

All Published Pre-filed Amendments for SB 1397

Bell, Keith

Barcode

Amendment

E880427

Darby

Barcode

Amendment

E880426

Turner

Barcode

Amendment

E880428

**The following 3 amendments were
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E880427

23 May-15 AM 07:33
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Bell of Kaufman

1 Amend C.S.S.B. No. 1397 (house committee report) by adding
2 the following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. The heading to Chapter 28A, Water Code, is
5 amended to read as follows:

6 CHAPTER 28A. [~~REGISTRATION AND INSPECTION OF~~] CERTAIN AGGREGATE
7 PRODUCTION OPERATIONS

8 SECTION _____. Chapter 28A, Water Code, is amended by adding
9 Subchapter D to read as follows:

10 SUBCHAPTER D. BEST MANAGEMENT PRACTICES

11 Sec. 28A.151. BEST MANAGEMENT PRACTICES. (a) The
12 commission shall develop and make accessible on the commission's
13 Internet website recommended best management practices for
14 aggregate production operations that operate under the
15 jurisdiction of the commission. The best management practices must
16 include operational issues related to:

17 (1) dust control;

18 (2) water use; and

19 (3) water storage.

20 (b) The commission may coordinate with other agencies when
21 developing the best management practices under this section.

22 (c) The best management practices developed under this
23 section are not subject to enforcement by the commission.



E880426

23 May-14 PM 06:45
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Darby

1 Amend C.S.S.B. No. 1397 (house committee report) by adding
2 the following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 361.095, Health and Safety Code, is
5 amended to read as follows:

6 Sec. 361.095. LOCAL PERMITS FOR [APPLICANT FOR] HAZARDOUS
7 WASTE MANAGEMENT AND MUNICIPAL SOLID WASTE FACILITIES [FACILITY
8 PERMIT EXEMPT FROM LOCAL PERMIT]. (a) An applicant for a permit
9 under this subchapter is not:

10 (1) required to obtain a permit for the siting,
11 construction, or operation of a hazardous waste management facility
12 from a local government or other political subdivision of the
13 state; or

14 (2) required to obtain a permit for the siting,
15 construction, or operation of a municipal solid waste facility from
16 a local government or other political subdivision of the state as a
17 prerequisite to a permit being issued by the commission.

18 (b) A local government or other political subdivision of the
19 state may not adopt a rule, order, or ordinance that conflicts with
20 or is inconsistent with:

21 (1) the requirements for hazardous waste management or
22 municipal solid waste facilities as specified by:

23 (A) the rules of the commission; or

24 (B) [by] a permit issued by the commission; or

25 (2) the requirements for municipal solid waste
26 facilities under Section 361.011.

27 (c) In an action to enforce a rule, order, or ordinance of a
28 local government or other political subdivision, the burden is on
29 the facility owner or operator or on the applicant to demonstrate

1 conflict or inconsistency with state requirements.

2 (d) The validity or applicability of a rule, order, or
3 ordinance of a local government or other political subdivision may
4 be determined in an action for declaratory judgment under Chapter
5 37, Civil Practice and Remedies Code, if it is alleged that the
6 rule, order, or ordinance, or its threatened application,
7 interferes with, ~~or~~ impairs, or threatens to interfere with or
8 impair, the legal rights or privileges of the plaintiff concerning
9 an issued permit, an application for a permit, or the issuance of a
10 permit for the siting, construction, or operation of a hazardous
11 waste management or municipal solid waste facility.

12 (e) The local government or other political subdivision
13 whose rule, order, or ordinance is being questioned shall be made a
14 party to the action. The commission shall be given written notice
15 by certified mail of the pendency of the action, and the commission
16 may become a party to the action.

17 (f) A declaratory judgment may be rendered even if the
18 plaintiff has requested the commission, the local government or
19 political subdivision, or another court to determine the validity
20 or applicability of the rule, order, or ordinance in question.

21 (g) This section may not be construed to prevent or limit
22 the right of:

23 (1) a county or municipality to exercise the authority
24 granted under Section 363.112 to prohibit the processing or
25 disposal of municipal solid waste;

26 (2) a county to exercise the authority granted under
27 Section 364.012 to prohibit the disposal of municipal solid waste;
28 or

29 (3) a local government or other political subdivision
30 to adopt or enforce a rule, order, or ordinance under the authority
31 of the National Flood Insurance Program governing permits or other

1 approvals for the development of land in areas prone to floods or
2 mudslides.

3 SECTION _____. Section 361.095, Health and Safety Code, as
4 amended by this Act, applies only to an order, ordinance, or other
5 regulation related to the siting or location of a solid waste
6 disposal facility adopted by a local government or other political
7 subdivision after the effective date of this Act. An order,
8 ordinance, or other regulation related to the siting or location of
9 a solid waste disposal facility adopted before the effective date
10 of this Act is governed by the law in effect on the date it was
11 adopted, and the former law is continued in effect for that purpose.



23 May-15 AM 08:12
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Turner

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1 Amend C.S.S.B. No. 1397 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter B, Chapter 382, Health and Safety
5 Code, is amended by adding Section 382.0162 to read as follows:

6 Sec. 382.0162. AIR QUALITY MONITORS NEAR CERTAIN GAS WELLS.
7 The commission shall install and maintain a permanent air quality
8 monitor near each gas well located in a county with a population
9 of two million or more. The commission shall monitor the emissions
10 of air contaminants from the gas well, including the air
11 contaminants identified under Section 382.0161(a) (1).