

By: Miles

H.B. No. 2667

A BILL TO BE ENTITLED

AN ACT

relating to operating permit fees for air pollutant emissions.

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

SECTION 1. Section 382.0621, Health and Safety Code, is amended by amending Subsection (d) and adding Subsections (d-1) and (d-2) to read as follows:

(d) Except as provided by Subsections (d-1) and (d-2) [~~this section~~], the commission may not impose a fee for any amount of emissions of an air contaminant regulated under the federal Clean Air Act Amendments of 1990 (Pub.L. No. 101-549) in excess of 4,000 tons per year from any source.

(d-1) On and after September 1, 2001, for a facility that is not subject to the requirement to obtain a permit under Section 382.0518(g) that does not have a permit application pending, the commission shall:

(1) impose a fee under this section for all emissions, including emissions in excess of 4,000 tons; and

(2) treble the amount of the fee imposed for emissions in excess of 4,000 tons each fiscal year.

(d-2) The commission by order may annually adjust the limit provided by Subsection (d) on the amount of emissions on which the fees under this section are imposed so that the fees are sufficient to cover the costs described by Subsection (b).

SECTION 2. (a) The Texas Commission on Environmental

1 Quality shall adopt rules required to implement the change in law
2 made by this Act not later than December 31, 2012.

3 (b) The change in law made by Section 382.0621, Health and
4 Safety Code, as amended by this Act, applies to an annual fee
5 imposed on or after January 1, 2012. An annual fee imposed before
6 January 1, 2012, is governed by the law in effect on the date the fee
7 was imposed, and the former law is continued in effect for that
8 purpose.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2011.