

AN ACT

relating to the amount of the annual water quality fee imposed on holders of wastewater discharge permits and on users of water.

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

SECTION 1. Section 26.0291(e), Water Code, is amended to read as follows:

(e) The commission by rule shall adopt a fee schedule for determining the amount of the fee to be charged. Beginning September 1, 2009, the maximum amount of a fee under this section is \$100,000. On September 1 of each subsequent year, the commission shall adjust the maximum fee amount as necessary to reflect the percentage change during the preceding year in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published monthly by the United States Bureau of Labor Statistics, or its successor in function. Notwithstanding any adjustment for inflation under this subsection, the [The] amount of the fee may not exceed \$150,000 [~~\$75,000~~] for each permit or contract and the [~~The~~] maximum annual fee under this section for a wastewater discharge or waste treatment facility that holds a water right for the use of water by the facility is \$150,000 [~~may not exceed \$75,000~~]. In determining the amount of a fee under this section, the commission may consider:

(1) waste discharge permitting factors such as flow volume, toxic pollutant potential, level of traditional pollutant,

1 and heat load;

2 (2) the designated uses and segment ranking
3 classification of the water affected by discharges from the
4 permitted facility;

5 (3) the expenses necessary to obtain and administer
6 the NPDES program;

7 (4) the reasonable costs of administering the water
8 quality management programs under Section 26.0135; and

9 (5) any other reasonable costs necessary to administer
10 and enforce a water resource management program reasonably related
11 to the activities of the persons required to pay a fee under this
12 section.

13 SECTION 2. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 1433 was passed by the House on May 1, 2009, by the following vote: Yeas 93, Nays 46, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1433 was passed by the Senate on May 13, 2009, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

APPROVED: _____

Date

Governor