By: Rodriguez H.B. No. 234

A BILL TO BE ENTITLED

AN ACT
AN ACT

- 2 relating to notice and hearing requirements for an application to
- 3 transfer a municipal solid waste permit.
- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 5 SECTION 1. The heading to Section 361.088, Health and
- 6 Safety Code, is amended to read as follows:
- 7 Sec. 361.088. PERMIT ISSUANCE, AMENDMENT, EXTENSION,
- 8 TRANSFER, AND RENEWAL; NOTICE AND HEARING.
- 9 SECTION 2. Section 361.088, Health and Safety Code, is
- 10 amended by amending Subsections (a), (b), and (c) and adding
- 11 Subsection (d-1) to read as follows:
- 12 (a) The commission may amend, extend, <u>transfer</u>, or renew a
- 13 permit it issues in accordance with reasonable procedures
- 14 prescribed by the commission.
- 15 (b) The procedures prescribed by Section 361.067 for a
- 16 permit application apply to an application to amend, extend,
- 17 transfer, or renew a permit.
- 18 (c) Except as provided by Subsection (e), before a permit is
- issued, amended, extended, transferred, or renewed, the commission
- 20 shall provide an opportunity for a hearing to the applicant and
- 21 persons affected. The commission may also hold a hearing on its own
- 22 motion.
- 23 (d-1) A person who submits an application to transfer a
- 24 municipal solid waste permit shall publish notice of intent to

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transfer the permit in the manner Section 361.0665 provides for
publishing notice of intent to obtain a permit. The notice must
identify the permit holder and the proposed permit holder after the
transfer. The commission shall prescribe a reasonable time for
members of the public to provide comments and recommendations on
the application to transfer the permit before the commission acts
on the application.

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- SECTION 3. The changes in law made by Section 361.088, Health and Safety Code, as amended by this Act, apply only to an application to transfer a municipal solid waste permit that is received by the Texas Commission on Environmental Quality on or after the effective date of this Act. A permit transfer application that is received before that date is governed by the law in effect at the time the application is received, and the former law is continued in effect for that purpose.
- SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.