

## **BILL ANALYSIS**

Senate Research Center

S.B. 960  
By: Armbrister  
Natural Resources  
3-18-97  
As Filed

### **DIGEST**

Currently, the Texas Natural Resource Conservation Commission (TNRCC) is authorized to set standards or requirements for a sanitary landfill that are more stringent than federal standards. During the 73rd Legislature, the House Committee on Environmental Regulation recommended that state landfill regulations be made uniform with federal regulations since the committee found that federal regulations were stringent enough and sufficiently protected public health and the environment. This bill will prohibit the TNRCC from imposing standards or requirements on sanitary landfills that are more stringent than certain federal standards and provide for review of the standards and requirements by the executive director of the TNRCC.

### **PURPOSE**

As proposed, S.B. 960 prohibits the Texas Natural Resource Conservation Commission from imposing standards or requirements on sanitary landfills that are more stringent than certain federal standards and provides for review of the standards and requirements by the executive director of the Texas Natural Resource Conservation Commission.

### **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 361B, Health and Safety Code, by adding Sections 361.040 and 361.041, as follows:

Sec. 361.040. FEDERAL STANDARDS FOR SANITARY LANDFILLS. Prohibits the Texas Natural Resource Conservation Commission (TNRCC) from imposing a standard or requirement on a sanitary landfill that is more stringent than a standard or requirement required by the United States Environmental Protection Agency (EPA) under Subchapter IV, Solid Waste Disposal Act, as amended (42 U.S.C. Section 6941 et seq.). Prohibits TNRCC from requiring the installation of a landfill gas collection and control system at a sanitary landfill unless a landfill gas collection and control system is required to be installed under Subchapter IV, Solid Waste Disposal Act, as amended, or under Section 111 or 112 of the federal Clean Air Act, as amended (42 U.S.C. Section 7401 et seq.). Requires TNRCC, in developing sanitary landfill standards or requirements, to allow the maximum flexibility permissible under regulations of EPA for alternative landfill and alternative gas collection and control system designs.

Sec. 361.041. REVIEW OF SANITARY LANDFILL STANDARDS. Sets forth procedures for review of TNRCC's sanitary landfill standards by the executive director of TNRCC.

SECTION 2. Amends Section 361.034(a), Health and Safety Code, to require TNRCC to submit a report to certain persons that includes a statement confirming that TNRCC complies with Section 361.040; and a digest of requests for review under Section 361.041, identifying the state and federal standards or requirements reviewed and summarizing the executive director's opinion issued for each request.

SECTION 3. Amends Section 363.046, Health and Safety Code, to require the Municipal Solid Waste Management and Resource Recovery Advisory Council (advisory council) to conduct a continuing review of the standards and requirements TNRCC imposes on sanitary landfills to ensure that TNRCC does not impose a standard of requirement that is more stringent than certain federal standards or requirements, and to report its findings to TNRCC on or before September 1 of each year.

SECTION 4. Amends Chapter 361C, Health and Safety Code, by adding Section 361.071, as follows:

Sec. 361.071. PERMITS FROM OTHER AGENCIES. Provides that the owner or operator of a solid waste management facility is not required to obtain a permit from any agency of the state other than TNRCC, or any permit from TNRCC other than a permit issued under this chapter, to store, process, treat, dispose of, or destroy solid waste unless certain criteria are met.

SECTION 5. Requires the advisory council to make the first report to TNRCC required by Section 363.046(5), Health and Safety Code, as added by this Act, not later than September 1, 1998.

SECTION 6. Emergency clause.  
Effective date: upon passage.