

BILL ANALYSIS

C.S.H.B. 3002
By: Hegar
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, once a land fill or waste related permit is granted by the Texas Commission on Environmental Quality (TCEQ), there is no time limit on how long a permit holder can wait until they make their facility operational. Recently in Harris County, a 22 year old waste transfer station permit was activated by the permit holder. Public hearings were held 22 years ago when the permit was initially granted, but there was no public comment period prior to the actual date that the permit was activated. C.S.H.B. 3002 would allow TCEQ to revoke a waste related permit if the permit holder has not begun the activity for which the permit was issued within 6 years of the issuance and if the commissioners court of the county adopts a resolution recommending the revocation of the permit and forwards the resolution to TCEQ.

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

C.S.H.B. 3002 amends the Water Code to allow the Texas Commission on Environmental Quality, after notice and hearing, to revoke a permit for a municipal solid waste landfill facility, transfer station, sludge disposal facility, or an injection well if: (1) the facility, station, or well has not begun to receive the waste materials for which the permit was issued on or before the sixth anniversary of the date the permit was issued and, (2) the commissioners court of the county adopts a resolution recommending the revocation of the permit. This does not apply to a permit issued to a municipality, county, or other unit of local government. The bill prohibits a municipality, county, or other unit of local government from selling, leasing, or transferring a permit to a private entity.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute exempts permits issued to a municipality, county, or other unit of local government. The substitute prohibits a municipality, county, or other unit of local government from selling, leasing, or transferring a permit to a private entity.