

BILL ANALYSIS

Senate Research Center

S.B. 866
By: Lucio
Natural Resources
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As Filed

DIGEST

Currently, there are a variety of procedures for amending or modifying permits issued by the Texas Natural Resource Conservation Commission (TNRCC). For example, the notice requirements for modifications differ from the municipal solid waste division to the industrial and hazardous waste program, and there are no modifications for water quality permits. Permit applicants and the public will find it easier to locate and understand the requirements to amend a permit if the relevant statutes are consolidated in a single part of the statute. This bill will provide new regulations regarding the transfer of permits, registrations or other authorizations issued by TNRCC.

PURPOSE

As proposed, S.B. 866 provides new regulations regarding the transfer of permits, registrations or other authorizations issued by the Texas Natural Resource Conservation Commission.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 2 (Section 5.238(c), Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 5.001, Water Code, by adding Subdivisions (4) and (5), to define "change of ownership" and "transfer."

SECTION 2. Amends Chapter 5F, Water Code, by adding Section 5.238, as follows:

Sec. 5.238. TRANSFER OF PERMIT. Authorizes a permit to be transferred, except as provided by Subsection (b), if the person seeking the permit transfer meets certain requirements. Authorizes a permit issued under Chapter 382, Health and Safety Code, to be transferred by the Texas Natural Resource Conservation Commission (TNRCC) according to TNRCC rule. Requires TNRCC to adopt rules to implement this section. Defines "permit."

SECTION 3. Amends Section 381.086(c), Health and Safety Code, to authorize a permit to be transferred as provided by Section 5.238, Water Code. Deletes a provision prohibiting transfer of a permit without first giving written notice to and receiving written approval of the agency that issued the permit.

SECTION 4. Amends Section 361.112(h), Health and Safety Code, to delete a reference to transfer of a permit. Makes a conforming change.

SECTION 5. Amends Chapter 371B, Health and Safety Code, by adding Section 371.0261, as follows:

Sec. 371.0261. TRANSFER OF REGISTRATION. Authorizes a registration to be transferred as provided by Section 5.238, Water Code.

SECTION 6. Amends Section 382.051, Health and Safety Code, as follows:

Sec. 382.051. New heading: PERMITTING AUTHORITY OF COMMISSION; RULES; TRANSFER OF PERMIT. Makes a conforming change.

SECTION 7. Amends Section 401.110, Health and Safety Code, to authorize the Texas Department of Health or TNRCC, in making a determination whether to assign a license or registration, to consider certain criteria.

SECTION 8. Amends Section 401.119, Health and Safety Code, as follows:

Sec. 401.119. New heading: LICENSE OR REGISTRATION TRANSFER. Authorizes a registration issued by the Texas Department of Health or TNRCC to be assigned only to a person qualified under rules of the issuing agency.

SECTION 9. Amends Section 13.187(a), Water Code, to make conforming changes.

SECTION 10. Amends Section 13.251, Water Code, to make a conforming change.

SECTION 11. Amends Section 13.301(g), Water Code, to make a conforming change.

SECTION 12. Amends Section 36.352(a), Water Code, to require the terms and conditions for consolidation to include transfer, in accordance with Section 5.238 or any other applicable provision of this code, of all permits issued in the area that is the subject of the consolidation to the consolidated district.

SECTION 13. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 14. Emergency clause.