

BILL ANALYSIS

S.B. 213
By: Shapleigh
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Texas law requires that certain information be included on a liquid waste manifest. However, there is not a standard statewide form for a liquid waste manifest. As a result of the lack of uniformity, confusion has been created among liquid hauling companies' forms, which leads to inaccurate or missing information in a manifest. The inaccuracy in transporters' annual reports to the Texas Commission on Environmental Quality (TCEQ) regarding the amount of waste that has been transported results in less income for the state, as the fees transporters are required to pay are based on the accuracy of the reports. Further, the lack of a uniform manifest system facilitates illegal dumping throughout the state's deserts, rivers, and property. Inaccurate or missing data on current manifests cannot accurately account for all liquid waste and whether or not it is properly disposed, processed, or stored in an authorized facility or site.

As proposed, S.B. 213 creates a statewide uniform manifest system to accompany liquid waste shipments. The bill requires a person who generates, collects, conveys, transports, processes, stores, or disposes of certain liquid wastes to keep records and to use a uniform manifest system as prescribed by TCEQ to ensure that the waste is properly tracked and transported to an appropriate processing, storage, or disposal facility or site.

[**Note:** 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

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Section 361.034, Health and Safety Code) of this bill.

ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 361, Health and Safety Code, by adding Section 361.034, as follows:

Sec. 361.034. RECORDS AND MANIFESTS REQUIRED FOR CERTAIN MUNICIPAL LIQUID WASTES. (a) Requires the Texas Natural Resource Conservation Commission (TNRCC) by rule to require a person who generates, collects, conveys, transports, processes, stores, or disposes of municipal sewage sludge, grit trap waste, or grease trap waste to keep records and use, as prescribed by TNRCC rule, a sequentially numbered, uniform transportation manifest issued by TNRCC to ensure that the waste is transported to an appropriate processing, storage, or disposal facility or site permitted or authorized for that purpose.

(b) Requires that the rules require the person who generates the waste, the person who transports the waste, and the person who disposes of the waste each to retain, for not less than three years, a copy of the uniform transportation manifest that records the generator, transporter, disposal site, and disposal method.

(c) Requires that the rules require that aggregate amounts of waste recorded on the manifests required under this section match the amounts of waste reported to

TNRCC annually. Authorizes TNRCC to require copies of uniform transportation manifests to be submitted with reports to TNRCC or at other times.

SECTION 2. Requires the Texas Commission on Environmental Quality to adopt rules under Section 361.034, Health and Safety Code, as added by this Act, as soon as practicable so that the rules take effect not later than March 1, 2010.

SECTION 3. Effective date: upon passage or September 1, 2009.

EFFECTIVE DATE

Upon passage or September 1, 2009