

BILL ANALYSIS

C.S.H.B. 1791
By: Chisum
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a limited number of composting facilities are taking in restaurant grease trap waste. A grease trap is attached to a restaurant's sewer line and with the exception of septic waste, the trap collects anything that goes down the drains. Food establishments are legally required to follow strict public health procedures in order to maintain a sanitary and safe cooking environment. Per these requirements, restaurants are constantly cleaning their floors and kitchens using cleansers strong enough to kill any bacteria that may exist. Many restaurants use pesticides to guard against bugs and insects in the kitchen area.

The residual product from these cleansers eventually end up in the grease trap, which is then pumped out and, at times, transported to composting facilities. These chemicals from the cleaning products that restaurants use are included in the composted material that is sold as a landscape product. The substances contained within the compost may be harmful to public health and under Texas State Law, are prohibited substances to accept at composting facilities.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

ANALYSIS

SECTION 1. Section 361.428, Health and Safety Code, is amended to prohibit a person from commercially composting grease trap waste unless the person has obtained a permit for composting grease trap waste issued by the commission under this section on or after September 1, 2003. The permit is required to meet the minimum standards of a permit issued under rules adopted under subsection (b) of this section.

SECTION 2. Requires the commission to adopt rules necessary for the implementation of this Act no later than November 1, 2003 and to notify any person known by the commission to be engaged in the business of composting grease trap waste to submit an application for a permit. Requires the commission to begin issuing permits for the commercial composting of grease trap waste. Stipulates that a person who is engaged in the business of composting grease trap waste is not prohibited from continuing to engage in that business under stated conditions.

SECTION 3. Effective immediately if it receives a vote of two-thirds of the members of the house, or on September 1, 2003 if it does not receive the two-thirds vote.

EFFECTIVE DATE

Effective immediately if it receives a vote of two-thirds of the members of the house, or on September 1, 2003 if it does not receive the two-thirds vote.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute focuses on grease trap waste and gives more specific and clarified criteria about how a person may be permitted to compost grease trap waste, including how, under stipulated conditions, a person can continue to engage in the business of composting grease trap waste after the effective date of this Act. The substitute also requires the commission to adopt any rules necessary for the implementation of this Act.