

## BILL ANALYSIS

Senate Research Center

H.B. 3157  
By: Bonnen (Armbrister)  
Natural Resources  
5/22/2003  
Engrossed

**This analysis utilizes the House Committee Report, which is the most recent version available to the Senate Research Center, and is not formatted to the style of the Senate Research Center. There were no changes to H.B. 3157 on the House floor.**

### DIGEST AND PURPOSE

In 2001, the 77th Texas Legislature passed H.B. 3111, which dealt with omnibus occupational licensing and registration at the Texas Commission on Environmental Quality (TCEQ). The statute clearly stated in amendments to the Section 361.027, Health and Safety Code, that TCEQ could implement a program to license persons who supervise the operation or maintenance of solid waste facilities. Although some believe that it was not the intention of the legislation to require such a license for someone whose primary responsibility it is to transport solid waste, the rules adopted by TCEQ in implementing the legislation require such a license. H.B. 3157 clarifies that TCEQ may not require a municipal solid waste facility supervisors license for a person whose primary responsibility at a solid waste facility is to transport solid waste and who does not supervise any activity at a solid waste facility.

H.B. 3157 makes two corrections to Chapter 361, Health and Safety Code, by correcting an obsolete reference to the Texas Department of Commerce and providing that TCEQ shall also work with the MSW Advisory Council on developing markets for recycled materials and clarifies that notice of a solid or hazardous waste permit application be sent to both district and capitol offices of the legislators in the area where the proposed landfill is to be located.

H.B. 3157 also clarifies that a regional planning commission must receive a copy of an administratively complete permit application and that any proposed facility that was found to be incompatible with a regional solid waste management plan, on or before January 13, 2003, be denied the permit.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### ANALYSIS

SECTION 1. Amends Section 361.0151(b), Health and Safety Code, to require the commission to work in conjunction with the Texas Department of Economic Development and the Municipal Solid Waste Management and Resource Recovery Advisory Council to pursue the development of markets for recycled materials, including composting products.

SECTION 2. Amends Section 361.027, Health and Safety Code by not allowing the commission to require a license for a person whose primary responsibility is to transport solid waste and who does not supervise any activity at a solid waste facility.

SECTION 3. Amends Section 361.0641, Health and Safety Code, by requiring notice of the application or notice of intent to file an application for a solid waste or hazardous waste permit be sent to both the district and capitol offices of the state senator and representative who represent the area in which the facility is or will be located.

SECTION 4. Amends Section 361.067(a), Health and Safety Code, by requiring an administratively complete permit application be mailed to the regional planning commission created under Chapter 391, Local Government Code, for the region in which the facility is located.

SECTION 5. Amends Section 361.122, Health and Safety Code, by not allowing the commission to issue a Type IV landfill if, on or before January 13, 2003, the proposed facility was determined by the applicable regional planning commission to be incompatible with a regional solid waste management plan adopted under Section 363.062 of this code.

SECTION 6. Establishes the effective date of September 1, 2003.

**EFFECTIVE DATE**

September 1, 2003.