

SENATE AMENDMENTS

2nd Printing

By: Leibowitz, Corte

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;

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

9 (7) for a recycling facility that is located in the
10 recharge zone of an aquifer that is the sole or principal source of
11 drinking water for an area designated under Section 1424(e), Safe
12 Drinking Water Act of 1974 (42 U.S.C. Section 300h-3(e)):

13 (A) impose heightened standards for the issuance
14 of a permit; and

15 (B) require the installation of groundwater
16 protection features, such as liners and monitoring wells, as the
17 commission determines necessary.

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

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

ADOPTED

MAY 23 2007

Atty Gen
Secretary of the Senate

By:

Uresti

H.B. No. 2541

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

By:

[Signature]

C.S.H.B. No. 2541

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

(d) If the commission used for an action under Subsection (a)

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money otherwise dedicated under Section 361.014(b), money recovered under Subsection (c) shall be deposited in the state treasury to the credit of the commission until the amount deposited equals the amount of the dedicated money used. Money credited under this subsection may be used only as provided by Section 361.014(b).

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

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

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

(b) The commission by rule shall:
(1) prescribe time limits for processing and removing materials from a facility;
(2) limit the amount of combustible material that may be

stored at a recycling facility;

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

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

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

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

(7) for a recycling facility that is located on a recharge or transition zone referenced in Subsection 361.1191(a)(2):

(A) imposing more stringent standards; and

(B) requiring groundwater protection features, such as liners and monitor wells.

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

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 18, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2541 by Leibowitz (Relating to emergency response costs and certain other requirements concerning solid waste facilities, including recycling facilities.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would authorize the Texas Commission on Environmental Quality (TCEQ) to use funds deposited into the General Revenue-Dedicated Solid Waste Disposal Account No. 5000 to respond to or remediate fires or other emergency situations at solid waste, recycling facilities, or composting facilities. The bill also would provide for the agency to recover costs from a responsible party. The bill would require municipal solid waste recycling facilities that do not hold a permit or registration issued by the commission that store combustible materials and are located in Bexar County: to grind, recycle, begin composting, or transfer half of the combustible material received every twelve months; to grind, recycle, begin composting, or transfer half of the accumulated processed or unprocessed combustible materials; to limit the size of recycling facilities; and to establish fire lanes and buffer zones at recycling facilities.

The TCEQ would also be required to impose different registration standards for recycling facilities based on the facility size and number of piles of combustible materials contained in the facility. The bill would also require the TCEQ to establish rules with stricter standards for permitting recycling and other municipal solid waste (MSW) facilities located on recharge or transition zones of a sole source aquifer and that require such facilities to install groundwater protection features such as liners and monitoring wells.

Costs associated with implementing changes proposed in the bill are not expected to be significant to the TCEQ. Costs for the agency to remediate fires and other emergency situations at solid waste disposal, recycling, or composting facilities could be significant; however, this estimate assumes that the TCEQ would not need additional appropriations for this purpose, and that existing funds would be allocated to projects on a priority basis depending on the severity of environmental threats. In addition, this estimate assumes that any costs to the TCEQ could be recovered from the responsible party.

Local Government Impact

Costs to municipalities to implement the provisions of the bill would depend on the rules, standards, requirements, and/or limitations adopted by the commission. These costs are expected to be significant.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

LBB Staff: JOB, WK, ZS, TL, KJG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 14, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2541 by Leibowitz (Relating to emergency response costs and certain other requirements concerning solid waste facilities, including recycling facilities.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would authorize the Texas Commission on Environmental Quality (TCEQ) to use funds deposited into the General Revenue-Dedicated Solid Waste Disposal Account No. 5000 to respond to or remediate fires or other emergency situations at solid waste, recycling facilities, or composting facilities. The bill also would provide for the agency to recover costs from a responsible party.

The bill would require recycling facilities that store combustible materials and are located in Bexar County: to grind, recycle, begin composting, or transfer half of the combustible material received every twelve months; to grind, recycle, begin composting, or transfer half of the accumulated processed or unprocessed combustible materials; to limit the size of recycling facilities; and to establish fire lanes and buffer zones at recycling facilities.

The TCEQ would also be required to impose different registration standards for recycling facilities based on the facility size and number of piles of combustible materials contained in the facility. The bill would also require the TCEQ to establish rules with stricter standards for permitting recycling and other municipal solid waste (MSW) facilities located on recharge or transition zones of a sole source aquifer and that require such facilities to install groundwater protection features such as liners and monitoring wells.

Costs associated with implementing changes proposed in the bill are not expected to be significant to the TCEQ. Costs for the agency to remediate fires and other emergency situations at solid waste disposal, recycling, or composting facilities could be significant; however, this estimate assumes that the TCEQ would not need additional appropriations for this purpose, and that existing funds would be allocated to projects on a priority basis depending on the severity of environmental threats. In addition, this estimate assumes that any costs to the TCEQ could be recovered from the responsible party.

Local Government Impact

Costs to municipalities to implement the provisions of the bill would depend on the rules, standards, requirements, and/or limitations adopted by the commission. These costs are expected to be significant.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

LBB Staff: JOB, WK, ZS, TL, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 17, 2007

TO: Honorable Dennis Bonnen, Chair, House Committee on Environmental Regulation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2541 by Leibowitz (Relating to emergency response costs and certain other requirements concerning solid waste facilities, including recycling facilities.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would authorize the Texas Commission on Environmental Quality (TCEQ) to use funds deposited into the General Revenue-Dedicated Solid Waste Disposal Account No. 5000 to respond to or remediate fires or other emergency situations at solid waste, recycling facilities, or composting facilities. The bill also would provide for the agency to recover costs from a responsible party.

The bill would require recycling facilities that store combustible materials and are located in Bexar County: to grind, recycle, begin composting, or transfer half of the combustible material received every twelve months; to grind, recycle, begin composting, or transfer half of the accumulated processed or unprocessed combustible materials; to limit the size of recycling facilities; and to establish fire lanes and buffer zones at recycling facilities.

The TCEQ would also be required to impose different registration standards for recycling facilities based on the facility size and number of piles of combustible materials contained in the facility. The bill would also require the TCEQ to establish rules with stricter standards for permitting recycling and other municipal solid waste (MSW) facilities located on recharge or transition zones of a sole source aquifer and that require such facilities to install groundwater protection features such as liners and monitoring wells.

Costs associated with implementing changes proposed in the bill are not expected to be significant to the TCEQ. Costs for the agency to remediate fires and other emergency situations at solid waste disposal, recycling, or composting facilities could be significant; however, this estimate assumes that the TCEQ would not need additional appropriations for this purpose, and that existing funds would be allocated to projects on a priority basis depending on the severity of environmental threats. In addition, this estimate assumes that any costs to the TCEQ could be recovered from the responsible party.

Local Government Impact

Costs to municipalities to implement the provisions of the bill would depend on the rules, standards, requirements, and/or limitations adopted by the commission. These costs are expected to be significant.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

LBB Staff: JOB, WK, ZS, TL, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 26, 2007

TO: Honorable Dennis Bonnen, Chair, House Committee on Environmental Regulation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2541 by Leibowitz (Relating to certain requirements concerning solid waste facilities, including recycling facilities.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would authorize the Texas Commission on Environmental Quality (TCEQ) to use funds deposited into the General Revenue-Dedicated Waste Management Account No. 549 to respond to or remediate fires or other emergency situations at solid waste, recycling facilities, or composting facilities. The bill would require recycling facilities: to recycle or transfer half of material received every six months; to recycle or transfer half of the processed or unprocessed materials that have accumulated; to limit the size of recycling facilities; and to establish fire lanes and buffer zones at recycling facilities. The TCEQ would also be required to impose different registration standards for recycling facilities based on the facility size and number of piles of combustible materials contained in the facility. The bill would also require the TCEQ to establish rules with stricter standards for permitting recycling and other municipal solid waste (MSW) facilities located on recharge or transition zones of a sole source aquifer and that require such facilities to install groundwater protection features such as liners and monitoring well

Costs associated with implementing changes proposed in the bill are not expected to be significant to the TCEQ. Costs for the agency to remediate fires and other emergency situations at solid waste disposal, recycling, or composting facilities could be significant; however, this estimate assumes that the TCEQ would not need additional appropriations for this purpose, and that existing funds would be allocated to projects on a priority basis depending on the severity of environmental threats.

Local Government Impact

Costs to municipalities to implement the provisions of the bill would depend on the rules, standards, requirements, and/or limitations adopted by the commission. These costs are expected to be significant.

Source Agencies: 580 Water Development Board, 582 Commission on Environmental Quality

LBB Staff: JOB, WK, ZS, TL, KJG