

BILL ANALYSIS

Senate Research Center
78R14052 MI-F

H.B. 1823
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Natural Resources
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Engrossed

DIGEST AND PURPOSE

Under current law, recycling facilities may operate without a permit and must meet only minimal standards set by the Texas Commission on Environmental Quality (TCEQ). Unlike owners or operators of other solid waste processing and disposal facilities, owners or operators of recycling facilities are not required to post any type of financial assurance.

In many areas of the state, facilities representing themselves as recyclers have caused substantial problems. In Harris County, for example, several facilities have caught fire. In one such instance, the county government was forced to spend approximately \$3 million to extinguish a fire. In other cases, where smaller yet still hazardous incidents have occurred, owners of the facilities simply abandoned the sites. While some responsible operators of recycling facilities have indicated a willingness to post financial assurance, requiring financial assurance of all recycling facilities will help to ensure financial responsibility and provide sufficient resources when problems arise.

H.B. 1823 directs the TCEQ to adopt rules requiring owners and operators of recycling facilities to post financial assurance.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 361.119, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 361.119, Health and Safety Code, by amending Subsection (d) and adding Subsection (f), as follows:

(d) Provides that a facility that is owned, operated, or affiliated with a person that has a permit to dispose of municipal solid waste is not subject to regulation or requirements for financial assurance under rules adopted under this section, rather than requirements of recordkeeping and reporting adopted under Subsection (b).

(f) Requires the Texas Commission on Environmental Quality to adopt rules to ensure that the owner or operator of a recycling facility, including a composting or mulching facility, has in place sufficient financial assurance conditioned on satisfactorily operating and closing the facility and consistent with the requirements of Section 361.085 for a solid waste facility other than a facility for the disposal of hazardous waste. Provides that this subsection applies only to an owner or operator of certain recycling facilities.

SECTION 2. Effective date: upon passage or September 1, 2003.