

BILL ANALYSIS

Senate Research Center
80R6946 SLO-D

S.B. 1281
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Commission of Environmental Quality (TCEQ) has the authority to adopt certain rules pertaining to managing and protecting the Edwards Aquifer including its recharge zones. The ability of TCEQ to form those rules is enhanced under statutory guidelines. In light of the Helotes, Texas, fire that occurred over the Edwards Aquifer, which was potentially dangerous to the water supply of San Antonio, a need has emerged to have clearer permitting requirements.

As proposed, S.B. 1281 requires TCEQ by rule to establish greater standards for municipal solid waste and recycling facilities above recharge and transition zones, create increased groundwater protection features, and create fire lanes between piles of combustible material.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Chapter 361, Health and Safety Code) in this bill.

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality (TCEQ), as the successor agency to TNRCC.]

SECTION 1. Amends Subchapter C, Chapter 361, Health and Safety Code, by adding Section 361.125, as follows:

Sec. 361.125. PERMIT REQUIREMENTS FOR MUNICIPAL SOLID WASTE FACILITY ON RECHARGE OR TRANSITION ZONE OF SOLE SOURCE AQUIFER. Requires the Texas Commission on Environmental Quality by rule to impose heightened standards for the issuance of a permit for a municipal solid waste facility, including a recycling facility, under this chapter if the facility is located on the recharge zone or transition zone of a sole source aquifer; to require a municipal solid waste facility, including a recycling facility, that is located on the recharge zone of a sole source aquifer to install groundwater protection features, such as liners and monitoring wells, specified by TCEQ; and to require a recycling facility that is located on the recharge zone or transition zone of a sole source aquifer to establish fire lanes between piles of combustible materials.

SECTION 2. Effective date: September 1, 2007.