

By: Barrientos

S.B. No. 171

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the imposition of the operating permit fee under the Clean Air Act.

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

SECTION 1. Section 382.0621(d), Health and Safety Code, is amended to read as follows:

(d) Except as provided by this section, the commission may not impose a fee for any amount of emissions of an air contaminant regulated under the federal Clean Air Act Amendments of 1990 (Pub.L. No. 101-549) in excess of 8,000 [~~4,000~~] tons per year from any source. On and after September 1, 2001, for a facility that is not subject to the requirement to obtain a permit under Section 382.0518(g) that does not have a permit application pending, the commission shall:

(1) impose a fee under this section for all emissions, including emissions in excess of 8,000 [~~4,000~~] tons; and

(2) treble the amount of the fee imposed for emissions in excess of 8,000 [~~4,000~~] tons each fiscal year.

SECTION 2. The Texas Commission on Environmental Quality shall examine the desirability of reducing by rule the amount of the operating permit fee authorized by Section 382.0621, Health and Safety Code, provided that the requirements of Section 382.0621(b), Health and Safety Code, can still be met, because of the additional revenue that should be generated by the change in law made by this

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1 Act to Section 382.0621(d), Health and Safety Code.

2 SECTION 3. This Act takes effect September 1, 2003.