

By: Leibowitz

H.B. No. 2541

Substitute the following for H.B. No. 2541:

By: Hancock

C.S.H.B. No. 2541

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to emergency response costs and certain other requirements  
3 concerning solid waste facilities, including recycling facilities.

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

5 SECTION 1. Subchapter B, Chapter 361, Health and Safety  
6 Code, is amended by adding Section 361.0145 to read as follows:

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

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

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

21 (d) If the commission used for an action under Subsection  
22 (a) money otherwise dedicated under Section 361.014(b), money  
23 recovered under Subsection (c) shall be deposited in the state  
24 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; and

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

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

12 SECTION 3. Subchapter C, Chapter 361, Health and Safety  
13 Code, is amended by adding Section 361.125 to read as follows:

14 Sec. 361.125. PERMIT REQUIREMENTS FOR MUNICIPAL SOLID WASTE  
15 FACILITY ON RECHARGE OR TRANSITION ZONE OF SOLE SOURCE AQUIFER. (a)  
16 The commission by rule shall:

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

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

26 (b) A rule adopted by the commission under this section does  
27 not become effective until the first anniversary of the date on

1 which the rule was adopted.

2 SECTION 4. This Act takes effect September 1, 2007.