

BILL ANALYSIS

Senate Research Center

H.B. 2271
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Natural Resources
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Engrossed

DIGEST AND PURPOSE

Although Texas has strict laws regarding landfills and illegal trash dumping, a loophole exists which allows an illegal trash dump to circumvent legal requirements by calling itself a recycling center, despite the fact that little or no recycling may be done. Under current law, there are no standards governing recycling centers, and it is difficult for authorities to take appropriate action against an entity which is simply calling itself a recycling center to avoid having to comply with waste management laws. H.B. 2271 requires the Texas Natural Resource Conservation Commission to ensure that a solid waste processing facility is not allowed to operate as an unregulated recycling facility.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTIONS 1 (Section 361.119, Health and Safety Code) and 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 361C, Health and Safety Code, by adding Section 361.119, as follows:

Sec. 361.119. REGULATION OF CERTAIN FACILITIES AS SOLID WASTE FACILITIES. (a) Requires the Texas Natural Resource Conservation Commission (commission) by rule to ensure that a solid waste processing facility the primary function of which is the transfer of solid waste is regulated as a solid waste facility under this chapter and is not allowed to operate unregulated as a recycling facility.

(b) Provides that a facility and the operations conducted and materials handled at the facility are not subject to regulation under rules adopted under this section if the owner or operator of the facility demonstrates certain facts.

SECTION 2. Requires the commission to adopt rules as necessary to implement the changes in law made by this Act as soon after the effective date of this Act as is practicable.

SECTION 3. Effective date: upon passage or September 1, 2001.