

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1281
By: Van de Putte
Natural Resources
4/28/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Commission on 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 with 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.

C.S.S.B. 1281 seeks to address the process for authorizing municipal solid waste and recycling facilities to operate above a sole source aquifer. This bill clarifies definitions of a recharge and transition zone and guides TCEQ to impose heightened standards to issue a municipal solid waste permit, require municipal solid waste facilities above sole source aquifers to have groundwater protection features, and require that recycling facilities located on transition or recharge zones have fire lanes between piles of combustible material. This bill is designed to give statutory guidance to TCEQ to establish through rules specific measures to protect sole source aquifer water from possible contaminations through municipal solid waste and recycling facilities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission [Texas Commission on Environmental Quality] in SECTION 1 (Section 361.125, 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. (a) Defines "recharge zone," "transition zone," and "sole source aquifer."

(b) Requires the Texas Natural Resources Conservation Commission (TNRCC) 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 TNRCC; 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.