

BILL ANALYSIS

C.S.H.B. 2092
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Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note a recent land application by a private company of processed grease trap waste or grit trap waste combined with sewage sludge and contend that such application had a negative impact on adjacent landowners and could negatively impact the environment through groundwater runoff. C.S.H.B. 2092 seeks to address this issue by providing for a prohibition of the land application of grease trap waste or grit trap waste.

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. 2092 amends the Health and Safety Code to prohibit the Texas Commission on Environmental Quality (TCEQ) from issuing a permit, registration, or other authorization for land application of grease trap waste or grit trap waste. The bill exempts from such prohibition the disposal of grease trap waste or grit trap waste at a municipal solid waste Type I landfill permitted by TCEQ, the processing of grease trap waste or grit trap waste at a municipal solid waste Type V compost facility permitted or registered by TCEQ, or land application of Grade 1 or Grade 2 compost generated at a Type V compost facility permitted to compost grease trap waste by TCEQ. The bill excludes from the term "land application unit," for purposes of the land application of Class B sludge, the placement of waste on a liner registered or permitted by TCEQ. The bill extinguishes on the bill's effective date a permit, registration, or other authorization issued by TCEQ that allows the land application of grease trap waste or grit trap waste and establishes that the remainder of a permit, registration, or other authorization that contains items in addition to an authorization allowing the land application of grease trap waste or grit trap waste remains in effect to the extent that it does not authorize the land application of grease trap waste or grit trap waste.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2092 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial

differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.1215 to read as follows:

Sec. 361.1215. LAND APPLICATION OF GRIT AND GREASE TRAP WASTE PROHIBITED. (a) In this section:

(1) "Grease trap waste" means a material collected in and from a grease interceptor in the sanitary sewer line of a commercial, institutional, or industrial food service or processing facility. The term includes the solids resulting from a dewatering process.

(2) "Grit trap" means a unit or chamber that:

(A) allows the sedimentation of solids from an influent liquid stream by reducing the flow velocity of the stream;

(B) has an inlet and outlet that are both located at the same vertical level at or near the top of the unit or chamber;

(C) has an outlet that is connected to a sanitary sewer system; and

(D) is not designed to separate oil and water.

(3) "Grit trap waste" means the waste collected in a grit trap. The term includes waste from an interceptor placed in a drain at maintenance and repair shops, automobile service stations, car washes, laundries, and other similar facilities.

(b) The commission may not issue a permit, registration, or other authorization for land application of grit trap waste or grease trap waste, including processed grit trap waste or grease trap waste, or sewage sludge mixed with grit trap waste or grease trap waste.

(c) This section does not apply to a permit, registration, or other authorization issued to an entity for the disposal of grit trap waste

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 361.121(a)(2), Health and Safety Code, is amended to read as follows:

(2) "Land application unit" means an area where wastes are applied onto or incorporated into the soil surface for agricultural purposes or for treatment and disposal. The term does not include manure spreading operations or placement of waste on a liner registered or permitted by the commission.

SECTION 2. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.1215 to read as follows:

Sec. 361.1215. LAND APPLICATION OF GRIT AND GREASE TRAP WASTE PROHIBITED. (a) In this section:

(1) "Grease trap waste" means a material collected in and from a grease interceptor in the sanitary sewer line of a commercial, institutional, or industrial food service or processing facility. The term includes the solids resulting from a dewatering process.

(2) "Grit trap" means a unit or chamber that:

(A) allows the sedimentation of solids from an influent liquid stream by reducing the flow velocity of the stream;

(B) has an inlet and outlet that are both located at the same vertical level at or near the top of the unit or chamber;

(C) has an outlet that is connected to a sanitary sewer system; and

(D) is not designed to separate oil and water.

(3) "Grit trap waste" means the waste collected in a grit trap. The term includes waste from an interceptor placed in a drain at maintenance and repair shops, automobile service stations, car washes, laundries, and other similar facilities.

(b) The commission may not issue a permit, registration, or other authorization for land application of grease trap waste or grit trap waste.

(c) This section does not apply to:

(1) the disposal of grease trap waste or grit trap waste at a municipal solid waste Type I

or grease trap waste at a municipal solid waste Type I landfill, a municipal solid waste Type V facility, or a compost facility.

SECTION 2. The changes in law made by this Act apply only to an application for a permit, registration, or other authorization to allow the land application of grit trap waste or grease trap waste that is filed with the Texas Commission on Environmental Quality on or after the effective date of this Act. An application for a permit, registration, or other authorization to allow the land application of grit trap waste or grease trap waste that is pending on the effective date of this Act is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

No equivalent provision. (*But see SECTION 2 above.*)

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

landfill permitted by the commission;
(2) the processing of grease trap waste or grit trap waste at a municipal solid waste Type V compost facility permitted or registered by the commission; or
(3) land application of Grade 1 or Grade 2 compost generated at a Type V compost facility permitted to compost grease trap waste by the commission.

No equivalent provision. (*But see SECTION 3 below.*)

SECTION 3. A permit, registration, or other authorization issued by the Texas Commission on Environmental Quality that allows the land application of grease trap waste or grit trap waste expires on the effective date of this Act. The remainder of a permit, registration, or other authorization that contains items in addition to an authorization allowing the land application of grease trap waste or grit trap waste remains in effect to the extent that it does not authorize the land application of grease trap waste or grit trap waste.

SECTION 4. Same as introduced version.