

## **BILL ANALYSIS**

Senate Research Center  
80R11222 SLO-D

C.S.S.B. 1282  
By: Van de Putte  
Natural Resources  
4/28/2007  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, under Section 361.014 (Use of Solid Waste Fee Revenue), Health and Safety Code, the Texas Commission on Environmental Quality (TCEQ) is authorized to use the state's municipal solid waste superfund for certain cleanup and remediation situations, but no specific authorization is provided to allow use of the fund for certain immediate threats to public health and safety, such as a fire. In some situations, the permit holder of a facility may not have sufficient financial means to address the problem immediately or appropriately.

C.S.S.B. 1282 authorizes TCEQ to utilize the state's municipal solid waste superfund to respond to and remediate a fire or emergency. C.S.S.B. 1282 authorizes TCEQ to utilize the solid waste fee funds and to recover reasonable expenses incurred from the responsible party and requires any recaptured funds to be returned to the municipal solid waste superfund.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

[While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

SECTION 1. Amends Subchapter B, Chapter 361, Health and Safety Code, by adding Section 361.0145, as follows:

Sec. 361.0145. RESPONSE TO OR REMEDIATION OF FIRE OR EMERGENCY.

(a) Authorizes the Texas Natural Resource Conservation Commission (TNRCC) to make an immediate response to or remediation of a fire or other emergency that involves solid waste, including processed or unprocessed material suitable for recycling or composting, as TNRCC determines necessary to protect the public health or safety.

(b) Authorizes revenue otherwise dedicated under Section 361.014 (Use of Solid Waste Fee Revenue), notwithstanding Section 361.014(b) (relating to revenue dedicated to local and regional solid waste projects consistent with regional plans approved by TNRCC in accordance with this chapter and to update and maintain those plans), to be used for an action authorized by Subsection (a).

(c) Authorizes TNRCC to recover from a person who is responsible for the solid waste as provided by Section 361.271 (Persons Responsible for Solid Waste) the reasonable expenses incurred by TNRCC during an immediate response and remediation action under Subsection (a). Authorizes the state to bring an action to recover those reasonable expenses.

(d) Requires money recovered under Subsection (c), if TNRCC used for an action under Subsection (a) money otherwise dedicated under Section 361.014(b), to be deposited in the state treasury to the credit of TNRCC until the amount deposited equals the amount of the dedicated money used. Authorizes money credited under this subsection to be used only as provided by Section 361.014(b).

SECTION 2. Effective date: upon passage or September 1, 2007.