

By: Averitt

S.B. No. 2316

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the annual water quality fee for wastewater discharge
3 permit holders and water right users through permit or contract.

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

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

7 (e) The commission by rule shall adopt a fee schedule for
8 determining the amount of the fee to be charged. The amount of the
9 fee may not exceed \$200,000 [~~\$75,000~~] for each permit or contract.
10 The maximum annual fee under this section for a wastewater
11 discharge or waste treatment facility that holds a water right for
12 the use of water by the facility may not exceed \$200,000 [~~\$75,000~~].
13 In determining the amount of a fee under this section, the
14 commission may consider:

15 (1) waste discharge permitting factors such as flow
16 volume, toxic pollutant potential, level of traditional pollutant,
17 and heat load;

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

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

23 (4) the reasonable costs of administering the water
24 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. The changes in law made by this Act apply only to
6 fees due on or after September 1, 2009. The assessment and
7 collection of fees due before the effective date of this Act is
8 governed by the former law, and that law is continued in effect for
9 that purpose.

10 SECTION 3. This Act takes effect September 1, 2009.