

## **BILL ANALYSIS**

Senate Research Center  
81R14473 JJT-D

S.B. 2235  
By: Seliger  
Natural Resources  
4/7/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current statute is unclear as to whether another entity could also be listed on the permit of a solid waste facility when the statute refers to the "person in charge of a solid waste facility." Historically, the state has considered the "operator" and the "person in charge" as the same entity. There have been cases recently where the name of the contractor has been added to a municipal solid waste permit as the "person in charge" of the solid waste facility. This practice has caused disagreement among the industry and the Texas Commission on Environmental Quality.

As proposed, S.B. 2235 would clarify that only the landowner and operator of a solid waste facility are listed on the permit.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 361.003, Health and Safety Code, by adding Subdivision (21-a), to define "operator."

SECTION 2. Amends Sections 361.087 and 361.157, Health and Safety Code, as follows:

Sec. 361.087. CONTENTS OF PERMIT. Requires that a permit issued under this subchapter include the name and address of each person who owns the land on which the solid waste facility is located and the person who is or will be the operator, rather than person, in charge of the facility.

Sec. 361.157. CONTENTS OF LICENSE. Requires that a license for a solid waste facility issued by a county include the name and address of each person who owns the land on which the solid waste facility is located and the person who is or will be the operator, rather than person, in charge of the facility.

SECTION 3. Effective date: September 1, 2009.