

By: Thompson of Brazoria

H.B. No. 4360

A BILL TO BE ENTITLED

AN ACT

relating to the review of permit applications for municipal solid waste facilities and the issuance of a notice of deficiency.

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

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.0661 to read as follows:

Sec. 361.0661. REVIEW OF PERMIT APPLICATION FOR MUNICIPAL SOLID WASTE FACILITY; NOTICE OF DEFICIENCY. (a) The commission shall review each application for a permit for a municipal solid waste facility promptly.

(b) If after review of an application described by Subsection (a), the commission finds that necessary information is omitted from the application, that the application contains incorrect information that is material to the application, or that more information is necessary to complete the processing of the application, the commission shall issue a notice of deficiency and order the information to be provided to the commission not later than the 60th day after the date the notice is issued. If the information is not provided to the commission on or before that date, the commission shall dismiss the application.

(c) The commission may issue a notice of deficiency for an application described by Subsection (a) only for the reasons specified by Subsection (b). For purposes of determining whether an application contains incorrect information that is material to

1 the application, the commission may not consider administrative or
2 clerical errors, including typographical errors.

3 (d) To the extent of a conflict between this section and
4 Section 361.066 or a rule adopted under that section, this section
5 controls.

6 (e) The commission may adopt rules as necessary to implement
7 this section.

8 SECTION 2. The change in law made by this Act applies only
9 to an application for a permit that is submitted to the Texas
10 Commission on Environmental Quality on or after the effective date
11 of this Act. An application for a permit that was submitted to the
12 Texas Commission on Environmental Quality before the effective date
13 of this Act is governed by the law in effect at the time the
14 application was filed, and the former law is continued in effect for
15 that purpose.

16 SECTION 3. This Act takes effect September 1, 2019.