

BILL ANALYSIS

Senate Research Center

H.B. 717
By: Bosse (Whitmire)
Natural Resources
4-30-97
Committee Report (Amended)

DIGEST

Currently, the laws regarding illegal dumping do not apply to the "disposal of, or temporary storage for future disposal of litter or other solid waste by a person on land owned by that person, or by that person's agent." This current language of this section leaves an open door for unauthorized dumping of commercial waste that is imported to a person's land. This bill will tighten the restrictions to allow a landowner to temporarily store or dump litter or solid waste on his or her own property only if that waste is generated on that land or from the landowner's residence.

PURPOSE

As proposed, H.B. 717 provides regulations regarding the disposal or temporary storage of litter or solid waste.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 2 (Section 365.012(j), Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 365.011(1), Health and Safety Code, to redefine "approved solid waste site."

SECTION 2. Amends Sections 365.012(j) and (k), Health and Safety Code, to provide that this section does not apply to the temporary storage for future disposal of litter or other solid waste on land owned by that person, or by that person's agent. Requires the Texas Natural Resource Conservation Commission to promulgate regulations defining temporary storage. Provides that this section does not apply to an individual's disposal of litter or other solid waste if the litter or waste is generated on land the individual owns, the disposal occurs on land the individual owns, and the disposal is not for or resulting from a commercial purpose.

SECTION 3. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

(1) On page 1, between lines 4 and 5, insert:

SECTION 1. Section 365.011(1), Health and Safety Code, is amended to read as follows:

(1) "Approved solid waste site" means:

(A) a solid waste site permitted or registered by the Texas Natural Resource Conservation Commission;

(B) a solid waste site licensed by a county under Chapter 361; or

(C) a designated collection area for ultimate disposal at a permitted or licensed municipal solid waste site.

(2) On page 1, line 5, strike "1" and substitute "2".

(3) On page 1, line 15, strike "2" and substitute "3".

Amendment 2.

Strike on page 1, lines 7-15 and insert the following language:

(j) This section does not apply to the temporary storage for future disposal of litter or other solid waste on land owned by that person, or by that person's agent. The commission shall promulgate regulations defining temporary storage.

(k) This section does not apply to an individual's disposal of litter or other solid waste if:

(1) the litter or waste is generated on land the individual owns;

(2) the disposal occurs on land the individual owns; and

(3) the disposal is not for or resulting from a commercial purpose.