

By: Lucio III

H.B. No. 1433

A BILL TO BE ENTITLED

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. The amount of the fee may not exceed \$200,000 [~~\$75,000~~] for each permit or contract. 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 may not exceed \$200,000 [~~\$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, and heat load;

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

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

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

1 (5) any other reasonable costs necessary to administer
2 and enforce a water resource management program reasonably related
3 to the activities of the persons required to pay a fee under this
4 section.

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