

**SUBJECT:** Prohibiting TNRCC landfill fees for certain solid waste

**COMMITTEE:** Environmental Regulation — committee substitute recommended

**VOTE:** 5 ayes — Dukes, Howard, Kuempel, Stiles, Yost  
0 nays  
4 absent — Chisum, Jackson, Saunders, Talton

**WITNESSES:** For — Robert A. Miller, Waste Management of Texas  
Against — None

**BACKGROUND:** The Texas Natural Resource Conservation Commission (TNRCC) charges a solid waste disposal and transportation fee ("tipping fees") on solid waste disposed of in the state. The fee is \$1.25 per ton received for disposal, if the solid waste is measured by weight.

**DIGEST:** CSSB 2944 would amend Health and Safety Code, sec. 361.013, to prohibit the Texas Natural Resource Conservation Commission (TNRCC) from charging landfill facilities a solid waste fee in certain circumstances.

A fee would not be charged to a facility for solid waste resulting from a public entity's effort to protect the public health and safety of the community from the effects of a natural or man-made disaster or from structures that were contributing to drug trafficking or other crimes, as long as that facility donated to a city, county or political subdivision the cost of disposing of that waste.

**SUPPORTERS SAY:** Landfill facilities that refrain from charging tipping fees, for the greater good of the communities in which they are located should not be charged by the TNRCC for the waste they have disposed of for free.

Public entities that are making an effort to clean up their communities would benefit from this bill, since solid waste facility operators would be much more inclined to dispose of waste for free if it resulted from a public entity's effort to protect the health and safety of a community or resulted from a clean-up effort after a natural disaster.

The City of Tyler recently destroyed a number of abandoned houses where crack cocaine was sold and that were a blight on the neighborhood in which they were located. The local landfill agreed to dispose of the waste for free (no tipping fees were charged), but afterward they were charged almost \$600 in solid waste disposal fees for the waste by the TNRCC. Landfill operators that donate their time and money to dispose of waste for free for the good of their communities should not be penalized for it.

TNRCC would lose only a negligible amount of revenue from the lost solid waste disposal fees, since there is little revenue (and not a lot of waste) generated from the specific activities laid out in the bill. The fiscal note determined that the bill would have no significant fiscal implication for the state.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

The committee substitute made no substantial changes to the original version of the bill.

The companion bill, SB 376 by Ellis, was placed on the Senate Local and Uncontested Calendar for May 8.