate



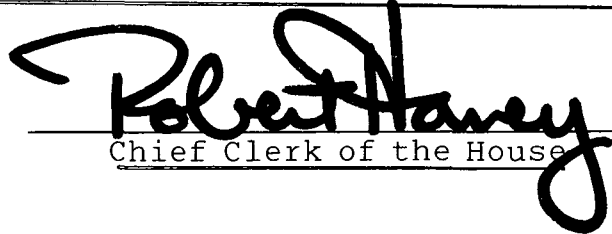
Speaker of the House

I hereby certify that S.B. No. 394 passed the Senate on April 9, 2015, by the following vote: Yeas 31, Nays 0. _____



Secretary of the Senate

I hereby certify that S.B. No. 394 passed the House on May 27, 2015, by the following vote: Yeas 144, Nays 0, two present not voting. _____

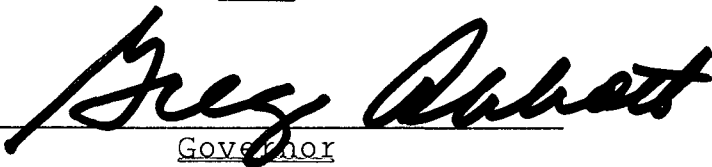


Chief Clerk of the House

Approved:

6-13-2015

Date



Governor

STATE OF TEXAS
COMPTROLLER GENERAL
OFFICE OF THE COMPTROLLER
3

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:30 pm O'CLOCK

JUN 19 2015



Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 4, 2015

TO: Honorable Geanie Morrison, Chair, House Committee on Environmental Regulation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB394 by Perry (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.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require that the Texas Commission on Environmental Quality (TCEQ) approve a compliance Supplemental Environmental Project (SEP) for a local government in place of a penalty if the local government has not previously committed the same violation at the same site with the same underlying cause in the preceding five years; and the local government did not agree to perform the SEP before the date the TCEQ initiated enforcement action.

The TCEQ reports that enactment of the bill could have an impact on the number of SEPs the agency reviews; however, any administrative costs to the agency are not expected to be significant.

The TCEQ reports that there could be some loss in penalties deposited to the General Revenue Fund, depending on the number of local governments that would opt for SEPs in lieu of penalties as a result of the bill's passage. However, because the bill provides that the SEP is only required to be approved in cases where the local government has not previously committed the same violation, no significant revenue loss is expected.

Local Government Impact

The bill would allow qualifying local governments that have not committed the same violation previously to spend the administrative penalty amount on compliance and remediation of the alleged area of violation. The local government may no longer have to pay a penalty in addition to the cost of coming into compliance with an enforcement order.

Source Agencies: 582 Commission on Environmental Quality, 304 Comptroller of Public Accounts

LBB Staff: UP, SZ, MW, TL, KVe

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 25, 2015

TO: Honorable Charles Perry, Chair, Senate Committee on Agriculture, Water & Rural Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB394 by Perry (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.), **Committee Report 1st House, Substituted**

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Source Agencies: 582 Commission on Environmental Quality, 304 Comptroller of Public Accounts

LBB Staff: UP, SZ, MW, TL, KVe

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 14, 2015

TO: Honorable Charles Perry, Chair, Senate Committee on Agriculture, Water & Rural Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB394 by Perry (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.), **As Introduced**

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Source Agencies: 304 Comptroller of Public Accounts, 582 Commission on Environmental Quality

LBB Staff: UP, SZ, MW, TL, KVe