

SUBJECT: Using tipping fees to remediate closed landfills

COMMITTEE: Environmental Regulation — committee substitute recommended

VOTE: 7 ayes — Chisum, Jackson, Hirschi, Howard, Kuempel, Puente, Talton
2 absent — Allen, Dukes

WITNESSES: For — None
Against — None
On — Bob Larson and Barry Williamson, Texas Natural Resource Conservation Commission

BACKGROUND : Half of the solid waste fee revenue, or tipping fees, collected at municipal and private landfills is dedicated to Texas Natural Resource Conservation Commission (TNRCC) municipal solid waste permitting and enforcement programs. The remaining half goes to local and regional solid waste projects of regional councils of government (COGs).

DIGEST: CSHB 3164 would allow TNRCC to use tipping fee revenues to assess and respond to problems at closed or abandoned solid waste disposal sites posing a threat to public health or safety. TNRCC could undertake assessment or response action for closed or abandoned sites if the responsible party could not be located or was financially unable to provide an immediate cleanup and could respond immediately to closed or abandoned sites that presented an imminent public health or safety threat.

Tipping fees used for these purposes would not be subject to the statutory allocation dividing revenues between COGs and TNRCC. This exception would extend through fiscal 1999.

CSHB 3164 also would eliminate current provisions allowing tipping fees to be used to clean up unauthorized tire dumps and superfund solid waste sites.

The bill would take effect September 1, 1997.

- SUPPORTERS SAY:** CSHB 3164 would allow TNRCC to promptly address urgent problems posed by closed landfills where dangerous accumulations of methane gas can pose a considerable threat to public safety. A recent TNRCC survey located 3,900 closed landfills across the state, some requiring immediate attention. This bill would allow TNRCC to access readily available revenues in order to assess the status of closed landfills and establish an adequate emergency cleanup contingency fund. TNRCC estimates it needs \$2 million to perform the assessment and \$5 million for cleanup purposes. There is more than enough money in TNRCC's unexpended fee balance to cover these costs.
- Allowing TNRCC this one-time appropriation of tipping fee money from its unexpended balance would have no effect on the solid waste money given to COGS for local and regional waste projects. Even if the Legislature did not appropriate the unexpended balances, the agency would still be able to cover the costs.
- OPPONENTS SAY:** If TNRCC is not appropriated the money as expected, funds normally dedicated to local and regional solid waste projects could be reduced and the COGS would have less money to fund their projects.
- NOTES:** The committee substitute deleted references to unauthorized tire dumps and included the provision exempting the funds from the statutory dedication through fiscal 1999.