

BILL ANALYSIS

Senate Research Center
78R6292 MI-D

H.B. 2529
By: Madden (Estes)
Natural Resources
5/14/2003
Engrossed

DIGEST AND PURPOSE

Since 1951, the North Texas Municipal Water District (district) has played a valuable role in assisting many communities in North Central Texas with water, wastewater, and solid waste recycling and disposal services. As owners and/or operators of solid waste recycling and disposal facilities, transfer stations, wastewater treatment facilities, and a water treatment facility, the district works closely with the Texas Commission on Environmental Quality (TCEQ). As a component used to communicate with residents and businesses, the district has worked to create citizen advisory panels at several of its facilities. Aside from operating existing facilities and constructing new ones, the district has for many years acquired older, antiquated operations from small and medium sized communities whose budgetary constraints prohibited costly improvements or replacements required by current environmental regulations.

To promote this assumption of responsibility for upgrading and perpetuating a struggling or failing entity's services, it is advisable to ensure that the incorporating entity is protected from pre-existing citations and/or fines for prior violations or violations by the non-compliant operations of that now defunct entity. H.B. 2529 requires TCEQ to suspend enforcement action against the service being integrated for 36 months from the date when a regional service first assumes direct control over or any duty of the integrating service, after which time the issuing of citations and assessing of fines or other penalties for compliance violations may resume.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 7, Water Code, by adding Section 7.0026, as follows:

Sec. 7.0026. SUSPENSION OF ENFORCEMENT ACTION AGAINST CERTAIN REGIONAL WATER, SEWER, OR SOLID WASTE SERVICES. Prohibits the Texas Commission on Environmental Quality, if a water supply, sewer, wastewater treatment, or solid waste disposal service operated by or for a municipality or county is being integrated into a regional water supply, sewer, wastewater treatment, or solid waste disposal service, from initiating an enforcement action against the service being integrated unless certain conditions are met.

SECTION 2. (a) Effective date: upon passage or September 1, 2003.

(b) Makes application of Section 7.0026, Water Code, as added by this Act, prospective.