

CHAPTER 887

H.B. No. 873

An Act relating to issuance of permits for solid waste facilities in certain counties and to approval or rejection of local solid waste management plans by the Texas Department of Health.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 4, Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), is amended by adding Subsection (k) to read as follows:

*(k) Before the department issues a permit for the construction, operation, or maintenance of a solid waste facility for processing, storing, or disposing of solid waste in a county that has a local solid waste management plan approved by the board under the Comprehensive Municipal Solid Waste Management, Resource Recovery, and Conservation Act (Article 4477-7c, Vernon's Texas Civil Statutes), the department must consider whether the solid waste facility and the proposed site*

*for the facility are compatible with the county's approved local solid waste management plan. Until a local solid waste management plan is approved by the board and adopted by rule, the plan and its contents shall not be considered by the department in the review of an application for a solid waste facility permit.*

**SECTION 2.** Section 7(c), Comprehensive Municipal Solid Waste Management, Resource Recovery, and Conservation Act (Article 4477-7c, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) A local government may develop a local solid waste management plan that must conform to the requirements of a regional solid waste management plan for the region encompassing the jurisdiction of the local government which has been adopted by rule in accordance with Subsection (b) of this section. If there is no adopted regional solid waste management plan, the local solid waste management plan must conform to the state solid waste management plan. A local solid waste management plan may be submitted to the department for review. If the department determines that a local solid waste management plan conforms to the requirements adopted by the board, the department shall submit the local solid waste management plan to the board for approval. *If the department determines that a local solid waste management plan does not conform to the requirements adopted by the board, the department shall give written notice to the local government of each aspect of the plan that must be changed to conform to board requirements. After the changes have been made in the plan as provided by the department, the department shall submit the plan to the board for approval.* A local plan approved by the board shall be adopted by rule in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

**SECTION 3.** (a) Section 1 of this Act applies only to an application for a permit pending on the effective date of this Act or filed on or after the effective date of this Act.

(b) Section 2 of this Act applies to a local solid waste management plan pending with the Department of Health on the effective date of this Act or filed with the department on or after the effective date of this Act. No local solid waste management plan shall be considered by the department in the review of an application for a solid waste facility permit if the local plan was not approved by the board and adopted by rule before the date on which the facility permit application Part A was filed with the department and Part B was accepted for filing by the department.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 1, 1985, by a non-record vote; passed by the Senate on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 15, 1985

Effective: August 26, 1985