

1-1 By: Armbrister S.B. No. 1281
1-2 (In the Senate - Filed March 9, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 18, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 18, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1281 By: Jackson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation and permitting of a commercial
1-11 industrial solid waste facility connected to a publicly owned
1-12 treatment works facility.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter C, Chapter 361, Health and Safety
1-15 Code, is amended by adding Section 361.0901 to read as follows:

1-16 Sec. 361.0901. REGULATION AND PERMITTING OF CERTAIN
1-17 COMMERCIAL INDUSTRIAL SOLID WASTE FACILITIES. (a) In this
1-18 section:

1-19 (1) "Captured facility" has the meaning assigned by
1-20 Section 361.131.

1-21 (2) "Commercial industrial solid waste facility"
1-22 means any industrial solid waste facility that accepts industrial
1-23 solid waste for a charge, but does not include a municipal solid
1-24 waste facility, a captured facility, or a facility that accepts
1-25 waste only from other facilities owned or effectively controlled by
1-26 the same person.

1-27 (3) "Publicly owned treatment works" means any device
1-28 or system used in the treatment, recycling, or reclamation of
1-29 municipal sewage or industrial waste of a liquid nature that is
1-30 owned by a state or by a municipality as defined by Section 502(4),
1-31 Federal Water Pollution Control Act (33 U.S.C. Section 1362). The
1-32 term includes a sewer, pipe, or other conveyance only if the sewer,
1-33 pipe, or conveyance conveys wastewater to a publicly owned
1-34 treatment works providing treatment.

1-35 (b) A commercial industrial solid waste facility may not
1-36 receive industrial solid waste for discharge into a publicly owned
1-37 treatment works facility without first obtaining from the
1-38 commission a permit under this chapter or a permit under Chapter 26,
1-39 Water Code.

1-40 (c) This section does not require a commercial industrial
1-41 solid waste facility to obtain a permit to receive for discharge
1-42 into a publicly owned treatment works facility liquid wastes that
1-43 are incidental to the handling, processing, storage, or disposal of
1-44 solid wastes at a municipal solid waste facility or commercial
1-45 industrial solid waste landfill facility.

1-46 SECTION 2. (a) The Texas Commission on Environmental
1-47 Quality shall adopt rules regarding permits for commercial
1-48 industrial solid waste facilities as required by Section 361.0901,
1-49 Health and Safety Code, as added by this Act, not later than
1-50 February 1, 2006.

1-51 (b) A commercial industrial solid waste facility may not
1-52 accept industrial solid waste on or after June 1, 2006, unless the
1-53 facility obtains a permit as required by Section 361.0901, Health
1-54 and Safety Code, as added by this Act.

1-55 SECTION 3. This Act takes effect September 1, 2005.

1-56 * * * * *