

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**May 9, 2005**

**TO:** Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB1705** by Bonnen (Relating to the release of hazardous waste in connection with dredging and placement or storage of dredged materials by a port authority or navigation district. ),  
**Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would exempt port authorities and navigation districts from permitting requirements and from being responsible for releases of hazardous wastes for activities associated with the construction or maintenance of waterways to facilitate navigation. The Texas Commission on Environmental Quality (TCEQ) reports that this could result in Superfund sites being created, with no responsible party to clean up the site, and the state instead being responsible for the cleanup, which could cost on average \$8 million according to the TCEQ. However, the bill would require that dredged materials be sampled and analyzed before storing those materials and that due diligence be exercised by the entities prior to acceptance of dredged materials that are hazardous waste. The bill also would provide that the port authority or navigation district would not be relieved of liability if it caused or contributed to the generation of hazardous waste. Therefore, this estimate assumes that port authorities and navigation districts would act in good faith and that no substantial hazardous waste or Superfund sites would be created as a result of the bill's passage.

**Local Government Impact**

Exempting political subdivisions from solid waste regulations for certain activities would provide a savings since such entities would not have to pay certain fees associated with enforcement of regulation.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** JOB, SD, WK, ZS, TL, DLBa