

CHAPTER 940

H.B. No. 1680

AN ACT

relating to the authority of the Texas Department of Health over demolition and renovation activities to protect the public from emissions of asbestos.

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

SECTION 1. Section 12, Chapter 97, Acts of the 70th Legislature, Regular Session, 1987 (Article 4477-3a, Vernon's Texas Civil Statutes), is amended by adding Subsections (k)-(n) to read as follows:

(k) The department may adopt and enforce rules regarding demolition and renovation activities to protect the public from emissions of asbestos. At a minimum, the rules must be sufficient to permit the department to obtain the authority from the United States Environmental Protection Agency to implement and enforce in this state the provisions of 40 C.F.R. Part 61, Subpart M, that establish the requirements applicable to the demolition and renovation of facilities, including the disposal of asbestos-containing waste materials.

(l) Employees and agents of the department may enter any facility, as that term is defined by 40 C.F.R. Part 61, Subpart M, to inspect and investigate conditions to determine compliance with the rules adopted under Subsection (k) of this section.

(m) The department and the Texas Natural Resource Conservation Commission by rule shall adopt a joint memorandum of understanding concerning the inspection of solid waste facilities that receive asbestos.

(n) The department may contract with any person to perform inspections necessary to enforce this Act.

SECTION 2. Until the Texas Department of Health adopts fees to be collected from contractors performing demolition and renovation projects that may involve asbestos, the fees for oversight and enforcement activities required under the federal Clean Air Act for those projects are in the amounts set by the Texas Air Control Board for those activities.

SECTION 3. This Act takes effect September 1, 1993.

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.

Passed by the House on May 7, 1993, by a non-record vote; passed by the Senate on May 30, 1993, by a viva-voce vote.

Approved June 19, 1993.

Effective Sept. 1, 1993.