

## **BILL ANALYSIS**

Senate Research Center

S.B. 444  
By: Staples  
Natural Resources  
7/26/2005  
Enrolled

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

Under existing law, dry cleaning facilities that have never used perchloroethylene (perc), a toxic chemical, were required to register before January 1, 2004, as non-perc, non-participating facilities. A non-participating facility is required to pay a \$250 annual registration fee, but is exempt from financing from the remediation fund. Facilities that have never used perc are required to participate in the dry cleaner environmental response program. They are regulated in the same manner as facilities responsible for polluting, as H.B. 1366, 78th Legislature, Regular Session, 2003, did not provide for opt-outs.

S.B. 444 repeals Section 374.104(b), Health and Safety Code, the provision that required dry cleaning facilities to register as non-perc, non-participating facilities before January 1, 2004. It also directs the Texas Commission on Environmental Quality to credit the difference between non-perc participating and non-perc, non-participating registration fees to the accounts of dry cleaners registered as non-perc participating facilities from 2004-2006. S.B. 444 allows non-perc participating facilities to opt out of the remediation program at any time. It also provides that once the facility opts out of the program, it is no longer eligible for assistance from the remediation fund.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 3 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 374.104(b), Health and Safety Code, as follows:

(b) Requires an option not to participate in dry cleaning facility release fund benefits to be filed on or before February 28, 2006, rather than January 1, 2004. Prohibits an owner from filing an option not to participate unless certain conditions apply.

SECTION 2. Provides that an owner of a dry cleaning facility who files an option not to participate in the dry cleaning facility release fund on or before February 28, 2006, and whose facility is designated as nonparticipating by the Texas Commission on Environmental Quality (commission) is entitled to a credit against future registration fees to the extent that a registration fee paid in 2004 or 2005 exceeded the amount due for a nonparticipating dry cleaning facility.

SECTION 3. Requires the commission to adopt rules governing applications to register a dry cleaning facility as nonparticipating in the dry cleaning facility release fund under Section 374.104, Health and Safety Code, as amended by this Act, no later than February 28, 2006.

SECTION 4. Effective date: upon passage or September 1, 2005.