

By: Smith of Harris

H.B. No. 1914

A BILL TO BE ENTITLED

AN ACT

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

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

6 SECTION 1. Sections 361.085(k) and (l), Health and Safety
7 Code, are amended to read as follows:

8 (k) The commission shall ~~[may]~~ require financial assurance
9 as a condition of issuing a permit or registration for the
10 collection, transportation, or processing of grit trap waste or
11 grease trap waste. The amount of financial assurance required must
12 be consistent with the degree and duration of risk associated with
13 the type of waste authorized to be collected, transported, or
14 processed.

15 (l) Provision ~~[If the commission requires financial~~
16 ~~assurance as a condition of a permit or registration under~~
17 ~~Subsection (k), provision]~~ of ~~[that]~~ financial assurance under
18 Subsection (k) also satisfies any requirement for financial
19 assurance under Chapter 368.

20 SECTION 2. Subchapter C, Chapter 361, Health and Safety
21 Code, is amended by adding Section 361.0851 to read as follows:

22 Sec. 361.0851. ADDITIONAL FINANCIAL ASSURANCE REQUIREMENTS
23 FOR CERTAIN COMMERCIAL SOLID WASTE FACILITIES. (a) The commission
24 shall adopt rules to require additional financial assurance for a

1 commercial solid waste facility, including a facility for which a
2 permit or registration described by Section 361.085(k) is issued,
3 if the facility:

4 (1) treats or processes liquid waste or industrial
5 nonhazardous waste for disposal off-site or by discharge;

6 (2) has:

7 (A) a record of significant noncompliance with
8 permitted limits; or

9 (B) no compliance record; and

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

13 (b) For the purposes of Subsection (a), a facility has a
14 record of significant noncompliance with permitted limits if, in
15 the preceding five years, the owner or operator of the facility:

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

19 (A) accepted unauthorized waste;

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

22 (C) discharged water or waste without
23 authorization; or

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

26 SECTION 3. This Act takes effect September 1, 2011.