

Amend CSHB 459 (Senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.1127 to read as follows:

Sec. 361.1127. LAND RECLAMATION PROJECTS USING TIRES.

(a) In this section:

(1) "Land reclamation" means the process of restoring an area of excavated, deteriorated, or disturbed land to its approximate natural grade and to prepare or reclaim the land for reuse.

(2) "Scrap tire" has the meaning assigned by Section 361.112.

(b) A person may not begin a land reclamation project using scrap tires without a permit issued by the commission under this chapter.

(c) A person may not use scrap tires for a land reclamation project unless the tires are shredded, split, or quartered as provided by commission rule. The commission may grant an exception to this requirement if the commission finds that circumstances warrant the exception.

(d) The commission may not grant a permit for a land reclamation project using scrap tires before:

(1) the commission receives comments or suggestions from the commissioners court of each county in which the proposed project is located; or

(2) the expiration of a time period, established by commission rule, in which the entities described by this subsection may offer comments.

(e) The application to request a permit for a land reclamation project using scrap tires must include at a minimum:

(1) a legal description of the area to be reclaimed;

(2) a map clearly identifying the area to be reclaimed and the topography of the area;

(3) an affidavit from the property owner certifying that the reclamation project complies with this section and the rules adopted under this section; and

(4) an analysis and evaluation of the environmental impacts on the soil and groundwater in the area of the proposed project that compare the impact of using scrap tires for the proposed reclamation project to the impact of at least one reasonable alternative method of land reclamation for the proposed project.

(f) The commission by rule shall:

(1) prescribe minimum standards to protect the soil and water for a land reclamation project using scrap tires; and

(2) adopt application forms and procedures for the permitting process under this section.

(g) The commission may amend, extend, transfer, or renew a permit issued under this section as provided by this chapter and commission rule.

(h) The notice and hearing procedures provided by this subchapter apply to a permit issued, amended, extended, or renewed under this section.

(i) The commission may, for good cause, deny, revoke, or amend a permit under this section for reasons concerning public health and safety, air or water pollution, land use, or a violation of this section as provided by Section 361.089.

SECTION \_\_\_\_\_. (a) Before September 1, 2010, the Texas Commission on Environmental Quality shall adopt any rules required to implement Section 361.1127, Health and Safety Code, as added by this Act.

(b) On or after the effective date of this Act, any person responsible for an ongoing or pending land reclamation project using scrap tires that has not yet placed the tires below ground may not place the tires below ground until the person has obtained a permit under Section 361.1127, Health and Safety Code, as added by this Act.

(c) To the extent that a land reclamation project using scrap tires has placed tires below ground before the effective date of this Act, the project is subject to the law in effect on the date the tires were placed below ground, and that law is continued in effect for that purpose.