

By: Rodriguez

H.B. No. 234

A BILL TO BE ENTITLED

AN ACT

relating to notice and hearing requirements for an application to transfer a municipal solid waste permit.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 361.088, Health and Safety Code, is amended to read as follows:

Sec. 361.088. PERMIT ISSUANCE, AMENDMENT, EXTENSION, TRANSFER, AND RENEWAL; NOTICE AND HEARING.

SECTION 2. Section 361.088, Health and Safety Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (d-1) to read as follows:

(a) The commission may amend, extend, transfer, or renew a permit it issues in accordance with reasonable procedures prescribed by the commission.

(b) The procedures prescribed by Section 361.067 for a permit application apply to an application to amend, extend, transfer, or renew a permit.

(c) Except as provided by Subsection (e), before a permit is issued, amended, extended, transferred, or renewed, the commission shall provide an opportunity for a hearing to the applicant and persons affected. The commission may also hold a hearing on its own motion.

(d-1) A person who submits an application to transfer a municipal solid waste permit shall publish notice of intent to

1 transfer the permit in the manner Section 361.0665 provides for
2 publishing notice of intent to obtain a permit. The notice must
3 identify the permit holder and the proposed permit holder after the
4 transfer. The commission shall prescribe a reasonable time for
5 members of the public to provide comments and recommendations on
6 the application to transfer the permit before the commission acts
7 on the application.

8 SECTION 3. The changes in law made by Section 361.088,
9 Health and Safety Code, as amended by this Act, apply only to an
10 application to transfer a municipal solid waste permit that is
11 received by the Texas Commission on Environmental Quality on or
12 after the effective date of this Act. A permit transfer application
13 that is received before that date is governed by the law in effect
14 at the time the application is received, and the former law is
15 continued in effect for that purpose.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2009.