

By: Bonnen

H.B. No. 3157

Substitute the following for H.B. No. 3157:

By: Smith of Harris

C.S.H.B. No. 3157

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the disposal of solid waste.

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

SECTION 1. Section 361.0151(b), Health and Safety Code, is amended to read as follows:

(b) The commission shall work in conjunction with the Texas Department of Economic Development and the Municipal Solid Waste Management and Resource Recovery Advisory Council [~~Commerce~~] to pursue the development of markets for recycled materials, including composting products.

SECTION 2. Section 361.027, Health and Safety Code, is amended to read as follows:

Sec. 361.027. LICENSURE OF SOLID WASTE FACILITY SUPERVISORS. The commission may implement a program under Chapter 37, Water Code, to license persons who supervise the operation or maintenance of solid waste facilities. The commission may not require a license for a person:

(1) whose primary responsibility at a solid waste facility is to transport solid waste; and

(2) who does not supervise any activity at a solid waste facility.

SECTION 3. Section 361.0641, Health and Safety Code, is amended to read as follows:

Sec. 361.0641. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

1 On receiving an application for, or notice of intent to file an
2 application for, a permit to construct, operate, or maintain a
3 facility to store, process, or dispose of solid waste or hazardous
4 waste, the commission shall send notice of the application or the
5 notice of intent to the district and capitol offices of the state
6 senator and representative who represent the area in which the
7 facility is or will be located.

8 SECTION 4. Section 361.067(a), Health and Safety Code, is
9 amended to read as follows:

10 (a) If the commission determines that a permit application
11 submitted to it is administratively complete, it shall mail a copy
12 of the application or a summary of its contents to:

13 (1) the mayor and health authority of a municipality
14 in whose territorial limits or extraterritorial jurisdiction the
15 solid waste facility is located; ~~and~~

16 (2) the county judge and the health authority of the
17 county in which the facility is located; and

18 (3) the regional planning commission created under
19 Chapter 391, Local Government Code, for the region in which the
20 facility is located.

21 SECTION 5. Section 361.122, Health and Safety Code, is
22 amended to read as follows:

23 Sec. 361.122. DENIAL OF CERTAIN LANDFILL PERMITS. (a) The
24 commission may not issue a permit for a Type IV landfill if:

25 (1) the proposed site is located within 100 feet of a
26 canal that is used as a public drinking water source or for
27 irrigation of crops used for human or animal consumption;

1 (2) the proposed site is located in a county with a
2 population of more than 225,000 that is located adjacent to the Gulf
3 of Mexico; and

4 (3) prior to final consideration of the application by
5 the commission, the commissioners of the county in which the
6 facility is located have adopted a resolution recommending denial
7 of the application.

8 (b) In addition to the restriction on the location of a Type
9 IV landfill under Subsection (a), the commission may not issue a
10 permit for a Type IV landfill if, on or before January 13, 2003, the
11 proposed facility was determined by the applicable regional
12 planning commission created under Chapter 391, Local Government
13 Code, to be incompatible with a regional solid waste management
14 plan adopted under Section 363.062 of this code.

15 SECTION 6. This Act takes effect September 1, 2003.