

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 10 percent of the annually
18 appropriated amount of the fees on batteries collected under
19 Section 361.138, related to lead-acid battery recycling
20 activities, including expenses for programs:

21 (A) for remediation; and

22 (B) to create incentives for the adoption of
23 innovative technology in lead-acid battery recycling to increase
24 the efficiency and effectiveness of the recycling process or reduce
25 the negative environmental impacts of the recycling process.

26 SECTION 2. This Act takes effect September 1, 2009.

David Newkum

President of the Senate

Jim Strawn

Speaker of the House

I certify that H.B. No. 3765 was passed by the House on April 29, 2009, by the following vote: Yeas 139, Nays 0, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 3765 was passed by the Senate on May 13, 2009, by the following vote: Yeas 31, Nays 0.

Daisy Law

Secretary of the Senate

APPROVED: 23 MAY '09

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:22 O'CLOCK

MAY 23 2009

Debra R. Edwards
Secretary of State