

By: Smith of Harris, Eiland, Bonnen, et al.

H.B. No. 2955

Substitute the following for H.B. No. 2955:

By: Smith of Harris

C.S.H.B. No. 2955

A BILL TO BE ENTITLED

AN ACT

relating to the location of commercial industrial nonhazardous solid waste disposal facilities.

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 361.0901 to read as follows:

Sec. 361.0901. PROHIBITION ON LOCATION OF COMMERCIAL INDUSTRIAL NONHAZARDOUS SOLID WASTE DISPOSAL FACILITY OVER AQUIFER OR WETLAND AREAS. The commission may not issue a permit for a commercial industrial nonhazardous solid waste disposal facility that:

(1) would require for its construction a permit issued by the United States Corps of Engineers under Section 404 of the federal Clean Water Act (33 U.S.C. Section 1344); or

(2) would be located over any part of a geologic formation that under natural conditions is saturated with water so that any part of the facility would be 25 feet or less above the uppermost water-bearing feature of the formation.

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