

CHAPTER 1119

S.B. No. 1383

AN ACT

relating to prohibiting certain solid waste sites or operations from accepting certain wastes; providing penalties.

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

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

3836

Sec. 4A. (a) For purposes of this section, "putrescible waste" means organic waste, such as garbage, wastewater treatment plant sludge, and grease trap waste, that is capable of being decomposed by microorganisms with sufficient rapidity as to cause odors or gases or is capable of providing food for or attracting birds, animals, or disease vectors.

(b) A solid waste site or operation permitted as a Type IV landfill may not accept solid waste that is in completely enclosed containers or enclosed vehicles unless:

(1) the solid waste is transported on a route approved by the department that is designed to eliminate putrescible, hazardous, or infectious waste;

(2) the solid waste is delivered to the site or operation on the days and times designated and approved by the department to eliminate putrescible, hazardous, or infectious waste;

(3) the transporter possesses a special permit issued by the department that indicates the approved route, date, and time; and

(4) a department inspector must be present to verify that the solid waste is free of putrescible, hazardous, or infectious waste.

(c) This section does not apply to:

(1) a stationary compactor at a particular location that is permitted annually under this section by the department, on certification by the generator to the department that the contents of the compactor are free of putrescible, hazardous, or infectious waste; or

(2) enclosed vehicles of a municipality if the vehicles are permitted by the department to transport brush or construction-demolition waste and rubbish on designated dates, on certification by the municipality to the department that the contents of the vehicles are free of putrescible, hazardous, or infectious waste.

(d) The department may issue permits under this section to persons required to obtain permits under this section and may charge a reasonable fee to cover the costs of the special permits. The department may adopt necessary rules of procedure to carry out this permit program.

(e) The department may employ one or more inspectors and other employees necessary to inspect and determine whether Type IV landfills are free of putrescible, hazardous, or infectious waste.

(f) The department shall pay the compensation and expenses of any inspector and other necessary employees employed under Subsection (e) of this section, but the holders of Type IV landfill permits shall reimburse the department for the compensation and expenses as provided by this section.

(g) The department shall notify each holder of a Type IV landfill permit of the compensation and expenses that are required annually for the inspection of the landfills.

(h) The department shall hold a public hearing to determine the apportionment of the costs of administration of the inspection program among the holders of Type IV landfill permits. After the hearing, the department shall equitably apportion the costs of the inspection program and issue an order assessing the annual costs against each holder of a permit. The department may provide for payments in installments and shall specify the dates by which each payment shall be made to the department.

(i) A holder of a permit issued under this section may not accept solid waste if the permittee is delinquent in the payment of costs assessed under Subsection (h) of this section.

(j) The department's order assessing costs remains in effect until the department issues a further order. The department may:

(1) modify, revoke, or supersede an order assessing costs with a subsequent order;
or

(2) issue supplementary orders from time to time to apply to new Type IV landfill permits.

(k) The department may adopt any rules necessary to carry out the purposes of this section.

(l) A person commits an offense under this section if the person disposes of solid waste in a completely enclosed container or vehicle at a solid waste site or operation permitted as a Type IV landfill:

(1) without having in possession the special permit required by this section;

(2) on a date or time not authorized by the department; or

(3) without a department inspector present to verify that the solid waste is free of putrescible, hazardous, or infectious waste.

(m) An operator or hauler who violates any provision of this section is subject to Class B misdemeanor penalties in addition to other penalties provided by this Act.

SECTION 2. The Texas Department of Health shall adopt rules for the implementation of this Act not later than September 1, 1987.

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 the Senate on May 8, 1987, by the following vote: Yeas 26, Nays 1; and that the Senate concurred in House amendment on May 21, 1987, by a viva-voce vote.

Passed the House, with amendment, on May 20, 1987, by a non-record vote.

Approved June 20, 1987.

Effective Aug. 30, 1987, 90 days after date of adjournment.