

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1340
By: Brown
Natural Resources
4-30-97
Committee Report (Substituted)

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, C.S.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 Section 26.0291, Water Code, effective until delegation of the National Pollutant Discharge Elimination System permit authority (NPDES), by amending Subsections (a)-(c) and adding Subsection (f), 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. 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. Authorizes the commission to consolidate any fee assessed against a wastewater permit holder under Section 26.0135 with the assessment of a wastewater inspection fee authorized under this section. Prohibits the commission from recovering revenues under Section 26.0135(h) in excess of the amounts authorized by that section. Requires the commission to ensure that any revenues collected from wastewater permit holders under Section 26.0135 are allocated to meet the purposes of the regional water quality assessment program authorized under that section.

SECTION 2. Amends Section 26.0291, Water Code, effective upon delegation of NPDES, by amending Subsections (a)-(c), and adding Subsection (f), 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. 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, for two years after the date of delegation of the NPDES program, rather than before August 31, 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. Provides that Section 26.0291(f), Water Code (effective until delegation of NPDES permit authority) as added by Section 1 of this Act, and Section 26.0291(f), Water Code (effective upon delegation of NPDES permit authority), as added by Section 2 of this Act, take effect only if the 75th Legislature enacts legislation that becomes law extending the expiration date of Section 26.0135(h), Water Code beyond January 1, 1999. Provides that if Section 26.0135(h), Water Code, is not extended beyond that date, Section 26.0291(f), Water Code, as added by Sections 1 and 2 of this Act, has no effect.

SECTION 5. Prohibits the total increase in the annual fees authorized under Section 26.0291, Water Code, from exceeding \$300,000, except as provided by this section. Authorizes the commission to adjust this limit to account for the construction or acquisition of additional wastewater facilities subject to a fee.

SECTION 6. Prohibits any increase in rates adopted by the commission under Section 341.041, Health and Safety Code, from exceeding \$500,000, except as provided by this section.

SECTION 7. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 26.0291, Water Code, to delete a proposed change prohibiting fees from exceeding a certain amount before September 1, 1998. Deletes a provision prohibiting the amount of a fee from exceeding \$65,000 for each waste discharge permit held by a permittee, effective September 1, 1998. Deletes a provision requiring the money in the fund 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. Sets forth a new provision authorizing the commission to consolidate assessed fees.

SECTION 2.

Prohibits the commission from adopting rules for certain purposes for two years after the date of the delegation of the NPDES program.

SECTION 3.

Authorizes fees to be charged for certain purposes, including technical assistance to underground water conservation districts organized and operating under Chapter 36, Water Code.

SECTION 4.

Sets forth new provisions regarding the effective date of the NPDES permit authority.

SECTIONS 5 and 6.

Sets forth provisions regarding annual fees and fee rates adopted by the Texas Natural Resource Conservation Commission.

SECTION 7.

Redesignated from SECTION 4.