

**House Bill 2541**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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) 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

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Same as House version.

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SECTION 2. Subchapter C, Chapter 361, Health and

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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 recycling facility that stores combustible materials and is located in a county that:

- (1) has a population of more than 1.3 million; and
- (2) is subject to an early action compact, as defined by Section 382.301.

(b) The commission by rule shall:

- (1) require a recycling facility to grind, begin composting, recycle, or transfer to another facility for recycling or for another lawful purpose:
  - (A) at least 50 percent, by weight or volume, of the combustible recyclable materials received by the facility within 12 months of receiving the materials; and
  - (B) during each 12-month period, at least 50 percent, by weight or volume, of the processed or unprocessed combustible recycled or recyclable materials that have accumulated at the facility;
- (2) limit the storage capacity of a recycling facility that

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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:

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is authorized to operate without obtaining a permit is sued by the commission or registering with the commission;

(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 the registration of 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 in the recharge zone of an aquifer 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));

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

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

(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.

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(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.

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

Same as House version.