

1-1 By: Hamric (Senate Sponsor - Lindsay) H.B. No. 1823
1-2 (In the Senate - Received from the House May 19, 2003;
1-3 May 20, 2003, read first time and referred to Committee on Natural
1-4 Resources; May 23, 2003, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to financial assurance for certain solid waste processing
1-9 facilities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 361.119, Health and Safety Code, is
1-12 amended by amending Subsection (d) and adding Subsection (f) to
1-13 read as follows:

1-14 (d) A facility that is owned, operated, or affiliated with a
1-15 person that has a permit to dispose of municipal solid waste is not
1-16 subject to regulation or [the] requirements for financial assurance
1-17 under rules adopted under this section [of recordkeeping and
1-18 reporting adopted under Subsection (b)].

1-19 (f) The commission shall adopt rules to ensure that the
1-20 owner or operator of a recycling facility, including a composting
1-21 or mulching facility, has in place sufficient financial assurance
1-22 conditioned on satisfactorily operating and closing the facility
1-23 and consistent with the requirements of Section 361.085 for a solid
1-24 waste facility other than a facility for the disposal of hazardous
1-25 waste. This subsection applies only to an owner or operator of a
1-26 recycling facility:

1-27 (1) at which combustibile material is stored outdoors;

1-28 or

1-29 (2) that poses a significant risk to public health and
1-30 safety as determined by the commission.

1-31 SECTION 2. This Act takes effect immediately if it receives
1-32 a vote of two-thirds of all the members elected to each house, as
1-33 provided by Section 39, Article III, Texas Constitution. If this
1-34 Act does not receive the vote necessary for immediate effect, this
1-35 Act takes effect September 1, 2003.

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