

SUBJECT: Repealing TCEQ reporting requirements and studying permitting procedures

COMMITTEE: Government Reform — favorable, without amendment

VOTE: 4 ayes — Swinford, Allen, Casteel, R. Cook

0 nays

3 absent — Gallego, Callegari, T. Smith

WITNESSES: No public hearing

DIGEST: HB 13 would repeal statutes that require TCEQ to:

- develop strategic plans for state solid waste management and municipal solid waste management;
- assess the state's needs for commercial hazardous and nonhazardous waste management or disposal capacity, and update the assessments and related rules every two years;
- report jointly with the Public Utility Commission on the status of the development of landfill gas;
- report biennially on pollution-source reduction and waste minimization;
- report in even-numbered years on the status of the used-oil recycling account; and
- report biennially on alternative fuels.

HB 13 also would create a seven-member study committee to evaluate and assess TCEQ permitting procedures and report its findings by December 1, 2004. The committee would consist of three appointees of the lieutenant governor, three appointees of the House speaker, and one public member appointed by the governor. The committee's evaluation would have to include the identification of problems with TCEQ's permitting processes, potential options, and solutions. The solutions identified in the assessment would have to ensure that:

- all relevant environmental protection standards were maintained at least at the current level;
- TCEQ's permitting processes were streamlined, user-friendly for citizens, and promoted economic development; and
- all stakeholder concerns were considered.

The bill would take effect December 1, 2003.

**SUPPORTERS
SAY:**

HB 13 would repeal statutes requiring TCEQ to issue legislative reports on various topics. Many of these reports are duplicative and time-consuming to prepare. The information contained in them could be covered easily in a single report, such as the comprehensive biennial report that the agency already is required to submit to the Legislature. The biennial report details all of the agency's activities during the interim. Moreover, eliminating the current reporting requirements would reduce personnel and printing costs and save the agency about \$500,000 per year.

HB 13 also would create a study committee to examine and recommend changes to improve TCEQ's environmental permitting process. Some businesses have cited lengthy delays, which sometimes can take up to 650 days, and the cumbersome nature of the permitting process in Texas as reasons for locating their operations in another state. Moreover, environmental groups have pointed out that the current permitting process could be improved by providing for greater public participation and input. HB 13 would require the committee to evaluate thoroughly the permitting procedures in place currently, and identify solutions that could streamline the process while safeguarding environmental standards and public input.

**OPPONENTS
SAY:**

Although consolidating the legislative reports produced by TCEQ may be a good idea, the bill should specify that the information included in these reports be included in a single report. Many of the topics of the reports that HB 13 would eliminate are worthy of continued investigation, such as waste management and minimization and alternative energy sources and fuels. Because the bill would eliminate reports without specifying that their topics be covered in another report, many important issues could be overlooked.

NOTES:

During the first called session, SB 22 by Ellis, an omnibus government reorganization bill, included in Arts. 10 and 11 provisions identical to HB 13, except that SB 22 would have required a joint committee of the House Environmental Regulation Committee and the Senate Natural Resources Committee to conduct the permitting evaluation and assessment study instead of creating an appointed study committee. SB 22 passed the Senate, but died in the House Government Reform Committee.