

BILL ANALYSIS

Senate Research Center

H.B. 1239
By: Jackson (Brown)
Natural Resources
5-12-97
Engrossed

DIGEST

The 74th Legislature enacted H.B. 2296, establishing the voluntary cleanup program under the Texas Natural Resource Conservation Commission (commission). Under that program, a person may clean up a contaminated site, with the approval and oversight of the commission. When the site has been remediated to the appropriate cleanup level, the site owner is provided with a certificate of completion, certifying that the site was properly remediated. Future landowners receive a release from state liability. The program encourages economic development of remediated property by ensuring that future landowners are not held responsible for contamination caused by previous owners. This bill would revise statutory language that has caused confusion for program applicants to clarify the definition of a "responsible party," allow the expenditure of federal funds for a brownfield program, and amend the time period allowed for resubmittal of an application.

PURPOSE

As proposed, S.B. 1225 authorizes the expenditure of federal funds for a brownfield program, redefines "responsible party," and revises the time period allowed for resubmittal of an application in the voluntary cleanup 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 Sections 361.133(b) and (c), Health and Safety Code, to provide that the fund consists of money collected by the Texas Natural Resource Conservation Commission (commission) from federal grants received for the implementation or administration of state voluntary cleanup programs or federal brownfields initiatives. Makes conforming changes.

SECTION 2. Amends Section 361.605(b), Health and Safety Code, to authorize a person to resubmit an application to participate in the voluntary cleanup program once without submitting an additional application fee under certain conditions.

SECTION 3. Amends Sections 361.609(b)-(d), Health and Safety Code, to require the certificate of completion to include a legal description of the site and the name of the site's owner at the time the application to participate in the voluntary cleanup program was filed. Deletes a provision requiring the executive director to file a copy of the certificate of completion in the real property records of the county in which the site is located. Makes a conforming change.

SECTION 4. Amends Section 361.610, Health and Safety Code, to provide that a person who is not a responsible party under Section 361.271 or 361.275(g) at the time the person applies to perform a voluntary cleanup does not become a responsible party solely because the person signs the application. Provides that a person who is not a responsible party under Section 361.271 or 361.275(g) at the time the commission issues a certificate of completion under Section 361.609 is released, on issuance of the certificate, from all liability to the state for cleanup of areas of the site covered by the certificate, except for releases and consequences that the person causes. Provides that the release from liability provided by this section does not apply to a person under certain conditions. Makes conforming changes.

SECTION 5. (a) Effective date: September 1, 1997.

(b) Authorizes a person to whom notice of rejection of an application is issued under Section 361.605, Health and Safety Code, before the effective date of this Act, to resubmit the application once without submitting an additional application fee if the person resubmits the application not later than October 15, 1997.

SECTION 6. Emergency clause.