

SUBJECT: TNRCC establishment of solid-waste application deadlines

COMMITTEE: Environmental Regulation — favorable, without amendment

VOTE: 9 ayes — Chisum, Allen, Culberson, Dukes, Howard, Kuempel, Palmer, Talton, Zbranek
0 nays

SENATE VOTE: On final passage, March 11 — voice vote

WITNESSES: For — Bob Gregory, National Solid Waste Management Association, Texas Chapter
Against — None

BACKGROUND: The Texas Natural Resource Conservation Commission (TNRCC) regulates the management of solid waste under the Solid Waste Disposal Act (Health and Safety Code, chapter 361). The act governs permits for landfills, transfer stations, and other facilities for processing and disposing of solid waste.

DIGEST: SB 487 would delete a current statutory requirement that an applicant for a solid waste permit submit any additional information that TNRCC deems necessary to ensure that the application is administratively complete no later than the 270th day after the applicant receives notice from TNRCC that more information is needed. Instead, the bill would require TNRCC, by rule, to establish a deadline by which this additional information would have to be submitted.

The bill would take effect September 1, 1999.

SUPPORTERS SAY: Requiring TNRCC to establish a deadline for submitting material needed to make an application administratively complete would speed up the permit process and encourage applicants to file better applications the first time.

An application can fill dozens of binders of information, and TNRCC sometimes must spend a year or more working with an applicant to complete it. This is not only an inefficient use of the agency's time, but it gives rise to

the public perception that TNRCC staff work so closely with applicants that they lose their objectivity about the application.

Allowing TNRCC to establish a shorter deadline for administrative completeness would reflect current practice at the agency. The 270-day deadline that SB 487 would delete was intended originally to encompass both administrative completeness and technical review. These two functions are now separate, and the 270-day deadline has caused the application process to proceed far too slowly.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

A related bill, SB 486 by Brown, which includes a provision identical to SB 487 and also would amend Health and Safety Code provisions for city and county authority over landfill siting, passed the Senate on March 11 and was set on the House General State Calendar for May 19.