

BILL ANALYSIS

C.S.H.B. 4819
By: Martinez
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a solid waste processing facility is not required to renew its Texas Commission on Environmental Quality (TCEQ) permit if the facility does not change what was approved under its initial permit. However, this does not account for a facility's compliance with the requirements of the owner or operator of the wastewater collection system, which is often a municipality with its own permitting requirements. Because of this, some facilities claim to have a "lifetime" permit that does not require them to obtain a municipal permit. C.S.H.B. 4819 seeks to address this issue by requiring solid waste processing facilities with a TCEQ permit to obtain the consent and authorization of the owner or operator of a wastewater collection system for TCEQ permitting purposes and discharging waste into a wastewater system.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4819 amends the Health and Safety Code to require an owner or operator of a solid waste processing facility that salvages, separates, dewateres, reclaims, or otherwise processes municipal sludge, sewage, septage, grease trap waste, or grit trap waste to have the consent of and authorization from the following:

- the owner or operator of the wastewater collection system that will receive the treated wastewater produced by the processing facility; and
- the owner or operator of any wastewater treatment facility that will further treat the treated wastewater.

The bill prohibits the Texas Commission on Environmental Quality (TCEQ) from issuing, amending, or renewing a permit under the Solid Waste Disposal Act for such a solid waste processing facility unless the owner or operator of the processing facility demonstrates to the TCEQ's satisfaction that the owner or operator has complied with the bill's requirement.

C.S.H.B. 4819 applies only to a solid waste processing facility whose owner or operator files an application with the TCEQ for the issuance, amendment, or renewal of a permit on or after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

The substitute includes provisions requiring an owner or operator of an applicable solid waste processing facility to have the consent and authorization of a certain wastewater collection system and certain wastewater treatment facilities and prohibiting the TCEQ from issuing, amending, or renewing the operator or owner's permit under the Solid Waste Disposal Act unless they comply with this requirement and does not include any provisions from the introduced, which required a holder of a permit for the discharge and treatment of waste into or adjacent to water in Texas to follow any local ordinances, rules, or other measures applicable to the permitted facility.