

BILL ANALYSIS

H.B. 3547
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Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The dry cleaner remediation program was created in 2003, establishing environmental standards for dry cleaners and a remediation fund to assist with the assessment and remediation of contamination caused by dry cleaning solvents. Dry cleaning facilities are required to register with the Texas Commission on Environmental Quality (TCEQ) and pay fees on the purchase of perchloroethylene and other dry cleaning solvents. Registration and solvent fees collected by TCEQ are used to fund the dry cleaning facility release fund, which is used to clean up eligible properties contaminated by releases from dry cleaning facilities. TCEQ is able to levy penalties against a facility that fails to register, but is not authorized to close the facility. Facilities that fail to register and pay the required fees threaten the financial solvency of the dry cleaning release fund and Texas' ability to clean up the releases of dry cleaning solvents.

H.B. 3547 authorizes TCEQ to shut down an unregistered dry cleaning facility or dry cleaning drop station. The bill gives violating dry cleaners greater incentive to comply with state law and deters future violations. The bill gives the owner of the dry cleaning facility 30 days after notice from TCEQ to correct the violation that is the subject of the notice.

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

H.B. 3547 amends the Health and Safety Code to authorize the Texas Commission on Environmental Quality (TCEQ) to issue a notice of violation to an owner or operator of a dry cleaning facility or a dry cleaning drop station that is not properly registered with TCEQ. The bill requires the notice to inform the owner or operator of the nature of the violation and to state that TCEQ may order the dry cleaning facility or the dry cleaning drop station to cease operation if the violation is not corrected within 30 days after the receipt of the notice. The bill authorizes TCEQ to order the dry cleaning facility or dry cleaning drop station to cease operation if the owner or operator does not correct the violation within the prescribed time.

EFFECTIVE DATE

September 1, 2009.