

By: Leibowitz, Corte

H.B. No. 2541

A BILL TO BE ENTITLED

AN ACT

relating to emergency response costs and certain other requirements concerning solid waste facilities, including recycling facilities.

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

SECTION 1. 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

1 equals the amount of the dedicated money used. Money credited under
2 this subsection may be used only as provided by Section 361.014(b).

3 SECTION 2. Subchapter C, Chapter 361, Health and Safety
4 Code, is amended by adding Section 361.1191 to read as follows:

5 Sec. 361.1191. REGULATION OF CERTAIN RECYCLING FACILITIES
6 IN CERTAIN COUNTIES. (a) This section applies only to a recycling
7 facility that stores combustible materials and is located in a
8 county that:

9 (1) has a population of more than 1.3 million; and

10 (2) is subject to an early action compact, as defined
11 by Section 382.301.

12 (b) The commission by rule shall:

13 (1) require a recycling facility to grind, begin
14 composting, recycle, or transfer to another facility for recycling
15 or for another lawful purpose:

16 (A) at least 50 percent, by weight or volume, of
17 the combustible recyclable materials received by the facility
18 within 12 months of receiving the materials; and

19 (B) during each 12-month period, at least 50
20 percent, by weight or volume, of the processed or unprocessed
21 combustible recycled or recyclable materials that have accumulated
22 at the facility;

23 (2) limit the storage capacity of a recycling facility
24 that is authorized to operate without obtaining a permit issued by
25 the commission or registering with the commission;

26 (3) limit the size of a pile of combustible recyclable
27 or recycled materials, including composting materials or mulch, at

1 a recycling facility;

2 (4) impose different standards for the registration of
3 a recycling facility appropriate to the size and number of piles of
4 combustible materials to be stored or processed at the facility;

5 (5) require a recycling facility to establish fire
6 lanes between piles of combustible materials;

7 (6) require buffer zones between a recycling facility
8 and a residence, school, or church; and

9 (7) for a recycling facility that is located in the
10 recharge zone of an aquifer that is the sole or principal source of
11 drinking water for an area designated under Section 1424(e), Safe
12 Drinking Water Act of 1974 (42 U.S.C. Section 300h-3(e)):

13 (A) impose heightened standards for the issuance
14 of a permit; and

15 (B) require the installation of groundwater
16 protection features, such as liners and monitoring wells, as the
17 commission determines necessary.

18 (c) A rule adopted by the commission under this section does
19 not become effective until the first anniversary of the date on
20 which the rule was adopted.

21 SECTION 3. This Act takes effect September 1, 2007.