

BILL ANALYSIS

Senate Research Center

S.B. 1597
By: Ellis
Natural Resources
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As Filed

DIGEST

Currently, many lower income and minority communities support a disproportionately high concentration of solid waste and other industrial facilities which negatively affect air quality and property values. Consideration of the negative impact of siting these facilities in or near a community is integral to the state's development of adequate waste management capacity. This bill will provide restrictions on the siting of solid waste facilities and require the Texas Natural Resource Conservation Commission to consider cumulative risks in certain administrative proceedings.

PURPOSE

As proposed, S.B. 1597 provides restrictions on the siting of solid waste facilities and requires the Texas Natural Resource Conservation Commission to consider cumulative risks in certain administrative proceedings.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 361.002, Health and Safety Code, by adding Subsection (c), to provide that it is this state's policy to restrict the siting of solid waste facilities so that those facilities are not located disproportionately in low-income, minority, or other communities and the adverse effects of those facilities on the communities in which they are located will be minimized, while ensuring that this state has adequate solid waste management capacity.

SECTION 2. Amends Section 361.020(a), Health and Safety Code, to require the strategic state solid waste plan to include certain provisions.

SECTION 3. Amends Section 361.0201(b), Health and Safety Code, to require the plan to assess historical trends regarding the siting of solid waste facilities in low-income, minority, and other communities and include provisions to restrict the siting of those facilities so as to minimize their adverse effects on those communities.

SECTION 4. Amends Section 361.0216, Health and Safety Code, to provide that the office of pollution prevention is created to coordinate all environmental justice activities of the Texas Natural Resource Conservation Commission (TNRCC).

SECTION 5. Amends Section 361.034(a), Health and Safety Code, to require a report to be submitted by TNRCC to certain persons to include an evaluation of the progress made in accomplishing the state's policy of restricting the siting of solid waste facilities so as to minimize the adverse effects of those facilities on low-income, minority, and other communities.

SECTION 6. Amends Section 361.102, Health and Safety Code, as follows:

Sec. 361.102. New heading: PROHIBITION ON SITING OF FACILITIES WITHIN A CERTAIN DISTANCE OF RESIDENCE, CHURCH, SCHOOL, DAY CARE CENTER, PUBLIC DRINKING WATER SUPPLY, OR PARK. (a) Requires TNRCC, by rule, to

prohibit the issuance of a permit for a new solid waste facility, rather than for a hazardous waste landfill or land treatment facility, or the areal expansion of such a facility, the siting or areal expansion of a solid waste facility that is exempt from the requirement of a permit, or the disposal of solid waste if the facility or disposal site is to be located within one-half mile, rather than 1,000 feet of an established residence, church, school, day care center, surface water body used for a public drinking water supply, or dedicated public park.

(b) Deletes existing text regarding the issuance of a permit for a new commercial hazardous waste facility or areal expansion of such a facility. Requires distances for a subsequent areal expansion of a new solid waste facility that was required to comply with Subsection (a) to be measured from one of certain areas only if, at the time the distance was certified under that subsection the property was being used for that purpose or in the case of a residence, the property was zoned residential.

(c) Requires TNRCC, by rule, to prohibit the issuance of a permit for a new solid waste facility or the areal expansion of such a facility, the siting or areal expansion of a solid waste facility that is exempt from the requirement of a permit, or the disposal of solid waste if the facility or disposal site is to be located at a distance greater than one-half mile from certain areas, unless the applicant or the owner or operator of the facility or disposal site demonstrates that the facility or disposal sites will be operated so as to safeguard public health and welfare and protect physical property and the environment, at any distance beyond the facility's or disposal site's property boundaries, consistent with the purposes of this chapter.

(d) Requires the measurement of distances required by Subsections (a), (b), and (c) to be taken toward the property line of certain properties that are in use when construction of the facility or disposal site begins, if a permit is not required. Makes conforming and nonsubstantive changes.

(e) Provides that the restrictions imposed by Subsection (a)-(c), rather than (a)-(d), do not apply to certain areas within the boundaries of a solid waste facility or disposal site or property owned by the owner or operator of the facility or disposal site.

(f) Makes conforming changes.

SECTION 7. Provides that the changes in law made by this Act apply only to certain facilities.

SECTION 8. Effective date: September 1, 1997.

SECTION 9. Emergency clause.