

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.