

By: Puente (Senate Sponsor - Averitt) H.B. No. 3098
(In the Senate - Received from the House May 11, 2007;
May 15, 2007, read first time and referred to Committee on Natural
Resources; May 18, 2007, reported favorably by the following vote:
Yeas 11, Nays 0; May 18, 2007, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to the fees imposed by the Texas Commission on
Environmental Quality in connection with plans that are subject to
review and approval under the commission's rules for the protection
of the Edwards Aquifer.

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

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

(b) The plans for which fees may be imposed are:

- (1) water pollution abatement plans;
- (2) plans for sewage collection systems; ~~and~~
- (3) plans for hydrocarbon storage facilities or
hazardous substance storage facilities; and
- (4) contributing zone plans.

(d) Except as provided by Subsection (d-1), a [A] fee
imposed under this section may not be less than \$100 or more than
\$6,500 [~~\$5,000~~].

(d-1) 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.

(e) A fee charged under this section must be based on the
following criteria:

- (1) if a pollution abatement or contributing zone
plan, the area or acreage covered by the plan;
- (2) if a sewage collection systems plan, the number of
linear feet of pipe or line; ~~and~~
- (3) if a hydrocarbon storage facility or hazardous
substance storage facility plan, the number of tanks; and
- (4) the type of activity subject to regulation.

(h) A fee collected under this section shall 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, stormwater, and
groundwater quality in the Edwards Aquifer program area; and
- (2) developing geographic information systems (GIS)
data layers for the Edwards Aquifer program [~~programs~~].

SECTION 2. The changes in law made by this Act apply only to
fees imposed in connection with plans filed with the Texas
Commission on Environmental Quality on or after the effective date
of this Act. Fees imposed in connection with plans filed with the
Texas Commission on Environmental Quality before the effective date
of this Act are governed by the law as it existed immediately before
the effective date of this Act, and that law is continued in effect
for that purpose.

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

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