

BILL ANALYSIS

C.S.H.B. 2708
By: Patterson
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Exide Technologies operated a battery recycling plant in the City of Frisco before reaching an agreement with the city in 2012 to close the plant due to high levels of lead emissions. The city received a one-time appropriation of funds from the hazardous and solid waste remediation fee account to assist with the costs of cleaning up the site in 2013 and then again in 2015. However, the cleanup process for this site is ongoing and there is a continued need for state assistance to cover the costs. C.S.H.B. 2708 seeks to make funding from this account available to reimburse costs incurred in cleaning up the former Exide site through fiscal year 2027.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2708 amends the Health and Safety Code to authorize the use of money in the hazardous and solid waste remediation fee account attributable to fees imposed on the sale of lead-acid batteries for reimbursement of environmental remediation at the site of a former battery recycling facility located in the municipal boundaries of a municipality with a population of more than 115,000 and less than 250,000 under the following conditions:

- a community development corporation serving the municipality is issued an industrial hazardous waste permit for the site by the Texas Commission on Environmental Quality; and
- the corporation is paying or has paid for part of the costs of the environmental remediation of the site.

These provisions expire September 1, 2027.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2708 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute limits the applicability of its provisions to municipalities with a population of more than 115,000 and less than 250,000, whereas the original did not include a population bracket.

The original conditioned the use of the money on the municipality submitting a voluntary compliance plan for the site and paying, or having paid, for part of the remediation costs. The substitute clarifies that the money is used for reimbursement and conditions the use of the money on remediation costs being paid, or having been paid, by a community development corporation that serves the municipality and is issued an industrial hazardous waste permit for the site.

The substitute contains a provision not included in the original that sets the bill's provisions to expire September 1, 2027.