

BILL ANALYSIS

Senate Research Center

C.S.S.B. 866
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Natural Resources
4-25-97
Committee Report (Substituted)

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, C.S.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 5.239(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 5.239, as follows:

Sec. 5.239. 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 11 to be transferred by the Texas Natural Resource Conservation Commission (TNRCC) according to that chapter and TNRCC rules adopted under that chapter. 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 5.239, 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 5.239, 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 13.251, Water Code, to make a conforming change.

SECTION 10. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 11. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 5.001, Water Code, to redefine "transfer."

SECTION 2.

Amends Section 5.238, Water Code, to redesignate it as Section 5.239, Water Code. Adds regulations regarding the transfer of a permit. Authorizes a permit issued under Chapter 11, rather than Chapter 382, Health and Safety Code, to be transferred according to that chapter and TNRCC rules adopted under that chapter.

SECTION 3.

Amends Section 361.086(c), Water Code, to make a conforming change.

SECTION 4.

Amends Section 361.112(h), Health and Safety Code, to make a conforming change.

SECTION 5.

Amends Section 371.0261, Water Code, to make a conforming change.

SECTION 6.

Amends Section 382.051(e), Water Code, to make a conforming change.

SECTION 9.

Deletes proposed SECTIONS 9, 11, and 12.

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