

By: Carona

S.B. No. 762

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. 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) posted in a conspicuous location a sign stating

1 that used equipment is not accepted at the landfill or incinerator;
2 and

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

6 (d) A person that violates this section or a rule adopted
7 under this section is liable for a civil penalty not to exceed \$200
8 for each item of used equipment disposed of or accepted for disposal
9 at a municipal solid waste landfill or incinerator.

10 SECTION 3. Section 361.973(a), Health and Safety Code, is
11 amended to read as follows:

12 (a) Except as provided by this section and Sections
13 [Section] 361.991 and 361.993, this subchapter applies only to
14 covered television equipment that is:

15 (1) offered for sale or sold to a consumer in this
16 state; or

17 (2) used by a consumer in this state and returned for
18 recycling.

19 SECTION 4. Subchapter Z, Chapter 361, Health and Safety
20 Code, is amended by adding Section 361.993 to read as follows:

21 Sec. 361.993. PROHIBITION ON LAND DISPOSAL OR INCINERATION.

22 (a) In this section, "used equipment" means covered television
23 equipment that is eligible for collection under:

24 (1) a manufacturer's recovery plan adopted under
25 Section 361.978; or

26 (2) a manufacturer recycling leadership program
27 established under Section 361.979.

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

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

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

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

13 (d) A person that violates this section or a rule adopted
14 under this section is liable for a civil penalty not to exceed \$200
15 for each item of used equipment disposed of or accepted for disposal
16 at a municipal solid waste landfill or incinerator.

17 SECTION 5. The Texas Commission on Environmental Quality
18 shall adopt rules to implement this Act not later than December 31,
19 2013.

20 SECTION 6. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2013.