

By: Swinford

H.B. No. 13

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain reports and permits of the Texas Commission on  
3 Environmental Quality.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 363.064(a), Health and Safety Code, is  
6 amended to read as follows:

7 (a) A regional or local solid waste management plan must:

8 (1) include a description and an assessment of current  
9 efforts in the geographic area covered by the plan to minimize  
10 production of municipal solid waste, including sludge, and efforts  
11 to reuse or recycle waste;

12 (2) identify additional opportunities for waste  
13 minimization and waste reuse or recycling;

14 (3) include a description and assessment of existing  
15 or proposed community programs for the collection of household  
16 hazardous waste;

17 (4) make recommendations for encouraging and  
18 achieving a greater degree of waste minimization and waste reuse or  
19 recycling in the geographic area covered by the plan;

20 (5) encourage cooperative efforts between local  
21 governments in the siting of landfills for the disposal of solid  
22 waste;

23 (6) consider the need to transport waste between  
24 municipalities, from a municipality to an area in the jurisdiction

1 of a county, or between counties, particularly if a technically  
2 suitable site for a landfill does not exist in a particular area;

3 (7) allow a local government to justify the need for a  
4 landfill in its jurisdiction to dispose of the solid waste  
5 generated in the jurisdiction of another local government that does  
6 not have a technically suitable site for a landfill in its  
7 jurisdiction;

8 (8) establish recycling rate goals appropriate to the  
9 area covered by the plan;

10 (9) recommend composting programs for yard waste and  
11 related organic wastes that may include:

12 (A) creation and use of community composting  
13 centers;

14 (B) adoption of the "Don't Bag It" program for  
15 lawn clippings developed by the Texas Agricultural Extension  
16 Service; and

17 (C) development and promotion of education  
18 programs on home composting, community composting, and the  
19 separation of yard waste for use as mulch;

20 (10) include an inventory of municipal solid waste  
21 landfill units, including:

22 (A) landfill units no longer in operation;

23 (B) the exact boundaries of each former landfill  
24 unit or, if the exact boundaries are not known, the best  
25 approximation of each unit's boundaries;

26 (C) a map showing the approximate boundaries of  
27 each former landfill unit, if the exact boundaries are not known;

1 (D) the current owners of the land on which the  
2 former landfill units were located; and

3 (E) the current use of the land;

4 (11) assess the need for new waste disposal capacity;  
5 and

6 (12) include a public education program[~~, and~~

7 [~~(13) include waste reduction in accordance with the~~  
8 ~~goal established under Section 361.0201(d), to the extent that~~  
9 ~~funds are available].~~

10 SECTION 2. The heading to Section 5.178, Water Code, is  
11 amended to read as follows:

12 Sec. 5.178. ANNUAL REPORTS; BIENNIAL APPENDICES  
13 [~~APPENDIXES~~].

14 SECTION 3. Section 5.178(b), Water Code, is amended to read  
15 as follows:

16 (b) The report due by December 1 of an even-numbered year  
17 shall include, in addition:

18 (1) the commission's recommendations for necessary and  
19 desirable legislation; and

20 (2) the following reports:

21 (A) the assessments and reports required by  
22 Section [~~Sections~~] 361.0219(c) [~~, 361.0232, 361.510, 371.063, and~~  
23 ~~382.141~~], Health and Safety Code;

24 (B) the reports required by Section 26.0135(d)  
25 [~~of this code~~] and Section 5.02, Chapter 133, Acts of the 69th  
26 Legislature, Regular Session, 1985; and

27 (C) a summary of the analyses and assessments

1 required by Section 5.1773 [~~of this code~~].

2 SECTION 4. (a) Sections 361.020, 361.0201, 361.0232,  
3 361.0233, 361.0234, 361.040(d), 361.0871(c), 361.510, 371.063,  
4 382.141, Health and Safety Code, are repealed.

5 (b) Section 5.178(c), Water Code, is repealed.

6 SECTION 5. (a) It is the policy of this state to be  
7 effective and efficient with public funds, to provide for effective  
8 and efficient management of natural resources, and to serve the  
9 people of Texas by making the government more visible, accessible,  
10 coherent, consistent, and accountable to the people of Texas. The  
11 legislature finds that the Texas Commission on Environmental  
12 Quality's procedures for processing permits is cumbersome,  
13 confusing, lengthy, and inefficient for citizens, business,  
14 political subdivisions, and the commission.

15 (b) The Texas Commission on Environmental Quality's  
16 permitting processes warrant, and the legislature directs, an  
17 in-depth evaluation, including the identification of problems,  
18 potential options, and solutions. The evaluation must solicit and  
19 consider input from all stakeholders, including public hearings and  
20 the opportunity for submission of written and oral comments. The  
21 solutions identified in the final assessment of the commission's  
22 permitting processes must ensure that:

23 (1) all relevant environmental protection standards  
24 are maintained at a level that at least equals the current level;

25 (2) the commission's permitting processes are  
26 streamlined;

27 (3) the commission's permitting processes are

1 user-friendly to citizens and promote sound economic development;  
2 and

3 (4) all stakeholder concerns are considered.

4 (c) A seven-member study committee shall conduct the  
5 evaluation and final assessment required by Subsection (b) of this  
6 section and submit its findings not later than December 1, 2004, to  
7 the governor, the lieutenant governor, the speaker of the house of  
8 representatives, the Texas Commission on Environmental Quality,  
9 and the chair of the standing committee of each house of the  
10 legislature with primary jurisdiction over environmental issues.  
11 The study committee shall consist of:

12 (1) three appointees of the lieutenant governor;

13 (2) three appointees of the speaker of the house of  
14 representatives; and

15 (3) one public member appointed by the governor.

16 (d) It is the intent of the legislature to effectuate the  
17 appropriate solutions through legislation at the earliest  
18 opportunity subsequent to receipt of the study committee's final  
19 assessment.

20 SECTION 6. This Act takes effect December 1, 2003.