

By: Smith of Harris

H.B. No. 2052

A BILL TO BE ENTITLED

1 AN ACT

2 relating to restrictions on the location of an industrial solid
3 waste landfill.

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

5 SECTION 1. Subchapter C, Chapter 361, Health and Safety
6 Code, is amended by adding Section 361.123 to read as follows:

7 Sec. 361.123. PROHIBITION ON PERMIT FOR CERTAIN INDUSTRIAL
8 SOLID WASTE LANDFILLS. The commission may not issue a permit for an
9 industrial solid waste landfill if:

10 (1) the proposed site:

11 (A) is three miles or less from a coastal bay
12 system; and

13 (B) is in a county with a population of 35,000 or
14 less that is adjacent to a county with a population of two million
15 or more; and

16 (2) the commissioners court of the county in which the
17 proposed site is located adopts an order recommending denial of the
18 application.

19 SECTION 2. (a) This Act takes effect immediately if it
20 receives a vote of two-thirds of all the members elected to each
21 house, as provided by Section 39, Article III, Texas Constitution.
22 If this Act does not receive the vote necessary for immediate
23 effect, this Act takes effect September 1, 2003.

24 (b) This Act applies to a permit application that is pending

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1 before the Texas Commission on Environmental Quality on the
2 effective date of this Act or that is filed with the commission on
3 or after that date.