

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 18, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

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

IN RE: HB2541 by Leibowitz (Relating to emergency response costs and certain other requirements concerning solid waste facilities, including recycling facilities.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would authorize the Texas Commission on Environmental Quality (TCEQ) to use funds deposited into the General Revenue-Dedicated Solid Waste Disposal Account No. 5000 to respond to or remediate fires or other emergency situations at solid waste, recycling facilities, or composting facilities. The bill also would provide for the agency to recover costs from a responsible party. The bill would require municipal solid waste recycling facilities that do not hold a permit or registration issued by the commission that store combustible materials and are located in Bexar County: to grind, recycle, begin composting, or transfer half of the combustible material received every twelve months; to grind, recycle, begin composting, or transfer half of the accumulated processed or unprocessed combustible materials; to limit the size of recycling facilities; and to establish fire lanes and buffer zones at recycling facilities.

The TCEQ would also be required to impose different registration standards for recycling facilities based on the facility size and number of piles of combustible materials contained in the facility. The bill would also require the TCEQ to establish rules with stricter standards for permitting recycling and other municipal solid waste (MSW) facilities located on recharge or transition zones of a sole source aquifer and that require such facilities to install groundwater protection features such as liners and monitoring wells.

Costs associated with implementing changes proposed in the bill are not expected to be significant to the TCEQ. Costs for the agency to remediate fires and other emergency situations at solid waste disposal, recycling, or composting facilities could be significant; however, this estimate assumes that the TCEQ would not need additional appropriations for this purpose, and that existing funds would be allocated to projects on a priority basis depending on the severity of environmental threats. In addition, this estimate assumes that any costs to the TCEQ could be recovered from the responsible party.

Local Government Impact

Costs to municipalities to implement the provisions of the bill would depend on the rules, standards, requirements, and/or limitations adopted by the commission. These costs are expected to be significant.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

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