

- SUBJECT:** Requiring certain waste haulers to obtain licenses.
- COMMITTEE:** Environmental Regulation — favorable, without amendment
- VOTE:** 5 ayes — Howard, T. King, Homer, Kuempel, W. Smith
0 nays
2 absent — Bonnen, Driver
- WITNESSES:** For — Thomas Oleinik, Walker County Planning and Development;
Robin Schneider, Texas Campaign for the Environment
Against — None
- BACKGROUND:** Health and Safety Code, ch. 368, subch. B, governs the regulation of waste haulers by counties. Sec. 368.012 authorizes counties with populations under 375,000 to establish licensing programs for waste haulers that transport waste in the unincorporated areas of a county.
- Sec. 368.013 creates the following exemptions to the licensing requirements:
- waste that is being transported as a part of a recycling program;
 - the transport of salt water, drilling fluids, or other waste related to oil, gas, or geothermal resources;
 - waste haulers that are transporting waste on behalf of a governmental entity; and
 - waste haulers that operate in more than three counties.
- DIGEST:** HB 1821 would eliminate the exemption in subsec. 368.013(b) for waste haulers that operate in more than three counties from the county licensing requirement for waste haulers that transport waste in the unincorporated areas of a county.

The bill would take effect on September 1, 2005.

**SUPPORTERS
SAY:**

HB 1821 would promote public health, safety, and welfare by removing the loophole in current law that exempts waste haulers that operate in more than three counties from government oversight. Waste haulers that operate in more than three counties need to be regulated just as do waste haulers that operate in only one county. Without regulation, waste haulers have been known to dispose improperly of waste – such as by burning, burying or simply throwing waste onto the road. By requiring these waste haulers to obtain licenses from counties, HB 1821 would cut down on the hazardous practices of some companies in the industry.

The bill would allow counties in Texas to regulate waste haulers with consistency and avoid implementing rules that affect only some companies operating within their jurisdiction while statutorily ignoring others. Many counties have opted not to regulate waste haulers at all in an effort not to show favoritism to larger waste haulers. HB 1821 would allow counties to adopt a more uniform policy toward waste haulers without placing smaller businesses at an unfair disadvantage.

HB 1821 would benefit the waste hauling industry by increasing efficiency, decreasing costs, and allowing for more fair competition. As a result of the loophole in current law, some small counties have numerous waste haulers competing for business in a single neighborhood. It would be much more efficient if waste hauling companies focused their operations in specific areas in order to avoid crisscrossing each other's tracks. Also, waste haulers could cut their overall costs by between an estimated 15 and 25 percent if they were to operate within a single assigned area rather than across several counties at a time.

It would not be unduly burdensome to require large waste hauling companies to comply with county licensing requirements. There are many other industries – including on-site sewage, plumbing, electrical, and building industries – for which local jurisdictions have differing codes of varying strictness and individual permitting fees. The companies in these industries have had no problem functioning across multiple jurisdictions. Large businesses that operate in several counties possess more resources with which to meet local licensing requirements.

OPPONENTS
SAY:

Requiring companies who operate in multiple jurisdictions to hold licenses and comply with differing sets of regulations in each county would put an undue burden on these companies to operate. It is too difficult and too costly for a larger company operating in several counties to know and comply with various regulations and pay multiple fees.