

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 municipal
7 solid waste recycling facility that does not hold a permit or
8 registration issued by the commission that stores combustible
9 materials to produce mulch or compost and is located in a county
10 that:

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

12 (2) includes areas designated as a recharge or
13 transition zone of an aquifer as defined under the commission's
14 Edwards Aquifer Protection Program that is the sole or principal
15 source of drinking water for an area designated under Section
16 1424(e), Safe Drinking Water Act of 1974 (42 U.S.C. Section
17 300h-3(e)) and by the Environmental Protection Agency as the
18 Edwards Underground Reservoir under 40 Federal Register 58344.

19 (b) The commission by rule shall:

20 (1) prescribe time limits for processing and removing
21 materials from a facility;

22 (2) limit the amount of combustible material that may
23 be stored at a recycling facility;

24 (3) limit the size of a pile of combustible recyclable
25 or recycled materials, including composting materials or mulch, at
26 a recycling facility;

27 (4) impose different standards for a recycling

1 facility appropriate to the size and number of piles of combustible
2 materials to be stored or processed at the facility;

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

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

7 (7) for a recycling facility that is located on a
8 recharge or transition zone referenced in Subsection
9 361.1191(a)(2):

10 (A) impose more stringent standards; and

11 (B) require groundwater protection features,
12 such as liners and monitor wells.

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 2541 was passed by the House on May 4, 2007, by the following vote: Yeas 139, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2541 on May 25, 2007, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2541 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor