

BILL ANALYSIS

S.B. 1413
By: Shapleigh
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, industrial entities which abandon land and leave behind contaminated soils, hazardous waste, or similar polluted conditions are not required to pay for the redevelopment of the vacated land.

Cities need options to address environmental contamination while providing economic development. Brownfields are unfortunate results of contaminating industries which have come to the end of their life-cycle. Brownfield redevelopment funds help cities to continue building their tax base and provide employment opportunities.

Senate Bill 1413 provides local governments with the authority to establish a fund through a tax or fee assessment for investment in site clean-up and preparation thereby providing the opportunity for continued economic growth within the local jurisdiction.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Senate Bill 1413 amends the Health and Safety Code to authorize the commissioners court of a county with a population of 250,000 or more to establish a program for the cleanup and economic redevelopment of brownfields. The bill sets forth the required procedures and standards of a brownfield cleanup and economic redevelopment program. The bill provides for public and TCEQ review and comment on a county's proposed program. The bill authorizes the county to assign current or employ additional staff to implement the program.

The bill authorizes the commissioners court to establish a fund for a brownfield program and deposit into the fund any money the commissioners court considers appropriate. The bill sets forth the allowed uses of the money in the fund. The bill authorizes a county to solicit and leverage money from other sources, including federal money that may be available for brownfield projects. The bill requires a bond issuance to be approved by a majority of the voters voting on the issue before a county is authorized to issue bonds payable from ad valorem taxes to provide money for the fund.

The bill sets forth the required elements of an environmental assessment for a brownfield program. The bill authorizes a county to designate an area of the county that contains a brownfield as a reinvestment zone and enter into a tax abatement agreement based on the remediation of the brownfield with the eligible owner of the brownfield. The bill authorizes a county to contract with an experienced licensed professional engineer or contractor to conduct remediation or inspect property after a remediation.

The bill authorizes a county to provide money as a grant or loan to help finance an assessment, eligible site remediation, or inspection. The bill provides for a county liaison to the U.S. Environmental Protection Agency and the TCEQ. The bill limits the liability of an eligible owner, licensed contractor, or licensed professional engineer under certain conditions for damages or costs resulting from a release or threatened release of hazardous substances during assessment, remediation, or inspection.

The bill requires a county to inspect a site after remediation to determine whether the remediation meets county standards under the brownfield program. The bill provides that an owner who fails to pass an inspection is entitled to receive a detailed description of actions needed for the site to meet county standards. The bill authorizes an owner who fails to pass an inspection to apply for additional county assistance under the brownfield program.

The bill authorizes the TCEQ to provide educational, advisory, technical, and grant application assistance to a county that establishes brownfield program.

EFFECTIVE DATE

September 1, 2005.