

- SUBJECT:** Allowing use of certain funds to clean up unauthorized recycling sites
- COMMITTEE:** Environmental Regulation — favorable, without amendment
- VOTE:** 6 ayes — Bonnen, Kuempel, Crownover, Chisum, W. Smith, West
0 nays
1 absent — Flores
- SENATE VOTE:** On final passage, April 30 — voice vote
- WITNESSES:** *(On House companion bill, HB 753:)*
For — Richard Casner and Tom Martin, City of Lubbock
Against — None
On — Mark Vickery, Texas Commission on Environmental Quality
- BACKGROUND:** The Texas Commission on Environmental Quality (TCEQ) collects a fee for solid waste disposal, often referred to as a “tipping” fee. One-half of the fee revenue is dedicated to TCEQ for solid waste permitting and enforcement and for 11 related activities, including creating a state municipal solid waste superfund. The fund is to be used to clean up certain dump sites where a responsible party cannot be located or is not immediately financially able to provide the cleanup. TCEQ distributes the other half of the fee revenue as grants to councils of government for local or regional solid waste projects.

TCEQ rules (T.A.C., Title 30, sec. 328.4) impose requirements on recycling facilities, including requiring a facility to show that collected material is potentially recyclable and setting deadlines for showing a reduction in volume or weight of material.
- DIGEST:** SB 585 would authorize TCEQ to use appropriated funds from the state municipal solid waste superfund for remediation, cleanup, and closure of unauthorized recycling sites where the responsible party was not immediately able to pay for the necessary work.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

SB 585 would allow TCEQ to use revenue from tipping fees collected at municipal solid waste landfills or other facilities to clean up unauthorized recycling facility sites. The 77th Legislature responded to complaints about unregulated recycling facilities by enacting a requirement in TCEQ's sunset bill (HB 2912 by Bosse, et al.) that TCEQ impose restrictions on recycling facilities. Many sites around the state had avoided regulation as solid waste disposal facilities by claiming to be recycling facilities. A number of the sites may have to shut down because they cannot comply with the new rules. In the event that an owner or operator abandoned a site or could not afford to clean up a closed site, SB 585 would ensure that TCEQ could use tipping fee revenue to remediate, clean up, and close the site.

The bill would not necessarily divert funding from the agency's solid waste management program. Although the fiscal note estimates the cost to clean up five large unauthorized sites at about \$2.5 million for fiscal 2004-05, none of these sites has been identified as lacking a responsible party in the event that cleanup and closure were required. Also, the Legislature could appropriate additional funds to the agency to cover the costs of site cleanup.

**OPPONENTS
SAY:**

Without an additional appropriation, paying for remediation and cleanup of unauthorized recycling sites could cause other important solid waste management activities to go unfunded. The bill's fiscal note estimates that the cleanup would cost about \$2.5 million during the coming biennium. Diverting this money to clean up individual sites would drain significant resources from the agency's permitting and enforcement program for municipal solid waste disposal facilities.

NOTES:

The companion bill, HB 753 by D. Jones, was considered in a public hearing on March 11 by the House Environmental Regulation Committee and left pending.