

By: Farrar

H.B. No. 821

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a prohibition on the disposal of certain used equipment
3 at a municipal solid waste facility; creating an offense.

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

5 SECTION 1. Section 361.954(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) The collection, recycling, and reuse provisions of this
8 subchapter apply to computer equipment used and returned to the
9 manufacturer by a consumer in this state and, except as provided by
10 Section 361.967, do not impose any obligation on an owner or
11 operator of a solid waste facility.

12 SECTION 2. Section 361.966, Health and Safety Code, is
13 amended to read as follows:

14 Sec. 361.966. FEDERAL PREEMPTION; EXPIRATION. (a) If
15 federal law establishes a national program for the collection and
16 recycling of [~~computer~~] equipment to which this subchapter applies
17 and the commission determines that the federal law substantially
18 meets the purposes of Sections 361.952 through 361.965 [~~this~~
19 ~~subchapter~~], the commission may adopt an agency statement that
20 interprets the federal law as preemptive of those sections [~~this~~
21 ~~subchapter~~].

22 (b) Sections 361.952 through 361.965 expire [~~This~~
23 ~~subchapter expires~~] on the date the commission issues a statement
24 under this section.

1 SECTION 3. Subchapter Y, Chapter 361, Health and Safety
2 Code, is amended by adding Section 361.967 to read as follows:

3 Sec. 361.967. PROHIBITION ON LAND DISPOSAL OR INCINERATION.

4 (a) In this section, "used equipment" means equipment that is
5 eligible for collection under a manufacturer's recovery plan
6 adopted under Section 361.955.

7 (b) The commission by rule shall prohibit a person from
8 intentionally or knowingly disposing of used equipment in a
9 municipal solid waste landfill or incinerator.

10 (c) An owner or operator of a municipal solid waste landfill
11 or incinerator is not in violation of this section or a rule adopted
12 under this section if the owner or operator has:

13 (1) made a good faith effort to comply with this
14 section;

15 (2) posted in a conspicuous location a sign stating
16 that used equipment is not accepted at the landfill or incinerator;
17 and

18 (3) notified in writing any solid waste collector
19 registered to dispose of waste at the landfill or incinerator that
20 used equipment is not accepted.

21 (d) A penalty may be assessed under Section 7.052, Water
22 Code, for each item of used equipment disposed of or accepted for
23 disposal at a municipal solid waste landfill or incinerator in
24 violation of this section or a rule adopted under this section.

25 SECTION 4. The Texas Commission on Environmental Quality
26 shall adopt rules to implement this Act not later than December 31,
27 2011.

1 SECTION 5. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2011.