

By: Lucio III, Walle, et al.

H.B. No. 433

Substitute the following for H.B. No. 433:

By: Farrar

C.S.H.B. No. 433

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for acting on applications for certain permits under the Solid Waste Disposal Act.

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

SECTION 1. Section 361.0666, Health and Safety Code, is amended by amending Subsections (a) and (c) and adding Subsection (d-1) to read as follows:

(a) An applicant for a permit under this chapter for a new facility that accepts municipal solid wastes shall participate in ~~[may hold]~~ one ~~[a]~~ public meeting in the county in which the proposed facility is to be located. The meeting must be held during the designated public comment period and after the executive director has completed the technical review of the application.

(c) The applicant shall present to the commission an affidavit certifying that the notice was ~~published~~ provided as required by ~~Subsection (b)~~ this section. The commission's acceptance of the affidavit raises a presumption that the applicant has complied with ~~Subsection (b)~~ this section.

(d-1) At least 14 days before the date of the public meeting required by Subsection (a), the applicant shall mail notice of the meeting to each owner of real property located within one-quarter mile of the proposed facility as reflected in the real property appraisal records. For a new facility that is not located within the boundaries of a previously permitted site, the applicant shall

1 also post notice of the meeting on a sign to be located at the
2 entrance to the property or at each major thoroughfare adjoining
3 the property, which shall be for informational purposes only.

4 SECTION 2. Section 361.0791, Health and Safety Code, is
5 amended by amending Subsections (a) and (b) and adding Subsection
6 (f-1) to read as follows:

7 (a) Notwithstanding other law, the commission shall ~~[may]~~
8 hold one ~~[a]~~ public meeting on an application for a new hazardous
9 waste management facility in the county in which the proposed
10 hazardous waste management facility is to be located. The
11 commission, on request of a person affected or as otherwise
12 required by commission rule, shall ~~[may]~~ hold a public meeting on an
13 application for a Class 3 modification or a major amendment to an
14 existing facility's hazardous waste permit.

15 (b) ~~Notwithstanding other law~~ In accordance with Section
16 361.0666, the commission shall ~~[may]~~ hold one ~~[a]~~ public meeting on
17 an application for a new municipal solid waste management facility
18 in the county in which the proposed municipal solid waste
19 management facility is to be located.

20 (f-1) At least 14 days before the date of the public meeting
21 required by Subsection (a), the applicant shall mail notice of the
22 meeting to each owner of real property located within one-quarter
23 mile of the proposed facility as reflected in the real property
24 appraisal records. For a new facility that is not located within
25 the boundaries of a previously permitted site, the applicant shall
26 also post notice of the meeting on a sign to be located at the
27 entrance to the property or at each major thoroughfare adjoining

1 the property, which shall be for informational purposes only.

2 SECTION 3. Section 361.082(d), Health and Safety Code, is
3 amended to read as follows:

4 (d) In addition to the hearing held under this section, the
5 commission shall ~~[may]~~ hold one ~~[a]~~ public meeting and the
6 applicant shall give notice as provided by Section 361.0791.

7 SECTION 4. Section 361.534, Health and Safety Code, is
8 amended to read as follows:

9 Sec. 361.534. PERMIT PUBLIC MEETING. (a) The commission
10 shall schedule a public meeting to be held not later than the 60th
11 day after the date the commission receives ~~[may hold a public~~
12 ~~meeting on]~~ an application under this subchapter.

13 (b) ~~[The commission shall hold a public meeting on an~~
14 ~~application under this subchapter:~~

15 ~~[(1) on the request of a member of the legislature who~~
16 ~~represents the general area in which the development is proposed to~~
17 ~~be located, or~~

18 ~~[(2) if the executive director determines that there~~
19 ~~is substantial public interest in the proposed development.~~

20 ~~[(c)]~~ The commission by mail shall notify the applicant of
21 the date, time, and place of the public meeting at least 45 days
22 before the date of the public meeting. The commission shall require
23 the applicant to publish notice of the public meeting in a newspaper
24 that is generally circulated in each county in which the property
25 proposed for development is located. The published notice must
26 appear at least once a week for the two weeks before the date of the
27 public meeting.

1 (c) At least 14 days before the date of the public meeting
2 required by Subsection (a), the applicant shall mail notice of the
3 meeting to each owner of real property located within one-quarter
4 mile of the proposed facility as reflected in the real property
5 appraisal records. The applicant shall also post notice of the
6 meeting on a sign to be located at the entrance to the property or at
7 each major thoroughfare adjoining the property, which shall be for
8 informational purposes only.

9 SECTION 5. The changes in law made by this Act apply only to
10 an application that is filed with the Texas Commission on
11 Environmental Quality on or after the effective date of this Act.
12 An application that was filed with the commission before the
13 effective date of this Act is governed by the former law, and that
14 law is continued in effect for that purpose.

15 SECTION 6. This Act takes effect September 1, 2009.