

BILL ANALYSIS

H.B. 3098
By: Puente
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Edwards Aquifer Protection Program has a statutory fee cap for water pollution abatement plans, sewage collection systems plans, Underground Storage Tank (UST) plans, and Aboveground Storage Tank (AST) plans of \$5,000 which has not been adjusted since 1997.

Expanding the scope of activities that can be funded by fees collected for processing Edwards Aquifer plans will enable the agency to provide greater protection of water quality in the Edwards Aquifer while decreasing the demand on General Revenue funding. The fees would cover all the cost of the existing Edwards Aquifer Protection Program such as plan reviews, and would provide the funds necessary for other support activities, such as enforcement, legal service, and program development and evaluation functions.

H.B. 3098 would amend the Texas Water Code, §26.0461 which provides that fees can be charged for processing plans or amendments to Edwards Aquifer Protection Plans that are subject to review and approval. This bill would broaden the use of the existing fees charged for reviewing Edwards Aquifer Protection Program plans, expand the types of plan reviews for which fees can be charged, and increase the fee caps.

H.B. 3098 would also amend Texas Water Code, §26.0461(h) to clarify that fees that are charged for reviewing plans or amendments to plans under the Commission's Edwards Aquifer Protection Program may be used to fund other Edwards Aquifer Protection Program activities. The use of these funds could be used to fund current program support activities and for new activities that will aid in assessing the effectiveness of the program in protecting water quality in the Edwards Aquifer. Subsection §26.0461(a) currently limits the use of fees to processing plans, and inspecting the construction and maintenance of projects covered by the plans.

H.B. 3098 provides for specific fee authority for contributing zone plans, increases all fee caps to account for inflation, and increases the fee caps for large/multiphase development projects to reflect complexity and resulting additional workload that these types of plans require.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. 26.0461, Water Code, is amended by amending Subsections (b), (d), (e), and (h) and adding Subsection (d-1) to read:

Amends Section 26.046(b), Water Code, by adding contributing zones to the plans for which fees may be imposed.

Amends Section 26.0461(d), Water Code, by raising the cap on fees from a maximum of \$5000 to a maximum of \$6,500 except as provided in (d-1).

Adds Section 26.0461 (d-1), Water Code, providing that a fee imposed under this section may not be more than \$13,000 if the fee is for a water pollution abatement or contributing zone plan for a development of more than 40 acres.

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Amends Section 26.0461(e), Water Code, to provide that the fee criteria applies to contributing zone plans and adds that the fee charged also be based on the type of activity subject to regulation.

Amends Section 26.0461(h), Water Code, by requiring that a fee collected be deposited in the State Treasury to the credit of a special program to be used only for administering the commission's Edwards Aquifer program, including (1) monitoring surface water, storm water and groundwater quality in the Edwards Aquifer program area and (2) developing geographic information system (GIS) data layers for the Edwards Aquifer program.

SECTION 2. Provides that the changes in laws made by the Act apply to plans filed on or after the effective date of the bill and continues previous law in effect for those plans filed prior to the effective date of the Act.

SECTION 3. This Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007.