

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 2705  
By: Chisum (Brown)  
Natural Resources  
5-17-97  
Committee Report (Substituted)

### **DIGEST**

The Texas Natural Resource Conservation Commission (TNRCC) administers a voluntary cleanup program which became effective September 1, 1995. Under the program, a person may cleanup a contaminated site with the approval and oversight of the TNRCC. When the site has been remediated to the appropriate cleanup level, the site owner is provided with a certificate of completion and future landowners receive a release from liability to the state. The program encourages economic development of remediated property by insuring that future landowners are not responsible for contamination caused by previous owners. This bill sets forth provisions regarding the program for the voluntary cleanup of contaminants.

### **PURPOSE**

As proposed, C.S.H.B. 2705 sets forth provisions regarding the program for the voluntary cleanup of contaminants.

### **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 361.603, Health and Safety Code, by adding Subsection (c), to provide that a site or portion of a site that is subject to the Texas Natural Resource Conservation Commission (commission) permit or order is eligible for participation in the voluntary cleanup program on dismissal of the permit or order. Provides that an administrative penalty paid to the general revenue fund under the permit or order is nonrefundable.

SECTION 2. Amends Chapter 361S, Health and Safety Code, as added by Chapter 986m Acts of the 74th legislature, Regular Session, 1995, by adding Section 361.6035, as follows:

Sec. 361.6035. ELIGIBILITY OF CERTAIN PERSONS FOR RELEASE FROM LIABILITY. Provides that a person who purchased a site before September 1, 1995, is released, on certification under Section 361.609, from all liability to the state for cleanup of contamination that was released at the site covered by the certificate before the purchase date, except for releases for consequences that the person contributed to or caused under certain conditions. Sets forth provisions regarding the liability of a person described by Subsection (a)(2).

SECTION 3. Amends Section 361.604(b), Health and Safety Code, to require an application submitted under this section to contain general information concerning whether the voluntary cleanup is subject to Section 361.6035.

SECTION 4. Effective date: September 1, 1997, or the date the commission enters into a memorandum of agreement with the United States Environmental Protection Agency, Region 6, authorizing certain provisions.

SECTION 5. Emergency clause

## **SUMMARY OF COMMITTEE CHANGES**

### **SECTION 2.**

Amends Section 361.6035, Chapter 361S, Health and Safety Code, to provide that a person described by Subsection (a)(2) is not liable to the state for any contamination that was released at the site after the date the certificate is issued unless the person: contributed to or caused the release of contamination; or changed the land use from the use of specified in the certificate of completion if the new use may result in increased risks to human health or the environment.