

BILL ANALYSIS

C.S.H.B. 2955
By: Smith, Wayne
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, commercial industrial nonhazardous solid waste disposal facilities are issued permits by the Texas Commission on Environmental Quality (TCEQ). Such disposal facilities can contain hazardous metals and materials such as antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, nickel, selenium, and silver. These metals and materials can be harmful to water sources. CSHB 2955 would restrict TCEQ from issuing permits to commercial industrial nonhazardous solid waste disposal facilities that would require for their construction, under Section 404 of the Clean Water Act, a permit from the United States Corps of Engineers and would be constructed to where any part of the facility is located 25 ft. or less above the uppermost feature of a geologic formation that under natural conditions is saturated with water.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 361, Health and Safety Code, by adding § 361.0901. Sec. 361.0901 restricts TCEQ from issuing permits to commercial industrial nonhazardous solid waste disposal facilities that would require for their construction, under Section 404 of the Clean Water Act, a permit from the United States Corps of Engineers and would be constructed to where any part of the facility is located 25 ft. or less above the uppermost feature of a ground water-bearing zone.

SECTION 2. Sets effective date.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 2955 replaces the language "groundwater-bearing zone" with "a geologic formation that under natural conditions is saturated with water," providing for a clearer interpretation and definition of legislation intent.