

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 1280  
By: Van de Putte  
Natural Resources  
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Committee Report (Substituted)

### **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.

C.S.S.B. 1280 provides requirements for a recycling facility to operate under the purview of the Texas Commission on Environmental Quality (TCEQ) and exempts certain facilities already subject to certain TCEQ rules from application of this bill. This bill also requires TCEQ to adopt rules regarding the process of recycling and the size of piles of combustible materials stored outdoors. Furthermore, TCEQ is required to conduct annual reviews of facilities that are not in compliance with these rules. This bill considers the unique qualities of recycling facilities in establishing which materials are applicable and requires TCEQ to conform to the International Fire Code in adopting certain rules.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission [Texas Commission on Environmental Quality] in SECTION 1 (Section 361.1191, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

[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.]

SECTION 1. Amends Subchapter C, Chapter 361, Health and Safety Code, by adding Section 361.1191, as follows:

Sec. 361.1191. **REQUIREMENTS CONCERNING THE STORAGE OF COMBUSTIBLE MATERIALS.** (a) Provides that this section applies only to a facility that stores combustible materials and does not apply to a facility operating under a municipal solid waste permit or to a facility owned or operated by a local government.

(b) Requires the Texas Natural Resource Conservation Commission (TNRCC) by rule to require a recycling facility to grind, begin composting, recycle, or transfer to another facility for recycling at least 50 percent, by weight or volume, of the processed and unprocessed recyclable materials received by the facility within 12 months of receiving the materials and, during each 12-month period, at least 50 percent, by weight and volume of the processed and unprocessed recyclable materials that have accumulated at the facility.

(c) Requires TNRCC by rule to limit the size of a pile of processed or unprocessed recyclable materials including composting materials or mulch allowed at a solid waste processing facility, including a recycling facility that handles compost or mulch. Requires a rule adopted under this subsection to

conform to the International Fire Code, as published by the International Code Council, as the code existed on May 1, 2007.

(d) Requires TNRCC, in a manner it determines, to conduct an annual review and inspection of a facility TNRCC determines is not in compliance with a requirement prescribed by this section.

(e) Provides that a rule adopted by TNRCC under this section does not become effective until the first anniversary of the date on which the rule was adopted.

SECTION 2. Effective date: September 1, 2007.