

BILL ANALYSIS

C.S.H.B. 2541
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Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

On December 26, 2006, a fire broke out at a mulch recycling facility in Helotes, Texas. The fire has not only caused severe air pollution, it has endangered the Edwards Aquifer. The Helotes mulch pile was over 80 feet tall and covered an area approximately the size of a football field. Although, the Texas Commission on Environmental Quality (TCEQ) visited the site in the past, it did not have the authority to regulate the facility.

CSHB 2541 requires TCEQ to adopt rules regarding the content, size and fire safety of recycling facilities. The bill provides stricter requirements for facilities located over sole source aquifers and allows the Solid Waste Fee revenue to be used to combat fires or emergencies at recycling or solid waste facilities.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 and 3 of this bill.

ANALYSIS

CSHB 2541 amends the Health and Safety Code allowing the TCEQ to make an immediate response or remediation of a fire or other emergency that involves solid waste and concerns the protection of the public's health and safety. The bill authorizes the state to recover reasonable expenses from the responsible person incurred by the TCEQ during the immediate response and remediation action.

CSHB 2541 sets forth regulations for certain recycling facilities that apply only to a recycling facility that stores combustible materials and is located in a county that has a population of more than 1.3 million and is subject to an early action impact.

The bill requires certain recycling facilities that store combustible materials to grind, recycle, begin composting, or transfer to another facility at least 50% of the combustible materials received by the facility and at least 50% of the processed or unprocessed that has accumulated during a 12 month period. The bill limits the storage capacity of a recycling facility along with limiting the size of a pile of combustible recyclable or recycled materials. The bill requires TCEQ to impose different standards for the registration of recycling facilities that are appropriate to the size and number of piles of combustible materials to be stored or processed at the facility. Fire lanes must be established between piles of combustible materials and a buffer zone established between the facility and a residence, school, or church.

The bill would also require the TCEQ to establish rules with stricter standards for permitting recycling and other municipal solid waste facilities located on recharge or transition zones of a sole source aquifer and that require such facilities to install groundwater protection features such as liners and monitoring wells.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute allows the TCEQ to recover reasonable expenses from a responsible person for expenses incurred while taking an immediate response or remediation action. The substitute adds the population limit and subject to early action impact clause for a qualifying county. The substitute increases the amount of time from 6 to 12 months for grinding, begin composting, recycling, or transferring to another facility the required 50% of materials. The substitute states that a rule adopted by the commission would not become effective until the first anniversary of the date of effectiveness.