

Amend CSSB 1280 (Senate committee printing) as follows:

(1) Immediately preceding SECTION 1 of the bill (page 1, between lines 12 and 13), insert the following appropriately numbered SECTION:

SECTION __. Subchapter B, Chapter 361, Health and Safety Code, is amended by adding Section 361.0145 to read as follows:

Sec. 361.0145. RESPONSE TO OR REMEDIATION OF FIRE OR EMERGENCY. (a) The commission may make an immediate response to or remediation of a fire or other emergency that involves solid waste, including processed or unprocessed material suitable for recycling or composting, as the commission determines necessary to protect the public health or safety.

(b) Notwithstanding Section 361.014(b), revenue otherwise dedicated under that section may be used for an action authorized by Subsection (a).

(c) The commission may recover from a person who is responsible for the solid waste as provided by Section 361.271 the reasonable expenses incurred by the commission during an immediate response and remediation action under Subsection (a). The state may bring an action to recover those reasonable expenses.

(d) If the commission used for an action under Subsection (a) money otherwise dedicated under Section 361.014(b), money recovered under Subsection (c) shall be deposited in the state treasury to the credit of the commission until the amount deposited equals the amount of the dedicated money used. Money credited under this subsection may be used only as provided by Section 361.014(b).

(2) In SECTION 1 of the bill, in added Section 361.1191(a), Health and Safety Code (page 1, lines 19 through 21), strike added Subdivision (2) and substitute the following:

(2) does not apply to a facility that is owned or operated by or affiliated with a person who holds a permit to dispose of municipal solid waste or to a facility owned or operated by a local government.

(3) In SECTION 1 of the bill, in added Section 361.1191, Health and Safety Code, strike "unprocessed recyclable" wherever it appears (page 1, lines 26, 29, and 32) and substitute "unprocessed combustible recyclable".

(4) Immediately following SECTION 1 of the bill (page 1, between lines 44 and 45), insert the following appropriately numbered SECTION:

SECTION __. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.125 to read as follows:

Sec. 361.125. PERMIT REQUIREMENTS FOR MUNICIPAL SOLID WASTE FACILITY ON RECHARGE OR TRANSITION ZONE OF SOLE SOURCE AQUIFER.

(a) In this section:

(1) "Recharge zone" and "transition zone" have the meanings assigned by 30 T.A.C. Section 213.3.

(2) "Sole source aquifer" means an aquifer that is the sole or principal source of drinking water for an area designated under Section 1424(e), Safe Drinking Water Act of 1974 (42 U.S.C. Section 300h-3(e)).

(b) The commission by rule shall:

(1) impose heightened standards for the issuance of a permit for a municipal solid waste facility, including a recycling facility, under this chapter if the facility is located on the recharge zone or transition zone of a sole source aquifer;

(2) require a municipal solid waste facility, including a recycling facility, that is located on the recharge zone of a sole source aquifer to install groundwater protection features, such as liners and monitoring wells, specified by the commission; and

(3) require a recycling facility that is located on the recharge zone or transition zone of a sole source aquifer to establish fire lanes between piles of combustible materials.

(5) Renumber the subsequent SECTIONS of the bill accordingly.