

BILL ANALYSIS

Senate Research Center

H.B. 1228
By: Jackson (Brown)
Natural Resources
4-30-97
Committee Report (Amended)

DIGEST

Currently, the law does not provide for consolidated permit processing by the Texas Natural Resource Conservation Commission (TNRCC). Prior to 1993, certain facilities needing more than one environmental permit could obtain all necessary authorizations through one-stop permitting. However, the sections of the Texas Solid Waste Disposal Act permitting one-stop permitting were repealed by the bill which consolidated the Texas Air Control Board and the Texas Water Commission into TNRCC. This has led to confusion regarding TNRCC's authority to issue consolidated permits. H.B. 1228 would provide regulations for consolidated permit processing by TNRCC. This legislation would also require TNRCC to consider regional need and economic impact in determining whether an urgent public necessity exists for the permitting of a hazardous waste injection well in a solution-mined salt dome cavern.

PURPOSE

As proposed, H.B. 1228 provides regulations for consolidated permit processing by the Texas Natural Resource Conservation Commission.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Sections 5.405(b) and 5.406, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 5, Water Code, by adding Subchapter J, as follows:

SUBCHAPTER J. CONSOLIDATED PERMIT PROCESSING

Sec. 5.401. CONSOLIDATED PERMIT PROCESSING. Sets forth procedures to be followed for issuing one consolidated permit to a plant, facility, or site that is required to have more than one permit issued by the Texas Natural Resource Conservation Commission (TNRCC). Prohibits a federal operating permit governed by the requirements of Sections 382.054-382.0543, Health and Safety Code, from being consolidated with other permits under this subchapter.

Sec. 5.402. REQUEST FOR SEPARATE PROCESSING. Authorizes an applicant, at any time before the public notice of the opportunity to request a hearing on a permit application, to request that consolidated applications be processed separately as determined by the executive director. Sets forth procedures for processing applications separately.

Sec. 5.403. RENEWAL PERIOD FOR CONSOLIDATED PERMIT. Sets forth the renewal period for a consolidated permit.

Sec. 5.404. RENEWAL OF PERMITS. Authorizes a permit issued under this subchapter or a permit issued before and effective on September 1, 1997, that authorizes more than one permit program to be renewed, amended, or modified as a consolidated permit; or to be separated by program and the permits may be processed separately and subject to the renewal, amendment, or modification requirements of applicable law governing operations at the

facility, plant, or site.

Sec. 5.405. FEES. Requires the fee for a consolidated permit, except as provided by Subsection (b), to be computed as if the permits consolidated had been processed separately. Authorizes TNRCC, by rule, to reduce the fee for a consolidated permit below the total amount that the applicant would have paid for processing the applications separately if TNRCC finds that consolidated processing results in savings to the agency.

Sec. 5.406. RULES. Authorizes TNRCC to adopt rules to effectuate the purposes of this subchapter, including rules providing for certain notices and procedures.

SECTION 2. Amends Section 27.051, Water Code, by amending Subsection (g), to require TNRCC, in determining whether an urgent public necessity exists for the permitting of a hazardous waste injection well in a solution-mined salt dome cavern, to find that there is a substantial or obvious public need, which for purposes of this chapter shall include TNRCC consideration of regional need and economic impacts, for additional hazardous waste disposal capacity and the hazardous waste injection well will contribute additional capacity toward servicing that need.

SECTION 3. Amends Section 361.114, Health and Safety Code, by amending Subsection (b), to make a conforming change.

SECTION 4. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Amends Section 27.051(g), Water Code, to require TNRCC to consider regional need and economic impact in determining whether an urgent public necessity exists for the permitting of a hazardous waste injection well in a solution-mined salt dome cavern.

Amendment 2.

Makes a conforming change.