

## **BILL ANALYSIS**

Senate Research Center  
81R25232 JJT-D

C.S.S.B. 2235  
By: Seliger  
Natural Resources  
5/1/2009  
Committee Report (Substituted)

### **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.

C.S.S.B. 2235 amends current law relating to the names of persons included on a permit or license for certain solid waste facilities under the Solid Waste Disposal Act.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 3 of this bill.

### **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 among other information 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 operator or 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 among other information 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. Provides that the changes in law to Sections 361.003 (Definitions), 361.087, and 361.157, Health and Safety Code, as amended by this Act, do not affect the status as of the effective date of the Act of any permit or license for, holder of a permit or license for, or owner or operator of a solid waste facility under Chapter 361 (Solid Waste Disposal Act), Health and Safety Code. Requires the Texas Commission on Environmental Quality (TCEQ) to amend TCEQ's rules as necessary for the commission's permitting actions taken after the effective date of this Act to conform to those sections, as amended.

SECTION 4. Effective date: September 1, 2009.