

By: Armbrister

S.B. No. 1281

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the regulation and permitting of a commercial  
3 industrial solid waste facility connected to a publicly owned  
4 treatment works facility.

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

6 SECTION 1. Subchapter C, Chapter 361, Health and Safety  
7 Code, is amended by adding Section 361.0901 to read as follows:

8 Sec. 361.0901. REGULATION AND PERMITTING OF CERTAIN  
9 COMMERCIAL INDUSTRIAL SOLID WASTE FACILITIES. (a) In this  
10 section:

11 (1) "Captured facility" has the meaning assigned by  
12 Section 361.131.

13 (2) "Commercial industrial solid waste facility"  
14 means any industrial solid waste facility that accepts industrial  
15 solid waste for a charge, but does not include a municipal solid  
16 waste facility, a captured facility, or a facility that accepts  
17 waste only from other facilities owned or effectively controlled by  
18 the same person.

19 (3) "Publicly owned treatment works" means any device  
20 or system used in the treatment, recycling, or reclamation of  
21 municipal sewage or industrial waste of a liquid nature that is  
22 owned by a state or by a municipality as defined by Section 502(4),  
23 Federal Water Pollution Control Act (33 U.S.C. Section 1362). The  
24 term includes a sewer, pipe, or other conveyance only if the sewer,

1 pipe, or conveyance conveys wastewater to a publicly owned  
2 treatment works providing treatment.

3 (b) A commercial industrial solid waste facility may not  
4 receive industrial solid waste for discharge into a publicly owned  
5 treatment works facility without first obtaining from the  
6 commission a permit under this chapter or a permit under Chapter 26,  
7 Water Code.

8 (c) This section does not require a commercial industrial  
9 solid waste facility to obtain a permit to receive for discharge  
10 into a publicly owned treatment works facility liquid wastes that  
11 are incidental to the handling, processing, storage, or disposal of  
12 solid wastes at a municipal solid waste facility or commercial  
13 industrial solid waste landfill facility.

14 SECTION 2. (a) The Texas Commission on Environmental  
15 Quality shall adopt rules regarding permits for commercial  
16 industrial solid waste facilities as required by Section 361.0901,  
17 Health and Safety Code, as added by this Act, not later than  
18 February 1, 2006.

19 (b) A commercial industrial solid waste facility may not  
20 accept industrial solid waste on or after June 1, 2006, unless the  
21 facility obtains a permit as required by Section 361.0901, Health  
22 and Safety Code, as added by this Act.

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