

## **BILL ANALYSIS**

Senate Research Center  
86R12030 JAM-F

S.B. 950  
By: Kolkhorst  
Natural Resources & Economic Development  
4/22/2019  
As Filed

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

S.B. 950 would amend the definition of a "commercial hazardous waste facility" to prevent commercial operators applying for permits as non-commercial operators. The bill would limit non-commercial facilities to those that are located in or contiguous to the same complex where the waste is generated, stored, or processed.

Non-commercial facilities undergo a truncated permitting process that allows the applicant to avoid several permitting requirements, including:

1. demonstration of emergency response capabilities,
2. traffic studies,
3. floodplain analysis,
4. setback requirements,
5. operational experience,
6. worst-case emergency analysis;
7. certain financial assurance;
8. air monitoring; and
9. independent inspection.

Even though a facility may be located far away from the proposed waste-disposal site in an entirely separate and geographically distinct area, the applicant would still be able to avoid all of these permitting requirements by claiming to be a non-commercial facility disposing of captive waste. Currently, applicants are able to avoid these review standards by falsely claiming to operate a non-commercial facility.

S.B. 950 conforms the definition of "commercial hazardous waste facility" with the legislature's original intent. This law was not meant to allow commercial operators to circumvent the permitting requirements for a hazardous waste facility.

As proposed, S.B. 950 amends current law relating to the definition of a commercial hazardous waste management facility.

### **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 Section 361.003(4), Health and Safety Code, as follows:

- (4) Redefines "commercial hazardous waste management facility" by deleting existing text providing that the term does not include a captured facility or a facility that accepts waste only from other facilities owned or effectively controlled by the same person.

SECTION 2. Effective date: September 1, 2019.