By: Farrar H.B. No. 1694

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

Sec. 361.967. PROHIBITION ON LAND DISPOSAL OR INCINERATION. (a) In this section, "used equipment" means equipment that is eligible for collection under a manufacturer's recovery plan adopted under Section 361.955.

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

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

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

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

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

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

SECTION 4. The Texas Commission on Environmental Quality shall adopt rules to implement this Act not later than December 31, 2013.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.