

SUBCHAPTER G: ENFORCEMENT
§299.71, §299.72
Effective January 1, 2009

§299.71. Enforcement.

(a) If the executive director alleges violations of this chapter, enforcement action may be pursued according to Texas Water Code, Chapter 7 and §70.5 of this title (relating to Remedies). Remedies include:

(1) seeking an emergency order from the commission to either reconstruct, modify, alter, or repair the deficient dam or remove the dam as described in §299.72 of this title (relating to Emergency Orders); or

(2) referring to the Office of the Attorney General for civil judicial action, including the assessment of civil penalties and injunctive relief.

(b) An owner who willfully fails or refuses to take appropriate action within the time frames addressed in the appropriate executive director enforcement letters is liable for a penalty of not more than \$5,000 a day for each day the violation continues.

Adopted December 10, 2008

Effective January 1, 2009

§299.72. Emergency Orders.

According to the provisions of Texas Water Code, §12.052, and Chapter 35 of this title (relating to Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions), the commission may issue emergency orders, without notice to the owner, directing the owner of a deficient dam to take immediate and appropriate action to remedy situations posing a threat to human life or property.

Adopted December 10, 2008

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