

BILL ANALYSIS

Senate Research Center
80R7722 SMH-F

H.B. 3098
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Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Edwards Aquifer Protection Program has a statutory fee cap for water pollution abatement plans, sewage collection systems plans, Underground Storage Tank (UST) plans, and Aboveground Storage Tank (AST) plans of \$5,000 which has not been adjusted since 1997. Expanding the scope of activities that can be funded by fees collected for processing Edwards Aquifer plans will enable the agency to provide greater protection of water quality in the Edwards Aquifer while decreasing the demand on General Revenue funding. The fees would cover all the cost of the existing Edwards Aquifer Protection Program such as plan reviews, and would provide the funds necessary for other support activities, such as enforcement, legal service, and program development and evaluation functions.

H.B. 3098 provides that fees can be charged for processing plans or amendments to Edwards Aquifer Protection Plans that are subject to review and approval. This bill would broaden the use of the existing fees charged for reviewing Edwards Aquifer Protection Program plans, expand the types of plan reviews for which fees can be charged, and increase the fee caps. The bill would also clarify that fees that are charged for reviewing plans or amendments to plans under the Commission's Edwards Aquifer Protection Program may be used to fund other Edwards Aquifer Protection Program activities. The use of these funds could be used to fund current program support activities and for new activities that will aid in assessing the effectiveness of the program in protecting water quality in the Edwards Aquifer. Section 26.0461(a) currently limits the use of fees to processing plans, and inspecting the construction and maintenance of projects covered by the plans. Furthermore, the bill provides for specific fee authority for contributing zone plans, increases all fee caps to account for inflation, and increases the fee caps for large/multiphase development projects to reflect complexity and resulting additional workload that these types of plans require.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is the Texas Natural Resource Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

SECTION 1. Amends Section 26.0461, Water Code, by amending Subsection (b), (d), (e), and (h) and adding Subsection (d-1), as follows:

(b) Authorizes the plans for which fees to be imposed are certain plans, including contributing zone plans.

(d) Prohibits a fee imposed under this section from being less than \$100 or more than \$6,500, rather than \$5,000, except as provided by Subsection (d-1).

(d-1) Prohibits a fee imposed under this section from being more than \$13,000 if the fee is for a water pollution abatement or contributing zone plane for a development of more than 40 acres.

(e) Requires a fee charged under this section to be based on certain criteria, including if a pollution abatement or contributing zone plan, the are or acreage covered by the plan and the type of activity subject to regulation.

(h) Requires a fee collected under this section to be deposited in the State Treasury to the credit of a special program to be used only for administering the Texas Natural Resources Conservation Commission's Edwards Aquifer program including monitoring surface water, stormwater, and groundwater quality in the Edwards Aquifer program area; and developing geographic information system (GIS) data layers for the Edwards Aquifer program. Makes a nonsubstantive change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.