

By: Elkins

H.B. No. 3220

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the environmental regulation and remediation of dry
3 cleaning facilities.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Section 374.102, Health and
6 Safety Code, is amended to read as follows:

7 Sec. 374.102. DRY CLEANING FACILITY OR DROP STATION
8 REGISTRATION; FEE; POSTING.

9 SECTION 2. Subchapter C, Chapter 374, Health and Safety
10 Code, is amended by adding Section 374.1022 to read as follows:

11 Sec. 374.1022. REGISTRATION OF PROPERTY OWNER OR PRECEDING
12 PROPERTY OWNER. (a) The following persons may participate in the
13 fund benefits by registering as provided by this section:

14 (1) a person who owns real property on which a dry
15 cleaning facility or drop station is or was located; or

16 (2) a preceding owner of real property on which a dry
17 cleaning facility or drop station is or was located who entered into
18 an agreement with the current owner associated with the sale of the
19 real property to the current owner that requires the person to be
20 responsible for any costs associated with cleaning up contamination
21 covered under this chapter.

22 (b) For a person described by Subsection (a) to participate
23 in fund benefits, the person must:

24 (1) register with the commission on or before December

1 31, 2007, using a form prescribed by the commission;

2 (2) include on the registration form information
3 identifying the person as a:

4 (A) property owner; or

5 (B) preceding property owner;

6 (3) pay the annual registration fee of \$1,500; and

7 (4) agree to participate in the fund benefits for 10
8 years or until the date this chapter expires, whichever period is
9 shorter.

10 (c) A person described by Subsection (a) may participate in
11 the fund benefits by registering after December 31, 2007, in the
12 same manner as provided by Subsection (b). A person registering
13 after that date must also pay:

14 (1) all past annual registration fees; and

15 (2) a late fee of \$100 for each month or partial month
16 that has elapsed between December 2007 and the date of the
17 registration.

18 (d) The annual registration fee may be divided into
19 quarterly payments due over the year on dates established by the
20 commission.

21 SECTION 3. Section 374.103(a), Health and Safety Code, is
22 amended to read as follows:

23 (a) Except as provided by Subsection (b) and Section
24 374.104(d), a fee of \$20 [~~\$15~~] per gallon is imposed on the purchase
25 of the dry cleaning solvent perchloroethylene and \$3 [~~\$5~~] per
26 gallon on the purchase of any other dry cleaning solvent by an owner
27 of a dry cleaning facility. The person who distributes the solvent

1 shall collect the fees and shall pay to the commission the amount
2 due, in accordance with Subsection (a-1).

3 SECTION 4. Section 374.104(b-1), Health and Safety Code, is
4 amended to read as follows:

5 (b-1) An owner of a dry cleaning facility who files an
6 option not to participate in accordance with Subsection (b) is
7 entitled to a refund [~~credit against future registration fees under~~
8 ~~Section 374.102, Health and Safety Code,~~] to the extent that a
9 registration fee paid under Section 374.102 in 2004 or 2005
10 exceeded the amount due for a nonparticipating dry cleaning
11 facility or drop station.

12 SECTION 5. Subchapter D, Chapter 374, Health and Safety
13 Code, is amended by adding Section 374.1535 to read as follows:

14 Sec. 374.1535. SITE RESTRICTIONS AFTER CORRECTIVE ACTION.

15 (a) If the commission has completed corrective action at a dry
16 cleaning site, perchloroethylene may not be used at that site.

17 (b) If the owner of a dry cleaning site uses
18 perchloroethylene at the site after the completion of corrective
19 action at that site, the site is not eligible for future corrective
20 action using money from the fund.

21 SECTION 6. Section 374.154(b), Health and Safety Code, is
22 amended to read as follows:

23 (b) The following persons are eligible to apply for a site
24 to be ranked under Subsection (a):

25 (1) a person who is an owner of the dry cleaning
26 facility or drop station; and

27 (2) a person who is registered with the commission

1 under Section 374.1022 [~~an owner of the real property on which the~~
2 ~~dry cleaning facility or drop station is or was located, or~~

3 [~~(3) a person who was the preceding owner of the real~~
4 ~~property on which the dry cleaning facility or drop station is or~~
5 ~~was located if the person entered into an agreement with the current~~
6 ~~owner associated with the sale of the real property to the current~~
7 ~~owner that requires the person to be responsible for any costs~~
8 ~~associated with the clean up of contamination covered under this~~
9 ~~chapter].~~

10 SECTION 7. The Texas Commission on Environmental Quality
11 shall provide the comptroller with a list of persons eligible for a
12 refund under Section 374.104(b-1), Health and Safety Code, as
13 amended by this Act not later than November 30, 2007, and the
14 comptroller shall pay each refund not later than December 31, 2007.

15 SECTION 8. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2007.