

By: Bohac

H.B. No. 1390

A BILL TO BE ENTITLED

AN ACT

relating to the review of municipal solid waste facility permit applications for conformity with regional solid waste management plans.

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

SECTION 1. The heading to Section 361.062, Health and Safety Code, is amended to read as follows:

Sec. 361.062. COMPATIBILITY WITH LOCAL OR REGIONAL PLANS [~~COUNTY'S PLAN~~].

SECTION 2. Section 361.062, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Before the commission issues a permit to construct, operate, or maintain a solid waste facility to process, store, or dispose of solid waste in a county that has a local or regional solid waste management plan approved by the commission under Chapter 363 [~~(Comprehensive Municipal Solid Waste Management, Resource Recovery, and Conservation Act)~~], the commission must consider whether the solid waste facility and the proposed site for the facility are compatible with each [~~the county's~~] approved [~~local solid waste management~~] plan.

(c) In determining the compatibility of a proposed solid waste facility and facility site with a regional solid waste management plan under Subsection (a), the commission shall consider

1 a letter delivered under Section 363.066(c) regarding the permit  
2 application for the proposed facility.

3 SECTION 3. Section 361.067(a), Health and Safety Code, is  
4 amended to read as follows:

5 (a) If the commission determines that a permit application  
6 submitted to it is administratively complete, it shall mail a copy  
7 of the application or a summary of its contents to:

8 (1) the mayor and health authority of a municipality  
9 in whose territorial limits or extraterritorial jurisdiction the  
10 solid waste facility is located; ~~and~~

11 (2) the county judge and the health authority of the  
12 county in which the facility is located; and

13 (3) the council of governments responsible for the  
14 regional solid waste management plan under Subchapter D, Chapter  
15 363, in which the facility is located.

16 SECTION 4. Section 361.089(b), Health and Safety Code, is  
17 amended to read as follows:

18 (b) Except as provided by Section 361.110, the commission  
19 shall notify each governmental entity listed under Sections  
20 361.067(a)(1) and (2) [Section 361.067] and provide an opportunity  
21 for a hearing to the permit holder or applicant and persons  
22 affected. The commission may also hold a hearing on its own motion.

23 SECTION 5. Section 363.066, Health and Safety Code, is  
24 amended by adding Subsection (c) to read as follows:

25 (c) On receipt of a permit application from the commission  
26 under Section 361.067, the council of governments shall:

27 (1) review the application and determine whether the

1 permit application is consistent with the regional solid waste  
2 management plan; and

3 (2) deliver a letter to the commission in the time  
4 specified by the commission describing the determination made under  
5 Subdivision (1).

6 SECTION 6. The changes in law made by this Act apply only to  
7 a permit application for a municipal solid waste facility that is  
8 filed with the Texas Commission on Environmental Quality on or  
9 after the effective date of this Act. A permit application for a  
10 municipal solid waste facility filed before the effective date of  
11 this Act is governed by the law in effect when the permit  
12 application was filed, and the former law is continued in effect for  
13 that purpose.

14 SECTION 7. This Act takes effect September 1, 2019.