

By: King of Parker

H.B. No. 1780

A BILL TO BE ENTITLED

AN ACT

relating to a notification requirement concerning certain permit applications for municipal solid waste facilities.

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

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.0667 to read as follows:

Sec. 361.0667. ADDITIONAL NOTICE CONCERNING PERMIT APPLICATION FOR MUNICIPAL SOLID WASTE FACILITY. (a) The commission shall require an applicant for a permit, permit amendment, or, to the extent required under Subsection (c), a modification to a permit for a municipal solid waste facility to mail notice of intent to obtain, amend, or modify a permit by a date determined by commission rule to:

(1) each residential or business address located within one mile of the facility; and

(2) each owner of real property located within one mile of the facility listed in the real property appraisal records of the appraisal district in which the facility is permitted or sought to be permitted.

(b) The applicant must certify to the commission the applicant's compliance with Subsection (a). Acceptance of certification creates a rebuttable presumption that the applicant has complied with this section. Substantial compliance with the notice requirements of Subsection (a) is sufficient for the

1 commission to exercise jurisdiction over the application.

2 (c) An applicant for a modification to a permit for a  
3 municipal solid waste facility is required to comply with this  
4 section only if the modification is of a type that requires  
5 notification as determined by commission rule.

6 SECTION 2. Section 361.0667, Health and Safety Code, as  
7 added by this Act, applies only to an application for a permit,  
8 amendment to a permit, or modification to a permit for a municipal  
9 solid waste facility filed with the commission on or after the  
10 effective date of this Act. An application filed with the  
11 commission before the effective date of this Act is governed by the  
12 law in effect at the time the application is filed, and the current  
13 law is continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2005.