

## **BILL ANALYSIS**

C.S.H.B. 1914  
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Environmental Regulation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, the Texas Commission on Environmental Quality (TCEQ) may require financial assurance as a condition of a permit or registration for the collection, transportation, or processing of grit trap waste or grease trap waste. Costs to the state and local governments for cleanup of non-disposal commercial waste management sites due to low financial assurance are an ongoing problem, and interested parties argue that means to ensure that operators have the financial resources necessary to address spills as a result of operations are needed. C.S.H.B. 1914 seeks to address this issue by requiring financial assurance as a condition of issuing a permit for certain commercial 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 1 of this bill.

### **ANALYSIS**

C.S.H.B. 1914 amends the Health and Safety Code to require the Texas Commission on Environmental Quality (TCEQ) to adopt rules to require additional financial assurance for a commercial or municipal solid waste facility, including a facility for which such a permit or registration is issued, if the facility treats or processes liquid waste or industrial nonhazardous liquid waste for disposal off-site or for discharge; has a record of significant noncompliance with permitted limits or no compliance record; and is not owned by, operated by, or affiliated with a local government or a person that has a permit to dispose of municipal solid waste.

C.S.H.B. 1914 establishes that, for purposes of the bill's provisions, a facility has a record of significant noncompliance with permitted limits if, in the preceding five years, the owner or operator of the facility has been issued by TCEQ a final order, a notice of enforcement, or two or more notices of violation alleging or finding that the facility accepted unauthorized waste, accepted waste in an amount that exceeds a permit limit by more than five percent, discharged water or waste without authorization, or has been subject to a civil or criminal penalty for any such action at the facility. The bill exempts from its provisions a composting facility, a site at which sludge is applied, or certain municipal solid waste management facilities exempt from permit requirements under existing law.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1914 omits a provision included in the original requiring, rather than authorizing, the Texas Commission on Environmental Quality (TCEQ) to require financial assurance as a condition of issuing a permit or registration for the collection, transportation, or processing of

grit trap waste or grease trap waste.

C.S.H.B. 1914 differs from the original by making the requirement that rules be adopted by TCEQ to require additional financial assurance for solid waste facilities under certain conditions apply to a municipal or commercial facility, whereas the original makes the requirement apply only to commercial facility.

C.S.H.B. 1914 differs from the original by specifying that the condition making a solid waste facility subject to rules requiring additional financial assurance based on the facility's treatment or processing of nonhazardous waste for disposal off-site or for discharge applies to the treatment or processing of liquid waste, whereas the original does not make this specification.

C.S.H.B. 1914 contains a provision not included in the original exempting from its provisions a composting facility, a site at which sludge is applied, or certain municipal solid waste management facilities exempt from permit requirements under existing law.