

Amend **HB 3960** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.0881 to read as follows:

Sec. 361.0881. PERMIT REVIEW. (a) Subject to subsection (b), the commission shall review a permit issued under this chapter for a municipal solid waste facility if:

(1) the review is requested by:

(A) a state legislator representing the area in which the facility is located or an area located one mile or less from the facility; or

(B) the county in which the facility is located or a county with territory located one mile or less from the facility and the request is made by a resolution of the commissioners court of the county; or

(2) the executive director finds that the permit holder's compliance history for the previous five years contains violations that constitute a recurring pattern of conduct demonstrating a consistent disregard for the regulatory process, including the failure to make a timely and substantial attempt to correct the violations.

(b) The commission is not required to conduct a review under Subsection (a) more than once during a five-year period or within five years of the initial issuance of a permit.

(c) The commission by rule shall establish a review procedure that includes:

(1) notice of the review and the opportunity for public comment:

(A) on the commission's Internet website; and

(B) mailed to each person entitled to receive notice of a permit application;

(2) a review of complaint records regarding the facility received in the preceding five years to determine if there is a pattern to the complaints, including a determination of:

(A) the number of complaints;

(B) the number of people lodging complaints; and

(C) the commission's evaluation of those complaints;

(3) consultation with the commission enforcement staff in the regional office responsible for overseeing the facility;

(4) a review of all enforcement actions and notices of violation by local and state agencies; and

(5) commission staff response to comments and a commission decision regarding whether the permit under review should be changed as required for permit applications and modifications.

(j) This section does not apply to a permit:

(1) for an industrial solid waste facility; or

(2) issued under Section 361.121.