

BILL ANALYSIS

Senate Research Center

S.B. 1280
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Natural Resources
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Solid Waste Disposal Act (Chapter 361, Health and Safety Code) includes a number of provisions regarding solid waste disposal, the permitting process of certain facilities, and other related measures. However, some of these provisions are exploitable in ways which are potentially threatening to public safety. A recent fire in Helotes, Texas, over the Edwards Aquifer provides an example of this type of threat. There is no statutory definition for "recycling" by weight or size requirements. The Helotes facility was authorized to operate a recycling operation, yet was not actively recycling any product.

As proposed, S.B. 1280 requires the Texas Commission on Environmental Quality (TCEQ) to establish a size limit for piles of composting materials, recycling materials, or mulch allowed at certain solid waste facilities. This bill also requires TCEQ to require recycling facilities to recycle or transfer certain amounts of materials they receive within a certain timeframe.

RULEMAKING AUTHORITY

[While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 361.119, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 361.119, Health and Safety Code, by adding Subsections (g) and (h), as follows:

(g) Requires the Texas Commission on Environmental Quality (TCEQ) by rule to require a recycling facility to recycle or transfer to another facility for recycling at least 50 percent, by weight or volume, of the recyclable materials received by the facility within six months of receiving the materials and during each six-month period, at least 50 percent, by weight and volume, of the recycled or recyclable materials that have accumulated at the facility.

(h) Requires TCEQ by rule to limit the size of a pile of composting materials, recycling materials, or mulch allowed at a solid waste processing facility, including a composting, recycling, or mulching facility.

SECTION 2. Effective date: September 1, 2007.