

By: Smith of Harris

H.B. No. 1914

Substitute the following for H.B. No. 1914:

By: Legler

C.S.H.B. No. 1914

A BILL TO BE ENTITLED

AN ACT

1
2 relating to financial assurance required for certain commercial or
3 municipal solid waste facilities by the Texas Commission on
4 Environmental Quality.

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

6 SECTION 1. Subchapter C, Chapter 361, Health and Safety
7 Code, is amended by adding Section 361.0851 to read as follows:

8 Sec. 361.0851. ADDITIONAL FINANCIAL ASSURANCE REQUIREMENTS
9 FOR CERTAIN COMMERCIAL OR MUNICIPAL SOLID WASTE FACILITIES. (a)
10 The commission shall adopt rules to require additional financial
11 assurance for a commercial or municipal solid waste facility,
12 including a facility for which a permit or registration described
13 by Section 361.085(k) is issued, if the facility:

14 (1) treats or processes liquid waste or industrial
15 nonhazardous liquid waste for disposal off-site or for discharge;

16 (2) has:

17 (A) a record of significant noncompliance with
18 permitted limits; or

19 (B) no compliance record; and

20 (3) is not owned by, operated by, or affiliated with a
21 local government or a person that has a permit to dispose of
22 municipal solid waste.

23 (b) For the purposes of Subsection (a), a facility has a
24 record of significant noncompliance with permitted limits if, in

1 the preceding five years, the owner or operator of the facility:

2 (1) has been issued by the commission a final order, a
3 notice of enforcement, or two or more notices of violation alleging
4 or finding that the facility:

5 (A) accepted unauthorized waste;

6 (B) accepted waste in an amount that exceeds a
7 permit limit by more than five percent; or

8 (C) discharged water or waste without
9 authorization; or

10 (2) has been subject to a civil or criminal penalty for
11 actions at the facility described by Subdivision (1).

12 (c) This section does not apply to:

13 (1) a composting facility;

14 (2) a site at which sludge is applied; or

15 (3) a municipal solid waste management facility exempt
16 from permit requirements under Section 361.111.

17 SECTION 2. This Act takes effect September 1, 2011.