

By: Averitt

S.B. No. 1659

A BILL TO BE ENTITLED

AN ACT

relating to the use of hazardous and solid waste remediation fee funds for lead-acid battery recycling activities.

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

SECTION 1. Section 361.133(c), Health and Safety Code, is amended to read as follows:

(c) The commission may use the money collected and deposited to the credit of the account under this section, including interest credited under Subsection (b)(4), only for:

(1) necessary and appropriate removal and remedial action at sites at which solid waste or hazardous substances have been disposed if funds from a liable person, independent third person, or the federal government are not sufficient for the removal or remedial action;

(2) necessary and appropriate maintenance of removal and remedial actions for the expected life of those actions if:

(A) funds from a liable person have been collected and deposited to the credit of the account for that purpose; or

(B) funds from a liable person, independent third person, or the federal government are not sufficient for the maintenance;

(3) expenses concerning compliance with:

(A) the Comprehensive Environmental Response,

1 Compensation and Liability Act of 1980 (42 U.S.C. Section 9601 et
2 seq.) as amended;

3 (B) the federal Superfund Amendments and
4 Reauthorization Act of 1986 (10 U.S.C. Section 2701 et seq.); and

5 (C) Subchapters F and I;

6 (4) expenses concerning the regulation and management
7 of household hazardous substances and the prevention of pollution
8 of the water resources of the state from the uncontrolled release of
9 hazardous substances;

10 (5) expenses concerning the cleanup or removal of a
11 spill, release, or potential threat of release of a hazardous
12 substance where immediate action is appropriate to protect human
13 health and the environment; ~~and~~

14 (6) expenses concerning implementation of the
15 voluntary cleanup program under Subchapter S or federal brownfields
16 initiatives; and

17 (7) expenses, not to exceed 20 percent annually of the
18 fees on batteries collected under Section 361.138, related to
19 lead-acid battery recycling activities, including expenses for
20 programs:

21 (A) for remediation;

22 (B) to promote lead-acid battery recycling;

23 (C) to mitigate the economic, infrastructure,
24 and environmental impact of lead-acid battery recycling activities
25 on local governments; and

26 (D) to encourage the adoption of innovative
27 technology in lead-acid battery recycling.

1 SECTION 2. During each fiscal year of the biennium ending
2 August 31, 2011, the Texas Commission on Environmental Quality
3 shall allocate to battery-related programs authorized under
4 Section 361.133(c)(7), Health and Safety Code, as added by this
5 Act, at least 10 percent of the fees on batteries collected under
6 Section 361.138, Health and Safety Code, and appropriated to the
7 commission.

8 SECTION 3. This Act takes effect September 1, 2009.