

CHAPTER 781

H.B. No. 1869

AN ACT

relating to public notice of a hearing on an application for a landfill permit.

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

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

(B) The state agency by rule shall establish procedures for public notice and any public hearing authorized under this paragraph. To improve the timeliness of notice to the public pertaining to any public hearing authorized under this paragraph, public notice of receipt of the permit application shall be provided at the time a permit application is ruled administratively complete by the department or the department of water resources. *The department must give public notice of an opportunity for a hearing on an application for a landfill permit at least once each week for two consecutive weeks beginning no later than the 14th day from the last day allowed to request such a hearing. The notice must be published in the newspaper having the largest general circulation that is published in the county in which the proposed landfill will be located, unless no newspaper is published in the county, in which case the notice must be published in a newspaper of general circulation in the county. In addition, the department shall notify by certified or registered mail, return receipt requested, each residence, each business, and each owner of real property located within one mile of the proposed landfill listed in the real property records of the county in which the landfill is sought to be permitted as of the date the department rules the application for a permit administratively complete. The mailed notice must be deposited with the United States postal service not more than 45 days nor less than 30 days before the date of the hearing. The notice requirements regarding certified or registered mail will be presumed by the department to have been complied with upon the verification by the applicant to the department that the mailings have been deposited as required by this section unless it is demonstrated by no less than 35 percent of the affected parties that such certified or registered mail was not deposited with the United States postal service not more than 45 days nor less than 30 days before the date of the hearing.* A hearing on a permit involving a solid waste facility for hazardous industrial solid waste must include one session held in the county in which the solid waste facility is located. Hearings under this paragraph shall be conducted in accordance with the hearing rules adopted by the state agency and the applicable provisions of the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

SECTION 2. Not later than October 1, 1989, the Texas Department of Health after notice and hearing shall implement rules for the handling, transporting, and disposal of infectious waste that will be consistent with the report submitted on or before January 1, 1989, by the legislative interim committee studying the handling, transporting, and disposal of infectious waste, unless superseded by legislation enacted by the 71st Legislature for the handling, transporting, and disposal of infectious waste.

SECTION 3. 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 13, 1987, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 1869 on May 30, 1987, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1869 on June 1, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 27, 1987, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences

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between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1869 on June 1, 1987, by the following vote: Yeas 31, Nays 0
Approved June 20, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.