

By: Leibowitz

H.B. No. 2541

A BILL TO BE ENTITLED

AN ACT

relating to certain requirements concerning solid waste facilities, including recycling facilities.

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

SECTION 1. Section 361.014(a), Health and Safety Code, is amended to read as follows:

(a) Revenue received by the commission under Section 361.013 shall be deposited in the state treasury to the credit of the commission. Half of the revenue is dedicated to the commission's municipal solid waste permitting and enforcement programs and related support activities and to pay for activities that will enhance the state's solid waste management program, including:

(1) provision of funds for the municipal solid waste management planning fund and the municipal solid waste resource recovery applied research and technical assistance fund established by the Comprehensive Municipal Solid Waste Management, Resource Recovery, and Conservation Act (Chapter 363);

(2) conduct of demonstration projects and studies to help local governments of various populations and the private sector to convert to accounting systems and set rates that reflect the full costs of providing waste management services and are proportionate to the amount of waste generated;

(3) provision of technical assistance to local

1 governments concerning solid waste management;

2 (4) establishment of a solid waste resource center in
3 the commission and an office of waste minimization and recycling;

4 (5) provision of supplemental funding to local
5 governments for the enforcement of this chapter, the Texas Litter
6 Abatement Act (Chapter 365), and Chapters 391 and 683,
7 Transportation Code;

8 (6) conduct of a statewide public awareness program
9 concerning solid waste management;

10 (7) provision of supplemental funds for other state
11 agencies with responsibilities concerning solid waste management,
12 recycling, and other initiatives with the purpose of diverting
13 recyclable waste from landfills;

14 (8) conduct of research to promote the development and
15 stimulation of markets for recycled waste products;

16 (9) creation of a state municipal solid waste
17 superfund, from funds appropriated, for:

18 (A) the cleanup of unauthorized tire dumps and
19 solid waste dumps for which a responsible party cannot be located or
20 is not immediately financially able to provide the cleanup;

21 (B) the cleanup or proper closure of abandoned or
22 contaminated municipal solid waste sites for which a responsible
23 party is not immediately financially able to provide the cleanup;
24 [~~and~~]

25 (C) remediation, cleanup, and proper closure of
26 unauthorized recycling sites for which a responsible party is not
27 immediately financially able to perform the remediation, cleanup,

1 and closure; and

2 (D) immediate response to or remediation of a
3 fire or other emergency situation that involves solid waste,
4 including material suitable for recycling or composting, as the
5 commission determines necessary to protect the public health or
6 safety;

7 (10) provision of funds to mitigate the economic and
8 environmental impacts of lead-acid battery recycling activities on
9 local governments; and

10 (11) provision of funds for the conduct of research by
11 a public or private entity to assist the state in developing new
12 technologies and methods to reduce the amount of municipal waste
13 disposed of in landfills.

14 SECTION 2. Section 361.119, Health and Safety Code, is
15 amended by adding Subsection (g) to read as follows:

16 (g) The commission by rule shall:

17 (1) require a recycling facility to recycle or
18 transfer to another facility for recycling:

19 (A) at least 50 percent, by weight or volume, of
20 the recyclable materials received by the facility within six months
21 of receiving the materials; and

22 (B) during each six-month period, at least 50
23 percent, by weight or volume, of the processed or unprocessed
24 recycled or recyclable materials that have accumulated at the
25 facility;

26 (2) limit the size of a recycling facility that stores
27 combustible materials and is authorized to operate without

1 obtaining a permit issued by the commission or registering with the
2 commission;

3 (3) limit the size of a pile of recyclable or recycled
4 materials, including composting materials or mulch, at a recycling
5 facility;

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

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

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

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

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

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

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

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