

By: Lucio III

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 Subsection (a) 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 ~~may~~ hold a public meeting in the county in which the proposed facility is to be located. The meeting must be held before the 45th day after the date the application is filed.

(d-1) Not later than the 14th day before the date of the public meeting, the applicant shall:

(1) place on the property on which the proposed facility is to be located a sign giving notice of the public meeting; and

(2) mail notice of the public meeting to each owner or occupant of real property located within one mile of the proposed facility.

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

(a) Notwithstanding other law, the commission shall ~~may~~

1 hold a public meeting on an application for a new hazardous waste
2 management facility in the county in which the proposed hazardous
3 waste management facility is to be located. The commission, on
4 request of a person affected or as otherwise required by commission
5 rule, shall ~~may~~ hold a public meeting on an application for a
6 Class 3 modification or a major amendment to an existing facility's
7 hazardous waste permit.

8 (b) Notwithstanding other law, the commission shall ~~may~~
9 hold a public meeting on an application for a new municipal solid
10 waste management facility in the county in which the proposed
11 municipal solid waste management facility is to be located.

12 (f-1) Not later than the 14th day before the date of a public
13 meeting under this section, the applicant shall:

14 (1) place on the property on which the proposed
15 facility is to be located a sign giving notice of the public
16 meeting; and

17 (2) mail notice of the public meeting to each owner or
18 occupant of real property located within one mile of the proposed
19 facility.

20 SECTION 3. Section 361.081(a), Health and Safety Code, is
21 amended to read as follows:

22 (a) The commission shall require the applicant to mail
23 notice to each residential or business address located within one
24 ~~[one-half]~~ mile of a new solid waste management facility and to each
25 owner of real property located within one ~~[one-half]~~ mile of a new
26 solid waste management facility listed in the real property
27 appraisal records of the appraisal district in which the solid

1 waste management facility is sought to be permitted as of the date
2 the commission determines the permit application is
3 administratively complete. The notice must be sent by mail and must
4 be deposited with the United States postal service not more than 45
5 days or less than 30 days before the date of the hearing.

6 SECTION 4. Section 361.082(d), Health and Safety Code, is
7 amended to read as follows:

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

11 SECTION 5. Section 361.534, Health and Safety Code, is
12 amended to read as follows:

13 Sec. 361.534. PERMIT PUBLIC MEETING. (a) The commission
14 shall schedule a public meeting to be held not later than the 30th
15 day after the date the commission receives ~~[may hold a public~~
16 ~~meeting on]~~ an application under this subchapter.

17 (b) ~~[The commission shall hold a public meeting on an~~
18 ~~application under this subchapter.]~~

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

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

24 ~~[(c)]~~ The commission by mail shall notify the applicant of
25 the date, time, and place of the public meeting not later than the
26 15th day before the date of the public meeting. The commission
27 shall ~~[require the applicant to]~~ publish notice of the public

1 meeting in a newspaper that is generally circulated in each county
2 in which the property proposed for development is located. The
3 published notice must appear at least once a week for the two weeks
4 before the date of the public meeting.

5 (c) Not later than the 14th day before the date of the public
6 meeting, the applicant shall:

7 (1) place on the property proposed for development a
8 sign giving notice of the public meeting; and

9 (2) mail notice of the public meeting to each owner or
10 occupant of real property located within one mile of the property
11 proposed for development.

12 SECTION 6. The changes in law made by this Act apply only to
13 an application that is filed with the Texas Commission on
14 Environmental Quality on or after the effective date of this Act.
15 An application that was filed with the commission before the
16 effective date of this Act is governed by the former law, and that
17 law is continued in effect for that purpose.

18 SECTION 7. This Act takes effect September 1, 2009.