

AN ACT

1
2 relating to the allowed wastes and exemptions applicable to certain
3 municipal solid waste landfill units in arid areas and to public
4 meetings held by the Texas Commission on Environmental Quality on
5 permit applications regarding hazardous or municipal solid waste or
6 landfill development permits.

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

8 SECTION 1. Section 361.0666(a), Health and Safety Code, is
9 amended to read as follows:

10 (a) An applicant for a permit under this chapter for a new
11 facility that accepts municipal solid wastes may [~~shall~~] hold a
12 public meeting in the county in which the proposed facility is to be
13 located. [~~The meeting must be held before the 45th day after the~~
14 ~~date the application is filed.~~]

15 SECTION 2. Sections 361.0791(a) and (b), Health and Safety
16 Code, are amended to read as follows:

17 (a) Notwithstanding other law, the commission may [~~shall~~]
18 hold a public meeting on an application for a new hazardous waste
19 management facility in the county in which the proposed hazardous
20 waste management facility is to be located. The commission may [~~on~~
21 ~~request of a person affected or as otherwise required by commission~~
22 ~~rule, shall~~] hold a public meeting on an application for a Class 3
23 modification or a major amendment to an existing facility's
24 hazardous waste permit.

1 (b) Notwithstanding other law, the commission may [~~shall~~]
2 hold a public meeting on an application for a new municipal solid
3 waste management facility in the county in which the proposed
4 municipal solid waste management facility is to be located.

5 SECTION 3. Section 361.082(d), Health and Safety Code, is
6 amended to read as follows:

7 (d) In addition to the hearing held under this section, the
8 commission may [~~shall~~] hold a public meeting and the applicant
9 shall give notice as provided by Section 361.0791.

10 SECTION 4. Subchapter C, Chapter 361, Health and Safety
11 Code, is amended by adding Section 361.123 to read as follows:

12 Sec. 361.123. ALLOWED WASTES AND EXEMPTIONS FOR CERTAIN
13 SMALL MUNICIPAL SOLID WASTE LANDFILLS IN ARID AREAS. (a) In this
14 section:

15 (1) "Construction or demolition waste" means any
16 material waste that is the byproduct of a construction or
17 demolition project, including paper, cartons, gypsum board, wood,
18 excelsior, rubber, and plastics.

19 (2) "Small municipal solid waste landfill unit" means
20 a discrete area of land or an excavation that:

21 (A) receives municipal solid waste or other solid
22 wastes allowed by law; and

23 (B) disposes of less than 20 tons of municipal
24 solid waste daily based on an annual average.

25 (b) This section applies only to a small municipal solid
26 waste landfill unit that is permitted as an arid exempt landfill
27 under commission rules.

1 (c) A small municipal solid waste landfill unit daily may
2 dispose of less than 20 tons of construction or demolition waste in
3 addition to the municipal solid waste the unit normally receives.

4 (d) The commission, in accordance with state and federal
5 solid wastes laws, may, under rules adopted by the commission,
6 grant a small municipal solid waste landfill unit an exemption from
7 the requirements for groundwater protection design and operation
8 and groundwater monitoring and corrective action if there is no
9 evidence of groundwater contamination from the unit.

10 (e) The commission shall adopt rules as are necessary to
11 implement this section in a manner that maintains compliance with
12 and state program authorization under Section 3006 of the federal
13 Solid Waste Disposal Act, as amended by the Resource Conservation
14 and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.).

15 SECTION 5. Section 361.534, Health and Safety Code, is
16 amended to read as follows:

17 Sec. 361.534. PERMIT PUBLIC MEETING [~~HEARING~~]. (a) The
18 commission may hold a public meeting on [~~shall set a hearing to be~~
19 ~~held not later than the 30th day after the date that the commission~~
20 ~~receives~~] an application under this subchapter.

21 (b) The commission shall hold a public meeting on an
22 application under this subchapter:

23 (1) on the request of a member of the legislature who
24 represents the general area in which the development is proposed to
25 be located; or

26 (2) if the executive director determines that there is
27 substantial public interest in the proposed development.

1 (c) The commission by mail shall notify the applicant of the
2 date, time, and place of the public meeting [~~hearing not later than~~
3 ~~the 15th day before the date of the hearing~~]. The commission shall
4 require the applicant to publish notice of the public meeting
5 [~~hearing~~] in a newspaper that is generally circulated in each
6 county in which the property proposed for development is located.
7 The published notice must appear at least once a week for the two
8 weeks before the date of the public meeting [~~hearing~~].

9 SECTION 6. The changes in law made by this Act to Sections
10 361.0666(a), 361.0791(a) and (b), 361.082(d), and 361.534, Health
11 and Safety Code, apply only to an application that is filed on or
12 after the effective date of this Act. An application that was filed
13 before the effective date of this Act is governed by the former law,
14 and that law is continued in effect for that purpose.

15 SECTION 7. Section 361.123, Health and Safety Code, as
16 added by this Act, applies only to operations of a small municipal
17 solid waste landfill unit, as defined by that section, on and after
18 January 1, 2006.

19 SECTION 8. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 1609 was passed by the House on April 27, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1609 on May 24, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1609 was passed by the Senate, with amendments, on May 23, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor