

By: Zaffirini

S.B. No. 868

A BILL TO BE ENTITLED

AN ACT

relating to the amount of certain industrial solid waste authorized to be accepted by a municipal solid waste facility.

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

SECTION 1. Subchapter B, Chapter 361, Health and Safety Code, is amended by adding Section 361.0191 to read as follows:

Sec. 361.0191. LIMITATION ON AMOUNT OF INDUSTRIAL SOLID WASTE ACCEPTED AT MUNICIPAL SOLID WASTE FACILITY. (a) This section applies only to a municipal solid waste facility that was originally permitted on or after October 9, 1993.

(b) A municipal solid waste facility may accept Class I industrial solid waste in an amount not to exceed 20 percent of the total amount of non-Class I industrial solid waste accepted in that calendar year and the preceding calendar year.

(c) If the commission determines that the planning region in which the municipal solid waste facility is located lacks sufficient disposal capacity for Class I industrial solid waste, the commission may authorize a permit amendment to increase the amount of Class I industrial solid waste authorized under Subsection (b) to an amount not to exceed 50 percent of the total amount of non-Class I industrial solid waste accepted in that calendar year and the preceding calendar year. A permit amendment under this subsection is considered a major amendment as defined by commission rule and subjects the permittee to all of the procedural

1 and substantive obligations imposed by the rules applicable to
2 major amendments.

3 (d) The amount of waste accepted may be measured by volume
4 or by weight, but the same means of measurement must be used in the
5 calculation for each year.

6 SECTION 2. Section 361.0191(c), Health and Safety Code, as
7 added by this Act, applies only to an application for the amendment
8 of a permit pending before the Texas Commission on Environmental
9 Quality on or after the effective date of this Act.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2019.