

By: Martinez Fischer

H.B. No. 3050

A BILL TO BE ENTITLED

AN ACT

relating to monitoring and testing in connection with mercury emissions from coal-fired electric generating facilities.

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

SECTION 1. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.05145 to read as follows:

Sec. 382.05145. MONITORING AND TESTING IN CONNECTION WITH MERCURY EMISSIONS FROM COAL-FIRED ELECTRIC GENERATING FACILITIES.

(a) The commission shall:

(1) monitor the wet deposition of mercury in any waterway in the vicinity of a coal-fired electric generating facility; and

(2) annually publish a report on the results of the monitoring.

(b) The Department of State Health Services periodically shall test for mercury contamination a sample of the fish in the vicinity of each mercury deposition testing unit.

(c) The commission shall impose a fee on each holder of a permit for a coal-fired electric generating facility in an amount sufficient to recover the costs to the commission and the Department of State Health Services of implementing this section.

(d) The commission and the Department of State Health Services jointly shall adopt rules to implement this section.

SECTION 2. Section 382.0622, Health and Safety Code, is

1 amended by amending Subsections (a) and (b) and adding Subsection
2 (f) to read as follows:

3 (a) Clean Air Act fees consist of:

4 (1) fees collected by the commission under Sections
5 382.05145, 382.062, 382.0621, 382.202, and 382.302 and as otherwise
6 provided by law; and

7 (2) \$2 of each advance payment collected by the
8 Department of Public Safety for inspection certificates for
9 vehicles other than mopeds under Section 548.501, Transportation
10 Code.

11 (b) Except as provided by Subsections (b-1), ~~[and]~~ (e), and
12 (f), Clean Air Act fees shall be deposited in the state treasury to
13 the credit of the clean air account and shall be used to safeguard
14 the air resources of the state.

15 (f) Fees collected by the commission under Section
16 382.05145 shall be transferred on receipt to the credit of a
17 subaccount of the clean air account. Money in the subaccount may
18 not be commingled with any other fees in the clean air account or
19 with any other money in the state treasury. Money in the subaccount
20 may be appropriated only to the commission and the Department of
21 State Health Services to implement Section 382.05145. The
22 subaccount is exempt from the application of Section 403.095,
23 Government Code. Interest earned on money in the subaccount is
24 credited to the subaccount.

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