

BILL ANALYSIS

Senate Research Center

H.B. 2103
By: Turner, Sylvester (West)
Natural Resources
5-18-97
Engrossed

DIGEST

Currently, many lower income and minority communities support a disproportionately high concentration of solid waste and other industrial facilities which negatively affect air quality and property values. Individuals and community groups in these areas are often without the financial resources necessary to prevent these facilities from locating near their homes, churches, and schools. In order to minimize the adverse effects of solid waste facilities, the state may need to consider in its solid waste strategic planning the cumulative effect of multiple sources of pollution and the adverse effects of additional facilities on communities. This bill will provide restrictions on the siting of solid waste facilities and require the Texas Natural Resource Conservation Commission to consider cumulative risks in certain administrative proceedings.

PURPOSE

As proposed, H.B. 2103 provides restrictions on the siting of solid waste facilities and requires the Texas Natural Resource Conservation Commission to consider cumulative risks in certain administrative proceedings.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 361.002, Health and Safety Code, by adding Subsection (c), to provide that it is this state's policy to ensure that new solid waste facilities are not located disproportionately in preexisting low-income, minority, or other communities and that the adverse effects of solid waste facilities on the communities in which they are located are minimized, while ensuring that the state has adequate solid waste management capacity.

SECTION 2. Amends Section 361.020(a), Health and Safety Code, to require the strategic state solid waste plan to include certain provisions.

SECTION 3. Amends Section 361.0201(b), Health and Safety Code, to require the plan to assess historical trends regarding the siting of solid waste facilities in low-income, minority, and other communities.

SECTION 4. Amends Section 361.0216, Health and Safety Code, to provide that the office of pollution prevention is created to coordinate all environmental justice activities of the Texas Natural Resource Conservation Commission (TNRCC).

SECTION 5. Amends Section 361.064(a), Health and Safety Code, to require a report to be submitted by TNRCC to certain persons to include an evaluation of the implementation of the state's policy of ensuring that new solid waste facilities are not located disproportionately in low-income, minority, and other communities and ensuring that the adverse effects of solid waste facilities on the communities in which they are located are minimized.

SECTION 6. Amends Chapter 5D, Water Code, by adding Section 5.123, as follows:

Sec. 5.123. CONSIDERATION OF CUMULATIVE RISKS. Authorizes an affected party, in an administrative proceeding involving the siting, expansion, or operation of a facility in the local area in which other permitted facilities are located, to offer, and require TNRCC to consider, evidence relating to cumulative risks, including certain information. Requires TNRCC to take certain actions.

SECTION 7. Amends Chapter 361C, Health and Safety Code, by adding Section 361.0695, as follows:

Sec. 361.0695. PUBLIC MEETING AND NOTICE FOR SOLID WASTE FACILITIES. Sets forth regulations regarding public meetings and notice required for a new facility.

SECTION 8. Effective date: September 1, 1997.

SECTION 9. Emergency clause.