

CHAPTER 209

S.B. No. 561

AN ACT

relating to the administration and operation of the Gulf Coast Waste Disposal Authority.

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

SECTION 1. Subdivision (6), Subsection (a), Section 1.03, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(6) "Commission" [~~"Quality board"~~] means the Texas Water Commission [Quality Board created by Chapter 313, Acts of the 60th Legislature, Regular Session, 1967 (Article 7621d-1, Vernon's Texas Civil Statutes), or its successors].

SECTION 2. Subsection (f), Section 2.05, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(f) This subsection shall govern the appointment of directors by municipalities waste disposal councils created and described in Subsection (c) of this Section 2.05. When a director appointed by a municipalities waste disposal council vacates his office whether by expiration of his term or by death, resignation, or removal, the successor director shall be appointed in one of the following manners:

(1) if the chairman of a municipalities waste disposal council designates a time and place for a meeting and notice of such meeting has been mailed to each member of the council at least seven days prior to the time fixed for the meeting, a majority of the members of the council present and at such meeting may appoint a director, whether or not a quorum is present; or

(2) if the chairman of a municipalities waste disposal council mails a notice recommending the appointment of a specific person to each member of the council by certified or registered mail at least 30 days prior to the date on which such recommendation is to become effective and if the chairman receives within such period of time written responses from at least a majority [~~two-thirds~~] of the members of the council, which responses consent to and approve the proposed appointment, then the person so recommended shall be considered appointed pursuant to this Act on the expiration of such 30-day period. If a consent is once given by a member of the council, such consent cannot be withdrawn. Such consents shall be in writing, in form satisfactory to the chairman, and acknowledged before an officer of the state authorized to take oaths.

SECTION 3. Section 2.10, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

Sec. 2.10. DIRECTOR'S COMPENSATION. (a) A director is entitled to receive an allowance of \$100 [~~\$25~~] a day and reimbursement for actual and necessary expenses incurred

(1) for each day he spends attending meetings of the board; and

(2) for each day he spends attending to the business of the authority which is authorized by a resolution of the board.

(b) A director is not entitled to receive a per diem allowance for more than 48 [120] days in any one calendar year.

SECTION 4. Subsection (b), Section 3.01, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(b) The authority shall conduct studies and research for the control of water pollution and waste disposal within the district and shall cooperate fully with the *commission* [~~Texas Department of Water Resources~~] or its successor in any studies of the *commission* [~~department~~] or its predecessor and utilize the results of those studies.

SECTION 5. Subsection (e), Section 3.01, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(e) Subject only to the authority vested by general law, and particularly *Chapter 26, Water Code* [~~the Texas Water Quality Act (Article 7621d-1, Vernon's Texas Civil Statutes), as now or hereafter amended~~], in the *commission* [quality board and the state agencies represented on the quality board], the authority is empowered to control water pollution and waste disposal within the district.

SECTION 6. Subsection (d), Section 3.05, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(d) The *commission* [quality board] is a necessary party to any suit brought under this section.

SECTION 7. Subsections (b), (c), (d), and (e), Section 3.08, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, are amended to read as follows:

(b) After the authority has prescribed standards and criteria, it shall forward a copy of the standards and criteria to the *commission* [quality board] for approval.

(c) The *commission* [quality board] shall consider the standards and criteria.

(d) If the *commission* [quality board] objects to the standards and criteria in any respect, it shall so notify the authority in writing within 90 days after receiving the proposed standards and criteria, stating the objections and the reasons therefor. The authority shall amend its standards and criteria in light of the *commission's* [quality board's] timely objections. When the authority has amended the standards and criteria in light of the *commission's* [quality board's] objections, the *commission* [quality board] shall promptly evidence its approval of the amended standards and criteria in writing.

(e) If the *commission* [quality board] does not notify the authority that it objects to the standards and criteria within 90 days after receiving them, they are operative at the end of the 90-day period. If the *commission* [quality board] notifies the authority within the 90-day period that it objects to the standards and criteria, they are operative from the date the *commission* [quality board] approves them.

SECTION 8. Section 3.09, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

Sec. 3.09. ENFORCEMENT OF STATE WATER STANDARDS. Upon formal resolution of the board, the authority may sue to impose the penalties and obtain the injunctive relief prescribed in the Act creating the *commission* [quality board].

SECTION 9. Subsection (a), Section 3.10, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(a) The authority shall develop and prepare as needed and from time to time revise comprehensive water quality management and waste disposal control plans for various areas of the district; provided, however, that the plans developed by the authority shall be consistent with the requirements and rules of the *commission* [~~Texas Department of Water Resources~~] or its successor.

SECTION 10. Subsection (a), Section 3.11, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(a) The authority *may* [~~shall~~] establish minimum standards of operation for all aspects of solid waste handling, including but not limited to storage, collection, incineration, sanitary landfill, or composting. Before establishing such standards, the authority shall:

(1) hold public hearings after having given public notice in the time and manner prescribed by the rules of the board;

(2) consult with the *commission* [~~quality board~~], the Texas Air Control Board, and the Texas State Department of Health to insure that the standards are not inconsistent with established criteria; and

(3) find that the standards are reasonably necessary for protection of public health or welfare from water pollution or other environmental harm.

SECTION 11. Subsection (b), Section 3.12, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(b) The board shall consult with the Texas State Department of Health and the *commission* [~~quality board~~] prior to the adoption of a rule under Subsection (a) of this section.

SECTION 12. Section 3.17, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

Sec. 3.17. PERMITS FROM TEXAS WATER [~~RIGHTS~~] COMMISSION. (a) For the purpose of maintaining established water quality standards in the bays and estuaries within the district, the authority may apply to the *commission* [~~Texas Water Rights Commission~~] for water appropriation permits.

(b) The authority may apply for water storage or use permits from the *commission* [~~Texas Water Rights Commission~~] to store and sell water under the provisions of Section 3.16 of this Act.

SECTION 13. Subdivision (vi), Subsection (l), Section 3.23, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(vi) The authority is expressly made subject to the continuing supervision of the state by and through the *commission* [~~Texas Department of Water Resources~~] or its successor and Chapter 50, Water Code [~~as amended~~].

SECTION 14. Subsection (b), Section 4.05, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(b) The state auditor shall file a copy of the report with the governor, the *commission* [~~quality board~~], the commissioners court of each county in the district, and as may otherwise be provided by law.

SECTION 15. Subsection (b), Section 4.07, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(b) The authority shall file copies of the independent audit with the Governor of the State of Texas, the *commission* [~~quality board~~], and the commissioners court of each county in the district; and the board shall keep at least one copy of such audit at the office of the district open to inspection by any interested person during normal office hours.

SECTION 16. 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 April 15, 1987, by the following vote: Yeas 31, Nays 0. Passed the House on May 15, 1987, by the following vote: Yeas 144, Nays 0, one present not voting.

Approved May 28, 1987.

Effective May 28, 1987.