

By: Zaffirini

S.B. No. 2154

A BILL TO BE ENTITLED

AN ACT

relating to the amendment to an existing permit for a municipal solid waste landfill facility to accept increased amounts of Class 1 industrial solid waste.

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

SECTION 1. Section 361.088 of Subchapter C, Chapter 361, Health and Safety Code, is amended to read as follows:

(a) The commission may amend, extend, or renew a permit it issues in accordance with reasonable procedures prescribed by the commission.

(b) The procedures prescribed by Section 361.067 for a permit application apply to an application to amend, extend, or renew a permit.

(c) Except as provided by Subsection ~~(e)~~(f), before a permit is issued, amended, extended, or renewed, the commission shall provide an opportunity for a hearing to the applicant and persons affected. The commission may also hold a hearing on its own motion.

(d) In addition to providing an opportunity for a hearing held under this section, the commission shall hold a public meeting and give notice as provided by Section 361.0791.

(e) A permitted municipal solid waste landfill facility is prohibited from accepting Class 1 industrial solid wastes in excess of 20% of the total amount of waste (not including Class 1 wastes) accepted during the current or previous year, unless specifically

authorized to do so by the existing facility permit. The commission may allow an increase in the rate of Class 1 waste acceptance in excess of 20% of the total amount of waste (not including Class 1 wastes) accepted during the current or previous year if, on application for authorization to exceed the 20% limit, the commission finds that a need exists for a higher rate of disposal of Class 1 wastes because of the lack of available capacity in the appropriate regional council of government. The commission shall treat an application for authorization to exceed the 20% limit as a major amendment to an existing municipal solid waste permit. In no event shall the commission allow the rate of acceptance of Class 1 wastes to exceed 50% of the total amount of wastes (not including Class 1 wastes) accepted. The amount of waste may be determined by volume or by weight, but the same unit of measure must be used for each year, unless a variance is authorized by the executive director of the commission.

~~(e)~~ (f) After complying with Sections 5.552-5.555, Water Code, the commission, without providing an opportunity for a contested case hearing, may act on an application to renew a permit for:

(1) storage of hazardous waste in containers, tanks, or other closed vessels if the waste:

(A) was generated on-site; and  
(B) does not include waste generated from other waste transported to the site; and

(2) processing of hazardous waste if:

(A) the waste was generated on-site;

1 (B) the waste does not include waste generated  
2 from other waste transported to the site; and

3 (C) the processing does not include thermal  
4 processing.

5 ~~(f)~~ (g) Notwithstanding Subsection ~~(e)~~(f), if the  
6 commission determines that an applicant's compliance history under  
7 the method for evaluating compliance history developed by the  
8 commission under Section 5.754, Water Code, raises an issue  
9 regarding the applicant's ability to comply with a material term of  
10 its permit, the commission shall provide an opportunity to request  
11 a contested case hearing.

12 ~~(g)~~ (h) The commission shall review a permit issued under  
13 this chapter every five years to assess the permit holder's  
14 compliance history.

15 SECTION 2. Section 361.088, Health Code and Safety Code, as  
16 amended by this Act, applies to any municipal solid waste landfill  
17 facility permitted after October 9, 1993, and to any application by  
18 a municipal solid waste landfill facility permit holder for  
19 authorization to increase the rate of Class 1 waste acceptance in  
20 excess of 20% of the total amount of waste (not including Class 1  
21 wastes) accepted during the current or previous year that is  
22 pending before the commission of the effective date of this Act.

23 SECTION 3. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2017.