

BILL ANALYSIS

C.S.H.B. 3157
By: Bonnen
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Last session, the 77th Legislature passed HB 3111 by Zbranek, which dealt with omnibus occupational licensing and registration at the Texas Commission on Environmental Quality (TCEQ). The statute clearly stated in amendments to Health & Safety Code Section 361.027 that the TCEQ could implement a program “to license persons who supervise the operation or maintenance of solid waste facilities” (emphasis added). Although it was not the intention of the legislation to require such a license for someone whose primary responsibility it is to transport solid waste, the rules adopted by the TCEQ in implementing the legislation require such a license. Committee Substitute House Bill 3157 will clarify that the TCEQ may not require a municipal solid waste facility supervisors license for a person whose primary responsibility at a solid waste facility is to transport solid waste and who does not supervise any activity at a solid waste facility.

CSHB 3157 makes two clean-up corrections for Chapter 361 of the Health and Safety Code by (1) correcting an obsolete reference to the Texas Department of Commerce and providing that the TCEQ shall also work with the MSW Advisory Council on developing markets for recycled materials, and (2) by clarifying that notice of a solid or hazardous waste permit application be sent to both district and Capitol offices of the legislators in the area where the proposed landfill is to be located.

CSHB 3157 also clarifies that a regional planning commission must receive a copy of an administratively complete permit application and that any proposed facility that was found to be incompatible with a regional solid waste management plan, on or before January 13, 2003, be denied the permit.

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 Section 361.0151(b), Health and Safety Code as follows:

(b) The commission shall work in conjunction with the Texas Department of Economic Development and Municipal Solid Waste Management and Resource Recovery Advisory Council [~~Commerce~~] to pursue the development of markets for recycled materials, including composting products.

SECTION 2. Amends Section 361.027, Health and Safety Code by not allowing the commission to require a license for a person whose primary responsibility is to transport solid waste and who does not supervise any activity at a solid waste facility.

SECTION 3. Amends Section 361.0641, Health and Safety Code, by requiring notice of the application or notice of intent to file an application for a solid waste or hazardous waste permit be sent to both the district and capitol offices of the state senator and representative who represent the area in which the facility is or will be located.

SECTION 4. Amends Section 361.067(a), Health and Safety Code, by requiring an administratively complete permit application be mailed to the regional planning commission created under Chapter 391, Local Government Code, for the region in which the facility is located.

SECTION 5. Amends Section 361.122, Health and Safety Code, by not allowing the commission to issue a Type IV landfill if, on or before January 13, 2003, the proposed facility was determined by the applicable regional planning commission to be incompatible with a regional solid waste management plan adopted under Section 363.062 of this code.

SECTION 6. Establishes the effective date of September 1, 2003.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3157 simply adds language that puts additional requirements on applications for Type IV landfills by requiring that the application must be submitted to the applicable regional planning commission.

The substitute also requires that the commission not issue a permit that was found to be incompatible with a regional solid waste management plan on or before January 13, 2003.