

## **BILL ANALYSIS**

Senate Research Center

H.B. 2662  
By: Landgraf (Seliger)  
Natural Resources & Economic Development  
7/31/2017  
Enrolled

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

H.B. 2662 requires the Texas Commission on Environmental Quality (TCEQ) to conduct a capacity study of the Texas Low-Level Radioactive Waste Compact Facility at least every four years and to report their findings to the legislature. TCEQ would also be able to conduct a study at any time it determines necessary. (Original Author's / Sponsor's Statement of Intent)

H.B. 2662 amends current law relating to the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility, reduces a surcharge, and eliminates a fee.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. (a) Amends Section 401.207(g), Health and Safety Code, as follows:

(g) Provides that the surcharge for the disposal of nonparty compact waste at the compact waste disposal facility (surcharge) is 10 percent, rather than 20 percent, of the total contracted rate under Section 401.2456 (Contracts for Nonparty Compact Waste Disposal).

(b) Amends Section 401.207(g), Health and Safety Code, effective September 1, 2019, as follows:

(g) Requires the Texas Commission on Environmental Quality (TCEQ) to assess a surcharge for the disposal of nonparty compact waste at the compact waste disposal facility. Provides that the surcharge is 20 percent of the total contracted rate under Section 401.2456 and requires that the surcharge be assessed in addition to the total contracted rate under that section.

SECTION 2. Amends Section 401.208, Health and Safety Code, by amending Subsections (a), (c), and (e) and adding Subsection (a-1), as follows:

(a) Requires TCEQ to conduct a certain study at least once every four years, rather than to conduct a certain study.

(a-1) Authorizes TCEQ, in order to conduct the study under this section (Study of Capacity), to require a generator of low-level radioactive waste to provide annually certain information, the amount in volume and curies of low-level radioactive waste that was stored on-site at the generator's facility in the preceding year, and the length of time waste was stored at the generator's facility.

(c) Requires TCEQ to submit a final report of the results of the study to certain committees, rather than to submit a final report of the results of the study to certain committees not later than December 1, 2016.

(e) Authorizes TCEQ to conduct a study described by Subsection (a) at any time, rather than at any time after December 1, 2012, if TCEQ determines that a study is necessary.

SECTION 3. (a) Repealer: Section 401.2445 (State Fee), Health and Safety Code.

(b) Amends Subchapter F, Chapter 401, Health and Safety Code, effective September 1, 2019, by adding Section 401.2445, as follows:

Sec. 401.2445. STATE FEE. Requires the compact waste disposal facility license holder each quarter to transfer from the state general revenue fund five percent of the gross receipts from compact waste received at the compact waste disposal facility and any federal facility waste received at a federal facility waste disposal facility licensed under Section 401.216 (Federal Facility Waste Disposal).

SECTION 4. Amends Chapter 403, Health and Safety Code, by adding Section 403.0056, as follows:

Sec. 403.0056. ASSESSMENT OF COMPACT FACILITY BY LEGISLATIVE OVERSIGHT COMMITTEE. (a) Defines "compact facility."

(b) Provides that a legislative oversight committee (committee) is created for the purpose of assessing the compact facility.

(c) Provides that the committee is composed of certain members.

(d) Requires the chair of the House Committee on Environmental Regulation and the chair of the Senate Committee on Natural Resources and Economic Development to serve as co-chairs.

(e) Provides that an appointed member of the committee serves at the pleasure of the appointing official.

(f) Requires the committee to consider certain items and make certain recommendations.

(g) Authorizes the committee to request reports and other information from the Texas Low-Level Radioactive Waste Disposal Compact Commission and TCEQ as necessary to carry out this section.

(h) Requires the committee, not later than December 1, 2018, to submit a final report of the results of the assessment to the committees of the senate and the house of representatives with jurisdiction over the disposal of low-level radioactive waste.

(i) Provides that the committee is abolished and this section expires December 31, 2018.

SECTION 5. Requires TCEQ to submit the first report required under Section 401.208, Health and Safety Code, as amended by this Act, not later than December 1, 2020.

SECTION 6. Effective date: upon passage or September 1, 2017.