

By: Zaffirini

S.B. No. 519

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a permit for a municipal solid waste landfill facility located in a special flood hazard area.

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

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.1232 to read as follows:

Sec. 361.1232. LIMITATION ON MUNICIPAL SOLID WASTE LANDFILL IN SPECIAL FLOOD HAZARD AREA. (a) In this section:

(1) "Facility" means all land, improvements on land, structures, and appurtenances, including drainage structures, groundwater monitoring wells, landfill gas probes, and gate or scale houses, that are used for the storage, processing, or disposal of solid waste.

(2) "Special flood hazard area" means the land in a floodplain subject to not less than one percent chance of flooding in a year as designated by the director or administrator of the Federal Emergency Management Agency.

(b) The commission may not issue a permit for a new municipal solid waste landfill facility or a lateral expansion of an existing municipal solid waste landfill facility that is contingent on the removal of a part of the facility from a special flood hazard area.

(c) Except as provided by Subsection (d), the commission may not issue a permit for a new municipal solid waste landfill facility

1 to be located in a special flood hazard area or for a lateral
2 expansion of an existing municipal solid waste landfill facility if
3 a part of the facility is or will be located in a special flood
4 hazard area unless the applicant has obtained from the Federal
5 Emergency Management Agency a letter of map change demonstrating
6 that the entire facility has been removed from the special flood
7 hazard area. A conditional letter of map amendment issued by the
8 Federal Emergency Management Agency does not satisfy the
9 requirements of this subsection.

10 (d) The commission shall coordinate with all applicable
11 regional and local governments to verify that all required map
12 changes to the Flood Insurance Rate Map have been acquired from the
13 Federal Emergency Management Agency and that all necessary permits
14 have been issued for the facility by the governmental entities or
15 agencies with jurisdiction over the facility under Section 16.235,
16 Texas Water Code, or Chapter 16, Subchapter I, Texas Water Code.

17 SECTION 2. Section 361.1232, Health and Safety Code, as
18 added by this Act, applies only to an application for the issuance
19 or amendment of a permit for a municipal solid waste landfill
20 facility that is pending before the Texas Commission on
21 Environmental Quality on or after the effective date of this Act. A
22 permit for a municipal solid waste landfill facility that is issued
23 or amended before the effective date of this Act is governed by the
24 law in effect when the permit was issued or amended, and the former
25 law is continued in effect for that purpose.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2023.