

By: Van de Putte

S.B. No. 1282

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the use of funds in the state municipal solid waste  
3 superfund to remediate certain emergency situations.

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

5 SECTION 1. Section 361.014(a), Health and Safety Code, is  
6 amended to read as follows:

7 (a) Revenue received by the commission under Section  
8 361.013 shall be deposited in the state treasury to the credit of  
9 the commission. Half of the revenue is dedicated to the  
10 commission's municipal solid waste permitting and enforcement  
11 programs and related support activities and to pay for activities  
12 that will enhance the state's solid waste management program,  
13 including:

14 (1) provision of funds for the municipal solid waste  
15 management planning fund and the municipal solid waste resource  
16 recovery applied research and technical assistance fund  
17 established by the Comprehensive Municipal Solid Waste Management,  
18 Resource Recovery, and Conservation Act (Chapter 363);

19 (2) conduct of demonstration projects and studies to  
20 help local governments of various populations and the private  
21 sector to convert to accounting systems and set rates that reflect  
22 the full costs of providing waste management services and are  
23 proportionate to the amount of waste generated;

24 (3) provision of technical assistance to local

1 governments concerning solid waste management;

2 (4) establishment of a solid waste resource center in  
3 the commission and an office of waste minimization and recycling;

4 (5) provision of supplemental funding to local  
5 governments for the enforcement of this chapter, the Texas Litter  
6 Abatement Act (Chapter 365), and Chapters 391 and 683,  
7 Transportation Code;

8 (6) conduct of a statewide public awareness program  
9 concerning solid waste management;

10 (7) provision of supplemental funds for other state  
11 agencies with responsibilities concerning solid waste management,  
12 recycling, and other initiatives with the purpose of diverting  
13 recyclable waste from landfills;

14 (8) conduct of research to promote the development and  
15 stimulation of markets for recycled waste products;

16 (9) creation of a state municipal solid waste  
17 superfund, from funds appropriated, for:

18 (A) the cleanup of unauthorized tire dumps and  
19 solid waste dumps for which a responsible party cannot be located or  
20 is not immediately financially able to provide the cleanup;

21 (B) the cleanup or proper closure of abandoned or  
22 contaminated municipal solid waste sites for which a responsible  
23 party is not immediately financially able to provide the cleanup;  
24 [~~and~~]

25 (C) remediation, cleanup, and proper closure of  
26 unauthorized recycling sites for which a responsible party is not  
27 immediately financially able to perform the remediation, cleanup,

1 and closure; and

2 (D) immediate response to or remediation of a  
3 fire or other emergency situation that involves solid waste,  
4 including material suitable for recycling or composting, as the  
5 commission determines necessary to protect the public health or  
6 safety;

7 (10) provision of funds to mitigate the economic and  
8 environmental impacts of lead-acid battery recycling activities on  
9 local governments; and

10 (11) provision of funds for the conduct of research by  
11 a public or private entity to assist the state in developing new  
12 technologies and methods to reduce the amount of municipal waste  
13 disposed of in landfills.

14 SECTION 2. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2007.