

BILL ANALYSIS

S.B. 1281
By: Armbrister
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a commercial industrial solid waste facility that treats wastewater generated off-site by a third party is allowed to receive hazardous and nonhazardous industrial solid waste without being subject to the state's industrial solid waste permitting requirements if they discharge the wastewater via pipeline to a publicly owned treatment works facility. While they are exempt from permit requirements of the Texas Commission on Environmental Quality (TCEQ) they must possess a permit issued by the publicly owned treatment works facility in order to discharge wastewater into the publicly owned system. These requirements are not as stringent as the TCEQ permits. A publicly owned treatment works facility permit holder is not required to obtain financial assurance, there are no technical standards for storage and processing of waste, and there is no required public notice or opportunity for public hearing.

Senate Bill 1281 closes this loophole and requires a commercial industrial solid waste facility to receive a permit from the TCEQ before receiving industrial solid waste for discharge into a publicly owned treatment works facility.

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

Senate Bill 1281 amends the Health and Safety Code to prohibit a commercial industrial solid waste facility from receiving industrial solid waste for discharge into a publicly owned treatment works facility without first obtaining from the Texas Commission on Environmental Quality (TCEQ) a permit under the Solid Waste Disposal Act or under the Water Quality Control chapter of the Water Code.

These provisions do not require a commercial industrial solid waste facility to obtain a permit to receive for discharge into a publicly owned treatment works facility liquid wastes that are incidental to the handling, processing, storage, or disposal of solid wastes at a municipal solid waste landfill facility or a commercial industrial solid waste landfill facility

The bill defines "publicly owned treatment works", "captured facility", and "commercial industrial solid waste facility" for the purposes of these provisions.

The bill requires the TCEQ to adopt necessary rules regarding permits for commercial industrial solid waste facilities not later than February 1, 2006.

EFFECTIVE DATE

September 1, 2005