

By: Olivo

H.B. No. 3388

A BILL TO BE ENTITLED

AN ACT

relating to the review of solid waste facility permits.

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

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.0881 to read as follows:

Sec. 361.0881. PERMIT REVIEW. (a) The commission shall review a permit issued under this chapter every five years if:

(1) the facility has a compliance history that is in the lowest classification under Sections 5.753 and 5.754, Water Code, and rules and procedures developed under those sections; or

(2) the review is requested by:

(A) a state legislator representing the area in which the facility is located;

(B) a local governmental entity with jurisdiction over the location of the facility, by resolution of the entity's governing body;

(C) a council of governments with jurisdiction over the area of the facility, by formal request of either the council's solid waste advisory committee, executive committee, or governing board;

(D) a homeowners' or property owners' association formally organized or chartered and having at least 10 members located in the general area in which the facility is located; or

(E) 10 or more local residents, property owners,

1 or businesses located in the general area in which the facility is
2 located.

3 (b) The commission by rule shall establish a review
4 procedure that includes:

5 (1) notice of the review and the opportunity for
6 public comment:

7 (A) on the commission's Internet website; and

8 (B) mailed to each person entitled to receive
9 notice of a permit application;

10 (2) commission staff response to comments as required
11 for permit applications and modifications;

12 (3) a review of all complaints regarding the facility
13 received in the preceding five years, including a determination of:

14 (A) the number of complaints;

15 (B) the number of people lodging complaints; and

16 (C) the commission's evaluation of those
17 complaints;

18 (4) consultation with the commission enforcement
19 staff in the regional office responsible for overseeing the
20 facility; and

21 (5) review of all instances of alleged noncompliance,
22 including instances that do not result in a written notice of
23 violation.

24 (c) The commission may:

25 (1) recommend changes to a permit reviewed under this
26 section; or

27 (2) impose a limit on the term of a facility's permit

1 if a review under this section reveals that a facility may threaten
2 the public health or safety or the environment.

3 SECTION 2. Section 361.088(g), Health and Safety Code, is
4 repealed.

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