

AN ACT

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

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 361.0901 to read as follows:

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

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

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

(3) "Publicly owned treatment works" means any device or system used in the treatment, recycling, or reclamation of municipal sewage or industrial waste of a liquid nature that is owned by a state or by a municipality as defined by Section 502(4), Federal Water Pollution Control Act (33 U.S.C. Section 1362). The 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 for discharge into a
10 publicly owned treatment works facility liquid wastes that are
11 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.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1281 passed the Senate on April 28, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 18, 2005, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1281 passed the House, with amendment, on May 9, 2005, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor