

## **BILL ANALYSIS**

Senate Research Center  
84R22876 JXC-F

H.B. 3264  
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5/14/2015  
Engrossed

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

The Texas Commission on Environmental Quality (TCEQ) has limited authority to shut down an unpermitted wastewater treatment facility for noncompliance while the facility awaits the issuance of a permit. The result is that unlicensed operators are able to accept waste with no regulatory oversight for months or even years while the permitting process takes place.

In contrast, a permitted facility that is out of compliance can be shut down. This creates a double standard that rewards bad operators and punishes those who play by the rules. H.B. 3264 seeks to eliminate this double standard and encourage a level playing field in the market.

H.B. 3264 amends the Water Code to authorize TCEQ to issue an emergency order suspending operations of a treatment facility that handles water and wastewater from humans or household operations, is required to obtain a permit from TCEQ, and is operating without the required permit.

H.B. 3264 amends current law relating to the enforcement of permit requirements for the operation of a domestic wastewater treatment facility.

[**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 Subchapter L, Chapter 5, Water Code, by adding Section 5.5146, as follows:

Sec. 5.5146. EMERGENCY ORDER CONCERNING OPERATION OF CERTAIN TREATMENT FACILITIES WITHOUT PERMIT. Authorizes the Texas Commission on Environmental Quality (TCEQ) to issue an emergency order under this subchapter suspending operations of a treatment facility that handles waste and wastewater from humans or household operations, is required to obtain a permit from TCEQ, and is operating without the required permit.

SECTION 2. Amends Subchapter B, Chapter 7, Water Code, by adding Section 7.035, as follows:

Sec. 7.035. INJUNCTION AND ENFORCEMENT RELATING TO CERTAIN TREATMENT FACILITIES. (a) Requires the Texas Natural Resource Conservation Commission (TNRCC), except as provided by Subsection (b), if TNRCC determines that a treatment facility that handles waste and wastewater from humans or household operations is operating without a permit required by TNRCC, to:

(1) issue an order enjoining further operation of the facility until TNRCC issues the required permit and imposing an administrative penalty under this chapter; or

(2) institute a civil action under Subchapter D (Civil Penalties) to enjoin further operation of the facility until TNRCC issues the required permit and to impose a civil penalty.

(b) Provides that, if TNRCC determines there is no feasible alternative treatment or disposal option for the wastewater being sent to the treatment facility, including the option of hauling the wastewater to a permitted facility, TNRCC is not required to enjoin the operation of the facility under Subsection (a) and may impose other applicable penalties under this chapter.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2015.