

- SUBJECT:** Permitting for commercial industrial solid waste facilities
- COMMITTEE:** Environmental Regulation — committee substitute recommended
- VOTE:** 4 ayes — Bonnen, Howard, Kuempel, W. Smith
0 nays
3 absent — T. King, Driver, Homer
- WITNESSES:** For — Casey Borowski, Texas Molecular Limited Partnership
Against — None
On — Wade Wheatley, Texas Commission on Environmental Quality
- BACKGROUND:** The Texas Commission on Environmental Quality (TCEQ) regulates the treatment and disposal of hazardous waste through a permitting process. TCEQ permit requirements include:
- obtaining adequate financial assurance;
 - conducting waste analyses on waste received from third parties;
 - allowing routine inspections of the facility;
 - meeting personnel training requirements;
 - abiding by site limitations;
 - complying with quality assurance requirements; and
 - complying with post-closure care requirements.
- The federal Resource Conservation and Recovery Act (RCRA) authorizes state environmental agencies to issue a permit by rule to commercial industrial solid waste facilities for the discharge of wastewater via pipeline to a publicly owned treatment works (POTW) facility. These solid waste facilities are required to obtain a permit from a POTW facility regulating the pretreatment and discharge of the wastewater.
- DIGEST:** CSHB 1899 would prohibit a commercial industrial solid waste facility from receiving industrial solid waste for discharge into a POTW facility

without first having obtained a permit from TCEQ for the treatment of wastewater or the disposal of industrial hazardous waste.

Commercial industrial solid waste facilities would not be required to obtain a permit for discharging wastes that were incidental to the handling, processing, storage, or disposal of solid waste at a municipal solid waste facility or commercial industrial solid waste landfill.

TCEQ would be required to adopt rules for the permitting of commercial industrial solid waste facilities by February 1, 2006, and solid waste facilities would be required to have obtained a permit by June 1, 2006.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSHB 1899 would eliminate a loophole in current law that exempts commercial industrial solid waste facilities from obtaining a permit from TCEQ. Commercial industrial solid waste facilities should not be allowed to accept hazardous or non-hazardous waste for a profit without being subject to the state's permitting requirements.

Requiring commercial industrial solid waste facilities to obtain a TCEQ permit would reduce the incidence of wastewater contamination. Currently, these facilities can avoid routine inspections, quality assurance requirements, and other safeguards designed to protect public health.

CSHB 1899 potentially would save state resources that otherwise might have been spent on cleaning up hazardous waste facilities. The exemption in current law has resulted in at least one instance in which the state has been responsible for cleaning up an abandoned facility at which hazardous wastewater was stored. Requiring a state permit for the treatment of hazardous waste would help reduce the likelihood of a similar situation occurring in the future.

**OPPONENTS
SAY:**

Commercial industrial solid waste facilities that discharge wastewater into a pipeline to a POTW facility currently are regulated adequately by POTW facilities. Solid waste facilities already must obtain permits from POTW facilities. This bill unnecessarily would require them to obtain a second permit from TCEQ and would impose environmental regulations on the commercial solid waste business in Texas that are stricter than those required by federal law.

NOTES:

The committee substitute differs from the original bill in that it would exempt the discharge into a POTW facility of wastes that were incidental to the handling, processing, storage, or disposal of solid wastes at landfills. Also, the substitute contains definitions that do not appear in the original.

The companion bill, SB 1281 by Armbrister, passed the Senate on the Local and Uncontested Calendar on April 28 and was reported favorably, without amendment, by the House Environmental Regulation Committee on May 4.