

By: Van de Putte

S.B. No. 1280

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requirements concerning solid waste facilities,
3 including recycling facilities, and to the storage of combustible
4 recyclable materials, including compost and mulch.

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

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

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

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

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

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

1 treasury to the credit of the commission until the amount deposited
2 equals the amount of the dedicated money used. Money credited under
3 this subsection may be used only as provided by Section 361.014(b).

4 SECTION 2. Subchapter C, Chapter 361, Health and Safety
5 Code, is amended by adding Section 361.1191 to read as follows:

6 Sec. 361.1191. REQUIREMENTS CONCERNING THE STORAGE OF
7 COMBUSTIBLE MATERIALS. (a) This section:

8 (1) applies only to a facility that stores combustible
9 materials; and

10 (2) does not apply to a facility that is owned or
11 operated by or affiliated with a person who holds a permit to
12 dispose of municipal solid waste or to a facility owned or operated
13 by a local government.

14 (b) The commission by rule shall require a recycling
15 facility to grind, begin composting, recycle, or transfer to
16 another facility for recycling:

17 (1) at least 50 percent, by weight or volume, of the
18 processed and unprocessed combustible recyclable materials
19 received by the facility within 12 months of receiving the
20 materials; and

21 (2) during each 12-month period, at least 50 percent,
22 by weight or volume, of the processed and unprocessed combustible
23 recyclable materials that have accumulated at the facility.

24 (c) The commission by rule shall limit the size of a pile of
25 processed or unprocessed combustible recyclable materials
26 including composting materials or mulch allowed at a solid waste
27 processing facility, including a recycling facility that handles

1 compost or mulch. A rule adopted under this subsection must conform
2 to the International Fire Code, as published by the International
3 Code Council, as the code existed on May 1, 2007.

4 (d) If the commission determines that a facility is not in
5 compliance with a requirement prescribed by this section, the
6 commission, in a manner determined by the commission, shall conduct
7 an annual review and inspection of the facility.

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

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

13 Sec. 361.125. PERMIT REQUIREMENTS FOR MUNICIPAL SOLID WASTE
14 FACILITY ON RECHARGE OR TRANSITION ZONE OF SOLE SOURCE AQUIFER.

15 (a) In this section:

16 (1) "Recharge zone" and "transition zone" have the
17 meanings assigned by 30 T.A.C. Section 213.3.

18 (2) "Sole source aquifer" means an aquifer that is the
19 sole or principal source of drinking water for an area designated
20 under Section 1424(e), Safe Drinking Water Act (42 U.S.C. Section
21 300h-3(e)).

22 (b) The commission by rule shall:

23 (1) impose heightened standards for the issuance of a
24 permit for a municipal solid waste facility, including a recycling
25 facility, under this chapter if the facility is located on the
26 recharge zone or transition zone of a sole source aquifer;

27 (2) require a municipal solid waste facility,

1 including a recycling facility, that is located on the recharge
2 zone of a sole source aquifer to install groundwater protection
3 features, such as liners and monitoring wells, specified by the
4 commission; and

5 (3) require a recycling facility that is located on
6 the recharge zone or transition zone of a sole source aquifer to
7 establish fire lanes between piles of combustible materials.

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