

BILL ANALYSIS

Senate Research Center

S.B. 803
By: Lucio
Natural Resources
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As Filed

DIGEST

Currently, the Texas Natural Resource Conservation Commission (TNRCC) is responsible for issuing permits for solid waste management facilities. In the early 1980s, the Texas Air Control Board (TACB) ruled that a permitted solid waste management facility was also required to obtain an air permit. Legislation passed in 1985 contained a concept called one-stop permitting whereby provisions of the TACB permit could be added to the Texas Water Commission (TWC) industrial or hazardous waste permits or to the Texas Department of Health (TDH) municipal solid waste permits so that applicants could make a single application and be granted a single permit covering all relevant agencies. In 1991, the legislature abolished TACB effective September 1, 1993, and changed the name of TWC to TNRCC. Additionally, the TDH responsibility for municipal solid waste facilities was transferred to TNRCC. Because all affected program areas involved in the one-stop permitting option were consolidated into one agency, the provisions were repealed as unnecessary. However, there is now confusion over the existence of sufficient legal authority within TNRCC to continue to accomplish the intent of those provisions. This bill will provide for one-stop permitting by TNRCC and would allow TNRCC flexibility to exempt solid waste management facilities from requirements to have air provisions in permits when appropriate.

PURPOSE

As proposed, S.B. 803 provides for one-stop permitting for solid waste management facilities by Texas Natural Resource Conservation Commission (TNRCC) and allows TNRCC flexibility to exempt solid waste management facilities from requirements to have air provisions in permits when appropriate.

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 Chapter 361C, Health and Safety Code, by adding Section 361.0865, as follows:

Sec. 361.0865. SINGLE PERMITTING. Provides that the owner or operator of a solid waste management facility is not required to obtain more than one permit for certain types of activities unless an additional permit is required by federal law or a permit issued by the Railroad Commission of Texas is required under Chapter 27, Water Code. Requires the Texas Natural Resource Conservation Commission (TNRCC), on request of an applicant, to consolidate air and waste management requirements in a single permit, and requires the review of the permit application to be through a single permit hearing. Authorizes TNRCC to exempt classes of solid waste management facilities from air impact review or from permit provisions relating to air impacts because of low potential for air impacts offsite. Prohibits TNRCC from applying this section in a manner inconsistent with federal law.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.