

1-1 By: Leibowitz, Corte (Senate Sponsor - Uresti) H.B. No. 2541  
1-2 (In the Senate - Received from the House May 7, 2007;  
1-3 May 8, 2007, read first time and referred to Committee on Natural  
1-4 Resources; May 21, 2007, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 21, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2541 By: Uresti

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to emergency response costs and certain other requirements  
1-11 concerning solid waste facilities, including recycling facilities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 361, Health and Safety  
1-14 Code, is amended by adding Section 361.0145 to read as follows:

1-15 Sec. 361.0145. RESPONSE TO OR REMEDIATION OF FIRE OR  
1-16 EMERGENCY. (a) The commission may make an immediate response to  
1-17 or remediation of a fire or other emergency that involves solid  
1-18 waste, including processed or unprocessed material suitable for  
1-19 recycling or composting, as the commission determines necessary to  
1-20 protect the public health or safety.

1-21 (b) Notwithstanding Section 361.014(b), revenue otherwise  
1-22 dedicated under that section may be used for an action authorized by  
1-23 Subsection (a).

1-24 (c) The commission may recover from a person who is  
1-25 responsible for the solid waste as provided by Section 361.271 the  
1-26 reasonable expenses incurred by the commission during an immediate  
1-27 response and remediation action under Subsection (a). The state  
1-28 may bring an action to recover those reasonable expenses.

1-29 (d) If the commission used for an action under Subsection  
1-30 (a) money otherwise dedicated under Section 361.014(b), money  
1-31 recovered under Subsection (c) shall be deposited in the state  
1-32 treasury to the credit of the commission until the amount deposited  
1-33 equals the amount of the dedicated money used. Money credited under  
1-34 this subsection may be used only as provided by Section 361.014(b).

1-35 SECTION 2. Subchapter C, Chapter 361, Health and Safety  
1-36 Code, is amended by adding Section 361.1191 to read as follows:

1-37 Sec. 361.1191. REGULATION OF CERTAIN RECYCLING FACILITIES  
1-38 IN CERTAIN COUNTIES. (a) This section applies only to a municipal  
1-39 solid waste recycling facility that does not hold a permit or  
1-40 registration issued by the commission that stores combustible  
1-41 materials to produce mulch or compost and is located in a county  
1-42 that:

1-43 (1) has a population of more than 1.3 million; and  
1-44 (2) includes areas designated as a recharge or  
1-45 transition zone of an aquifer as defined under the commission's  
1-46 Edwards Aquifer Protection Program that is the sole or principal  
1-47 source of drinking water for an area designated under Section  
1-48 1424(e), Safe Drinking Water Act of 1974 (42 U.S.C. Section  
1-49 300h-3(e)) and by the Environmental Protection Agency as the  
1-50 Edwards Underground Reservoir under 40 Federal Register 58344.

1-51 (b) The commission by rule shall:

1-52 (1) prescribe time limits for processing and removing  
1-53 materials from a facility;

1-54 (2) limit the amount of combustible material that may  
1-55 be stored at a recycling facility;

1-56 (3) limit the size of a pile of combustible recyclable  
1-57 or recycled materials, including composting materials or mulch, at  
1-58 a recycling facility;

1-59 (4) impose different standards for a recycling  
1-60 facility appropriate to the size and number of piles of combustible  
1-61 materials to be stored or processed at the facility;

1-62 (5) require a recycling facility to establish fire  
1-63 lanes between piles of combustible materials;

2-1                   (6) require buffer zones between a recycling facility  
 2-2 and a residence, school, or church; and  
 2-3                   (7) for a recycling facility that is located on a  
 2-4 recharge or transition zone referenced in Subsection  
 2-5 361.1191(a)(2):  
 2-6                   (A) imposing more stringent standards; and  
 2-7                   (B) requiring groundwater protection features, such  
 2-8 as liners and monitor wells.  
 2-9                   (c) A rule adopted by the commission under this section does  
 2-10 not become effective until the first anniversary of the date on  
 2-11 which the rule was adopted.  
 2-12                   SECTION 3. This Act takes effect September 1, 2007.

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