

## **BILL ANALYSIS**

Senate Research Center  
81R12299 JAM-F

H.B. 3547  
By: Elkins (Jackson)  
Natural Resources  
5/14/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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 (fund), which is used to clean up eligible properties contaminated by releases from dry cleaning facilities. TCEQ is authorized 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 fund and Texas' ability to clean up the releases of dry cleaning solvents.

H.B. 3547 amends current law relating to an order for the closure of unregistered dry cleaning facilities and dry cleaning drop stations by TCEQ.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter F, Chapter 374, Health and Safety Code, by adding Section 374.2511, as follows:

Sec. 374.2511. CLOSURE OF UNREGISTERED FACILITY. Authorizes the Texas Commission on Environmental Quality (TCEQ) to issue a notice of violation to the owner or operator of a dry cleaning facility or dry cleaning drop station that is not registered under Section 374.102 (Dry Cleaning Facility or Drop Station Registration; Fee; Posting). Requires that the notice inform the owner or operator of the nature of the violation and state that TCEQ is authorized to order the dry cleaning facility or dry cleaning drop station to cease operation if the violation is not corrected within 30 days after the receipt of the notice. Authorizes TCEQ, if the owner or operator does not correct the violation within the prescribed time, to order the dry cleaning facility or dry cleaning drop station to cease operation.

SECTION 2. Makes application of Section 374.2511, Health and Safety Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2009.