

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1281
By: Armbrister
Natural Resources
4/14/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, a loophole in state law allows a commercial industrial solid waste facility to accept for profit hazardous and nonhazardous industrial solid waste without being subject to the state's hazardous and nonhazardous industrial solid waste permitting requirements. The exemption is allowed if the facility discharges the wastewaters via pipeline to a publicly-owned treatment works facility. As a result, commercial industrial solid waste facilities that take advantage of this loophole in state law are not subject to the Texas Commission on Environmental Quality's (TCEQ) financial assistance requirements, routine inspections, personnel training requirements, siting limitations, quality assurance requirements, closure and post-closure requirements, and do not need to conduct waste analyses on wastes coming into the facility.

C.S.S.B. 1281 prohibits a commercial industrial solid waste facility from receiving industrial solid waste for discharge into a publicly-owned treatment works facility without first obtaining a permit from TCEQ under Chapter 361, Health and Safety Code, or Chapter 26, Water Code. This bill requires that the commercial industrial solid waste facilities comply with the state's hazardous and nonhazardous industrial solid waste permitting regulations, including 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 siting limitations, complying with quality assurance requirements, and complying with closure and post-closure care requirements.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 361, Health and Safety Code, by adding Section 361.0901, as follows:

Sec. 391.0901. REGULATION AND PERMITTING OF CERTAIN COMMERCIAL INDUSTRIAL SOLID WASTE FACILITIES. (a) Defines "captured facility," "commercial industrial solid waste facility," and "publicly owned treatment works."

(b) Prohibits a commercial industrial solid waste facility from receiving industrial solid waste for discharge into a publicly owned treatment works facility without first obtaining from the Texas Commission on Environmental Quality (TCEQ) a certain permit.

(c) Provides that this section does not require a commercial industrial solid waste facility to obtain a permit to receive for discharge into a publicly owned treatment works facility liquid wastes that are incidental to the handling, processing, storage, or disposal of solid wastes at a municipal solid waste facility or commercial industrial solid waste landfill facility.

SECTION 2. (a) Requires TCEQ to adopt rules regarding permits for commercial industrial solid waste facilities as required by Section 361.0901, Health and Safety Code, as added by this Act, not later than February 1, 2006.

(b) Makes application of this Act prospective to June 1, 2006 unless certain actions are taken.

SECTION 3. Effective date: September 1, 2005.