

1-1 By: Averitt, Shapiro, Nelson S.B. No. 1659
1-2 (In the Senate - Filed March 10, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 16, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 0;
1-6 April 16, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1659 By: Averitt

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the use of hazardous and solid waste remediation fee
1-11 funds for lead-acid battery recycling activities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (c), Section 361.133, Health and
1-14 Safety Code, is amended to read as follows:

1-15 (c) The commission may use the money collected and deposited
1-16 to the credit of the account under this section, including interest
1-17 credited under Subsection (b)(4), only for:

1-18 (1) necessary and appropriate removal and remedial
1-19 action at sites at which solid waste or hazardous substances have
1-20 been disposed if funds from a liable person, independent third
1-21 person, or the federal government are not sufficient for the
1-22 removal or remedial action;

1-23 (2) necessary and appropriate maintenance of removal
1-24 and remedial actions for the expected life of those actions if:

1-25 (A) funds from a liable person have been
1-26 collected and deposited to the credit of the account for that
1-27 purpose; or

1-28 (B) funds from a liable person, independent third
1-29 person, or the federal government are not sufficient for the
1-30 maintenance;

1-31 (3) expenses concerning compliance with:

1-32 (A) the Comprehensive Environmental Response,
1-33 Compensation and Liability Act of 1980 (42 U.S.C. Section 9601 et
1-34 seq.) as amended;

1-35 (B) the federal Superfund Amendments and
1-36 Reauthorization Act of 1986 (10 U.S.C. Section 2701 et seq.); and

1-37 (C) Subchapters F and I;

1-38 (4) expenses concerning the regulation and management
1-39 of household hazardous substances and the prevention of pollution
1-40 of the water resources of the state from the uncontrolled release of
1-41 hazardous substances;

1-42 (5) expenses concerning the cleanup or removal of a
1-43 spill, release, or potential threat of release of a hazardous
1-44 substance where immediate action is appropriate to protect human
1-45 health and the environment; ~~and~~

1-46 (6) expenses concerning implementation of the
1-47 voluntary cleanup program under Subchapter S or federal brownfields
1-48 initiatives; and

1-49 (7) expenses, not to exceed 20 percent of the annually
1-50 appropriated amount of the fees on batteries collected under
1-51 Section 361.138, related to lead-acid battery recycling
1-52 activities, including expenses for programs:

1-53 (A) for remediation; and

1-54 (B) to create incentives for the adoption of
1-55 innovative technology in lead-acid battery recycling to increase
1-56 the efficiency and effectiveness of the recycling process or reduce
1-57 the negative environmental impacts of the recycling process.

1-58 SECTION 2. This Act takes effect September 1, 2009.

1-59 * * * * *