

By: Rodriguez

H.B. No. 1450

A BILL TO BE ENTITLED

AN ACT

relating to the disposal and reuse of coal combustion waste.

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

SECTION 1. Section 361.090(b), Health and Safety Code, is amended to read as follows:

(b) This section does not apply to:

(1) waste collected, handled, stored, processed, or disposed of with solid waste from any other source or sources; ~~or~~

(2) hazardous waste; or

(3) coal combustion waste, as that term is defined by Section 361.0236, generated from an electric generating plant that receives a preconstruction permit on or after September 1, 2009.

SECTION 2. Subchapter B, Chapter 361, Health and Safety Code, is amended by adding Section 361.0236 to read as follows:

Sec. 361.0236. DISPOSAL AND REUSE OF COAL COMBUSTION WASTE.

(a) In this section, "coal combustion waste" means the waste produced from the burning of coal, including ash, slag, and particulates removed from flue gas.

(b) The commission shall assess the status and stability of each site in this state at which coal combustion waste is disposed of or reused, regardless of whether the site is regulated by the commission, and publish a cumulative report on its findings every five years. The report must include information regarding:

(1) the volume of coal combustion waste at each type of

1 disposal or reuse site; and

2 (2) toxic constituents in the waste.

3 (c) Coal combustion waste produced from an electric
4 generating facility that receives a preconstruction permit on or
5 after September 1, 2009:

6 (1) is considered Class I industrial solid waste for
7 purposes of disposal of the waste; and

8 (2) may not be reused as mine backfill under Chapter
9 134, Natural Resources Code.

10 SECTION 3. Section 134.030, Natural Resources Code, is
11 amended to read as follows:

12 Sec. 134.030. RULES REGARDING MONITORING, REPORTING, AND
13 INSPECTIONS. (a) The commission shall adopt rules for:

14 (1) informing an operator of a violation detected by
15 an inspector; and

16 (2) making public all inspection and monitoring
17 reports and other records and reports required to be kept under this
18 chapter and rules adopted under this chapter and not confidential
19 under Section 134.031.

20 (b) Information related to groundwater and soil monitoring
21 of sites containing coal combustion waste, as that term is defined
22 by Section 361.0236, Health and Safety Code, is not confidential
23 and must be made public under this section.

24 SECTION 4. Not later than September 1, 2014, the Texas
25 Commission on Environmental Quality shall publish the first of the
26 cumulative reports required by Section 361.0236(b), Health and
27 Safety Code, as added by this Act.

1 SECTION 5. This Act takes effect September 1, 2009.