

BILL ANALYSIS

Senate Research Center

S.B. 1340
By: Brown
Natural Resources
4-15-97
As Filed

DIGEST

Currently, Texas law allows wastewater inspection fees to be increased to fund the federal wastewater permit program contingent on federal delegation of the program and provides that entities holding wastewater permits are required to pay two annual fees. Under the current program, assessed fees may not be enough to cover the cost of the wastewater permit program. This bill allows the Texas Natural Resource Conservation Commission to increase certain fees in order to fund the wastewater permit program.

PURPOSE

As proposed, S.B. 1340 allows the Texas Natural Resource Conservation Commission to increase certain fees in order to fund the wastewater permit program.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 26.0291(a)-(c), Water Code, effective until delegation of the National Pollutant Discharge Elimination System permit authority (NPDES), to provide that the fee imposed on each permittee for each waste discharge permit held by the permittee is to supplement the other funds for the enforcement of the rules of the Texas Natural Resource Conservation Commission (commission), governing waste discharge, waste treatment facilities, and the quality of the water resources of the state. Prohibits a fee amount from exceeding \$25,000, rather than \$11,000, before September 1, 1998. Prohibits a fee amount from exceeding \$65,000 for each waste discharge permit held by a permittee, effective September 1, 1998. Requires fees collected to be deposited in a special fund to be used to supplement any other funds available for paying expenses of the commission in carrying out water quality programs authorized under this chapter and inspecting waste treatment facilities. Requires funds to be used to pay for the regional assessment of water quality in the state's watersheds and river basins and the implementation of regional water quality management functions under Sections 26.0135 and 26.0136, effective September 1, 1998.

SECTION 2. Amends Sections 26.0291(a)-(c), Water Code, effective upon delegation of NPDES, to require the commission to adopt a fee not to exceed \$40,000, rather than \$25,000, for each waste discharge permit held by a permittee, before September 1, 1998. Prohibits the amount of the fee from exceeding \$80,000 for each waste discharge permit held by a permittee, effective September 1, 1998. Prohibits the commission from adopting any rule designed to increase the fee imposed under this section on a treatment works owned by a local government, for the purpose of paying the additional expenses necessary to obtain and administer the NPDES program, before August 31, 2001, rather than 1999. Makes conforming changes.

SECTION 3. Amends Section 341.041, Health and Safety Code, as follows:

Sec. 341.041. FEES. Authorizes the commission to charge a fee to supplement other money available to pay the commission's expenses for certain oversight matters and water resource management programs. Prohibits the amount of the fees from exceeding the reasonable costs of administering the programs and services authorized in this section, rather than this

subchapter, or the federal Safe Drinking Water Act.

SECTION 4. Emergency clause.
Effective date: upon passage.