

SUBJECT: Exemptions from industrial solid waste permitting requirements

COMMITTEE: Environmental Regulation — committee substitute recommended

VOTE: 7 ayes — Chisum, Allen, Dukes, Howard, Kuempel, Puente, Talton
0 nays
2 absent — Jackson, Hirschi

SENATE VOTE: On final passage, Local and Uncontested Calendar, April 17 — 31-0

WITNESSES: (*On House companion, HB 1529*)
For — Wade Stansell, Association of Electric Companies of Texas

Against — None

On — Minor Hibbs, Texas Natural Resource Conservation Commission;
Ken Kramer, Sierra Club

BACKGROUND : The Health and Safety Code specifies that the Texas Natural Resource Conservation Commission (TNRCC) may not require a solid waste disposal permit for the collection, handling, storage, processing and disposal of nonhazardous industrial solid waste disposed of on land owned or controlled by the particular plant or operation from which the waste is produced and located within 50 miles from the plant or operation that is the source of the waste.

DIGEST: CSSB 1464 would establish that a permit would not be required for solid waste that was collected, handled, processed, or stored within the boundaries of a tract of land owned or controlled by the plant or operation that was the source of the waste.

The bill would take effect September 1, 1997.

SUPPORTERS SAY: CSSB 1464 would encourage utilities and other large manufacturing, mining or agricultural operations to recycle nonpermitted nonhazardous waste by giving these companies added flexibility to collect their waste at a

centrally located transfer facility for consolidation on land they owned or controlled. Under current requirements, such nonpermitted waste must be stored within 50 miles of where it was generated. It is not profitable, however, for recyclers to have to drive to multiple collection sites at the various facilities of one company that may be located far away from one other in isolated areas.

CSSB 1464 would allow a company to set up a collection and transfer facility on its own land and transport waste from its different facilities to one central location. Collecting significant amounts of waste in one place would make it worthwhile for recyclers to come and collect it. This would benefit the company, which could dispose of its waste in an environmentally correct manner, the environment, because the waste would be recycled, and the recycling industry, which could reduce overhead costs.

The bill should not be restricted to waste generated in Texas. There is no reason why a company that might provide electricity or some other service in a multi-state area should not also be granted the additional flexibility granted in the bill. Any waste such companies generate could not be collected for disposal in Texas but merely for processing, and it would just as likely be transported out of the state.

**OPPONENTS
SAY:**

Removing the current statutory provision requiring that unpermitted industrial solid waste remain within 50 miles of where it was generated would allow companies to bring industrial waste generated outside of Texas into the state. The state has enough solid waste problems without encouraging the importation of waste from Mexico or neighboring states, even if that waste was generated on land owned by the company from which the waste was produced.

NOTES:

The committee substitute removed a provision that would have limited the bill's application to waste generated in Texas.