

By: Hamric

H.B. No. 1823

Substitute the following for H.B. No. 1823:

By: Chisum

C.S.H.B. No. 1823

A BILL TO BE ENTITLED

AN ACT

1
2 relating to financial assurance for certain solid waste processing
3 facilities.

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

5 SECTION 1. Section 361.119, Health and Safety Code, is
6 amended by amending Subsection (d) and adding Subsection (f) to
7 read as follows:

8 (d) A facility that is owned, operated, or affiliated with a
9 person that has a permit to dispose of municipal solid waste is not
10 subject to regulation or [the] requirements for financial assurance
11 under rules adopted under this section [~~of recordkeeping and~~
12 ~~reporting adopted under Subsection (b)~~].

13 (f) The commission shall adopt rules to ensure that the
14 owner or operator of a recycling facility, including a composting
15 or mulching facility, has in place sufficient financial assurance
16 conditioned on satisfactorily operating and closing the facility
17 and consistent with the requirements of Section 361.085 for a solid
18 waste facility other than a facility for the disposal of hazardous
19 waste. This subsection applies only to an owner or operator of a
20 recycling facility:

21 (1) at which combustible material is stored outdoors;

22 or

23 (2) that poses a significant risk to public health and
24 safety as determined by the commission.

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2003.