

By: Bell

H.B. No. 1490

A BILL TO BE ENTITLED

AN ACT

relating to collection and use of municipal solid waste fees.

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

SECTION 1. Section 361.013, Health and Safety Code, is amended to read as follows:

Sec. 361.013. SOLID WASTE DISPOSAL AND TRANSPORTATION FEES.

(a) Except as provided by Subsections (e) through (j) ~~(i)~~, the commission shall charge a fee on all solid waste that is disposed of within this state. The fee is \$1.25 per ton received for disposal at a municipal solid waste landfill if the solid waste is measured by weight. If the solid waste is measured by volume, the fee for compacted solid waste is 40 cents per cubic yard or, for uncompacted solid waste, 25 cents per cubic yard received for disposal at a municipal solid waste landfill. The commission shall set the fee for sludge or similar waste applied to the land for beneficial use on a dry weight basis and for solid waste received at an incinerator or a shredding and composting facility at half the fee set for solid waste received for disposal at a landfill. The commission may charge comparable fees for other means of solid waste disposal that are used.

(b) The commission may raise or lower the fees established under Subsection (a) in accordance with commission spending levels established by the legislature.

(c) Fees established under Subsection (a) shall be reduced

1 to 50 percent on or after the first day of the second month
 2 following notification by the commission of the date on which the
 3 unobligated balance in the municipal solid waste disposal account
 4 equals or exceeds \$30,000,000. The commission shall notify the
 5 comptroller in writing of the date on which the unobligated balance
 6 equals or exceeds \$30,000,000. All fees established under
 7 Subsection (a) that are collected after the commission's notice
 8 shall be distributed to the waste management account. If the
 9 unobligated balance in the municipal solid waste disposal account
 10 falls below \$15,000,000, the fees shall be reinstated to 100
 11 percent of established levels in Subsection (a) and equally
 12 distributed between the municipal solid waste disposal account and
 13 the waste management account, effective on the first day of the
 14 second month following notification by the commission.

15 (d) ~~(c)~~ The commission shall charge an annual registration
 16 fee to a transporter of municipal solid waste who is required to
 17 register with the commission under rules adopted by the commission.
 18 The commission by rule shall adopt a fee schedule. The fee shall be
 19 reasonably related to the volume, the type, or both the volume and
 20 type of waste transported. The registration fee charged under this
 21 subsection may not be less than \$25 or more than \$500.

22 (e) ~~(d)~~ The operator of each municipal solid waste facility
 23 shall maintain records and report to the commission annually on the
 24 amount of solid waste that the facility transfers, processes,
 25 stores, treats, or disposes of. Each transporter required to
 26 register with the commission shall maintain records and report to
 27 the commission annually on the amount of solid waste that the

1 transporter transports. The commission by rule shall establish
2 procedures for recordkeeping and reporting required under this
3 subsection.

4 (f) ~~(e)~~ The commission may not charge a fee under Subsection
5 (a) for scrap tires that are deposited in a designated recycling
6 collection area at a landfill permitted by the commission or
7 licensed by a county or by a political subdivision exercising the
8 authority granted by Section 361.165 and that are temporarily
9 stored for eventual recycling, reuse, or energy recovery.

10 (g) ~~(f)~~ The commission may not charge a fee under Subsection
11 (a) for source separated yard waste materials that are composted at
12 a composting facility, including a composting facility located at a
13 permitted landfill site. The commission shall credit any fee
14 payment due under Subsection (a) for any material received and
15 converted to compost or product for composting through a composting
16 process. Any compost or product for composting that is not used as
17 compost and is deposited in a landfill is not exempt from the fee.

18 (h) ~~(g)~~ The commission shall allow a home-rule municipality
19 that has enacted an ordinance imposing a local environmental
20 protection fee for disposal services as of January 1, 1993, to offer
21 disposal or environmental programs or services to persons within
22 its jurisdiction, from the revenues generated by said fee, as such
23 services are required by state or federal mandates. If such
24 services or programs are offered, the home-rule municipality may
25 require their use by those persons within its jurisdiction.

26 (i) ~~(h)~~ The commission may not charge a fee under Subsection
27 (a) on solid waste resulting from a public entity's effort to

1 protect the public health and safety of the community from the
2 effects of a natural or man-made disaster or from structures that
3 have been contributing to drug trafficking or other crimes if the
4 disposal facility at which that solid waste is offered for disposal
5 has donated to a municipality, county, or other political
6 subdivision the cost of disposing of that waste.

7 (j) ~~(i)~~ The commission may not charge a fee under Subsection
8 (a) for the disposal of:

9 (1) Class I industrial solid waste or hazardous waste
10 subject to the assessment of fees under Section 361.136;

11 (2) an industrial solid waste for which no permit may
12 be required under Section 361.090; or

13 (3) sewage sludge that:

14 (A) has been treated to reduce the density of
15 pathogens to the lowest level provided by commission rules; and

16 (B) complies with commission rules regarding:

17 (i) metal concentration limits;

18 (ii) pathogen reduction; and

19 (iii) vector attraction reduction.

20 SECTION 2. Subsection (a), Section 361.014, Health and
21 Safety Code, is amended by adding Subdivisions (12) and (13) to read
22 as follows:

23 (12) provision of funds for natural gas fueling
24 stations to facilitate the conversion of solid waste diesel fleets
25 to cleaner burning natural gas in nonattainment areas and Travis,
26 Williamson, Hays, and Bexar counties.

27 (13) provision of funds for municipal solid waste

1 renewable energy projects; including, waste-to-energy, landfill
2 biogas for electricity, wastewater treatment facility biogas
3 projects to electricity or renewable fuel, and food/yard waste
4 anaerobic digestion.

5 SECTION 3. This Act takes effect September 1, 2013.