

1-1 By: Bonnen (Senate Sponsor - Armbrister) H.B. No. 3157  
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 7, Nays 1; May 23, 2003, sent to printer.)

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

1-8 relating to the regulation of the disposal of solid waste.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 361.0151(b), Health and Safety Code, is  
1-11 amended to read as follows:

1-12 (b) The commission shall work in conjunction with the Texas  
1-13 Department of Economic Development and the Municipal Solid Waste  
1-14 Management and Resource Recovery Advisory Council [~~Commerce~~] to  
1-15 pursue the development of markets for recycled materials, including  
1-16 composting products.

1-17 SECTION 2. Section 361.027, Health and Safety Code, is  
1-18 amended to read as follows:

1-19 Sec. 361.027. LICENSURE OF SOLID WASTE FACILITY  
1-20 SUPERVISORS. The commission may implement a program under Chapter  
1-21 37, Water Code, to license persons who supervise the operation or  
1-22 maintenance of solid waste facilities. The commission may not  
1-23 require a license for a person:

1-24 (1) whose primary responsibility at a solid waste  
1-25 facility is to transport solid waste; and

1-26 (2) who does not supervise any activity at a solid  
1-27 waste facility.

1-28 SECTION 3. Section 361.0641, Health and Safety Code, is  
1-29 amended to read as follows:

1-30 Sec. 361.0641. NOTICE TO STATE SENATOR AND REPRESENTATIVE.  
1-31 On receiving an application for, or notice of intent to file an  
1-32 application for, a permit to construct, operate, or maintain a  
1-33 facility to store, process, or dispose of solid waste or hazardous  
1-34 waste, the commission shall send notice of the application or the  
1-35 notice of intent to the district and Capitol offices of the state  
1-36 senator and representative who represent the area in which the  
1-37 facility is or will be located.

1-38 SECTION 4. Section 361.067(a), Health and Safety Code, is  
1-39 amended to read as follows:

1-40 (a) If the commission determines that a permit application  
1-41 submitted to it is administratively complete, it shall mail a copy  
1-42 of the application or a summary of its contents to:

1-43 (1) the mayor and health authority of a municipality  
1-44 in whose territorial limits or extraterritorial jurisdiction the  
1-45 solid waste facility is located; ~~and~~

1-46 (2) the county judge and the health authority of the  
1-47 county in which the facility is located; and

1-48 (3) the regional planning commission created under  
1-49 Chapter 391, Local Government Code, for the region in which the  
1-50 facility is located.

1-51 SECTION 5. Section 361.122, Health and Safety Code, is  
1-52 amended to read as follows:

1-53 Sec. 361.122. DENIAL OF CERTAIN LANDFILL PERMITS. (a) The  
1-54 commission may not issue a permit for a Type IV landfill if:

1-55 (1) the proposed site is located within 100 feet of a  
1-56 canal that is used as a public drinking water source or for  
1-57 irrigation of crops used for human or animal consumption;

1-58 (2) the proposed site is located in a county with a  
1-59 population of more than 225,000 that is located adjacent to the Gulf  
1-60 of Mexico; and

1-61 (3) prior to final consideration of the application by  
1-62 the commission, the commissioners of the county in which the  
1-63 facility is located have adopted a resolution recommending denial  
1-64 of the application.

