

1-1 By: Lucio III (Senate Sponsor - Averitt) H.B. No. 1433  
1-2 (In the Senate - Received from the House May 4, 2009;  
1-3 May 5, 2009, read first time and referred to Committee on Natural  
1-4 Resources; May 8, 2009, reported favorably by the following vote:  
1-5 Yeas 8, Nays 1; May 8, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the amount of the annual water quality fee imposed on  
1-9 holders of wastewater discharge permits and on users of water.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 26.0291(e), Water Code, is amended to  
1-12 read as follows:

1-13 (e) The commission by rule shall adopt a fee schedule for  
1-14 determining the amount of the fee to be charged. Beginning  
1-15 September 1, 2009, the maximum amount of a fee under this section is  
1-16 \$100,000. On September 1 of each subsequent year, the commission  
1-17 shall adjust the maximum fee amount as necessary to reflect the  
1-18 percentage change during the preceding year in the Consumer Price  
1-19 Index for All Urban Consumers (CPI-U), U.S. City Average, published  
1-20 monthly by the United States Bureau of Labor Statistics, or its  
1-21 successor in function. Notwithstanding any adjustment for  
1-22 inflation under this subsection, the [The] amount of the fee may not  
1-23 exceed \$150,000 [~~\$75,000~~] for each permit or contract and the [~~-~~  
1-24 The] maximum annual fee under this section for a wastewater  
1-25 discharge or waste treatment facility that holds a water right for  
1-26 the use of water by the facility is \$150,000 [~~may not exceed~~  
1-27 \$75,000]. In determining the amount of a fee under this section,  
1-28 the commission may consider:

1-29 (1) waste discharge permitting factors such as flow  
1-30 volume, toxic pollutant potential, level of traditional pollutant,  
1-31 and heat load;

1-32 (2) the designated uses and segment ranking  
1-33 classification of the water affected by discharges from the  
1-34 permitted facility;

1-35 (3) the expenses necessary to obtain and administer  
1-36 the NPDES program;

1-37 (4) the reasonable costs of administering the water  
1-38 quality management programs under Section 26.0135; and

1-39 (5) any other reasonable costs necessary to administer  
1-40 and enforce a water resource management program reasonably related  
1-41 to the activities of the persons required to pay a fee under this  
1-42 section.

1-43 SECTION 2. This Act takes effect September 1, 2009.

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