

BILL ANALYSIS

S.B. 1156
By: Hinojosa
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have raised concerns regarding land reclamation projects using scrap tires and their potential impact on soil, water, and air. The parties contend that impact studies and statements regarding air and water quality are not required with regard to such projects and that some important entities, such as groundwater conservation districts and the governing bodies of the municipality or county in which the projects are located, do not have significant input regarding these projects.

S.B. 1156 seeks to address these concerns by amending the current law relating to land reclamation projects using scrap tires.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTIONS 1 and 2 of this bill.

ANALYSIS

S.B. 1156 amends the Health and Safety Code to prohibit a person from beginning a land reclamation project using scrap tires without a permit issued by the Texas Commission on Environmental Quality (TCEQ). The bill prohibits a person from using scrap tires for a land reclamation project unless the tires are shredded, split, or quartered as provided by TCEQ rule and authorizes TCEQ to grant an exception to this requirement if it finds that circumstances warrant the exception. The bill sets out conditions under which TCEQ is prohibited from granting a permit for a land reclamation project using scrap tires and sets out provisions relating to the application and application process for such a permit.

S.B. 1156 prohibits TCEQ from granting such a permit if it receives notice before issuing the permit that the proposed project violates a local regulation, ordinance, order, or other law in the area in which the proposed project is located. The bill requires TCEQ by rule to prescribe minimum standards to protect the soil and water for a land reclamation project using scrap tires and to adopt application forms and procedures for the permitting process, including the adoption of a procedure that allows the electronic submission of applications. The bill authorizes TCEQ to amend, extend, transfer, or renew a permit issued under the bill's provisions as provided by the Solid Waste Disposal Act and TCEQ rule. The bill specifies that the notice and hearing procedures provided for permits under the Solid Waste Disposal Act apply to a permit issued, amended, extended, or renewed under the bill's provisions. The bill authorizes TCEQ, for good cause, to deny, revoke, suspend, annul, or amend a permit under the bill's provisions for reasons concerning public health and safety, air or water pollution, land use, or a violation of the bill's provisions as provided by statutory provisions relating to permit denial or amendment under the Solid Waste Disposal Act.

S.B. 1156 requires TCEQ, before September 1, 2014, to adopt any rules required to implement the bill's provisions and prohibits any person responsible for an ongoing or pending land

reclamation project using scrap tires that has not yet placed the tires below ground, on or after the bill's effective date, from placing the tires below ground until the person has obtained a permit under the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.