

By: Zaffirini, Madla

S.B. No. 1511

A BILL TO BE ENTITLED

AN ACT

relating to municipal solid waste landfill 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 361.070 to read as follows:

Sec. 361.070. CONSIDERATION OF COMMUNITY AFFECTED BY MUNICIPAL SOLID WASTE LANDFILL. (a) The commission shall:

(1) require an applicant for a municipal solid waste landfill permit or a permit renewal or amendment to assess the effects the proposed landfill may have on residents and communities in the area of the landfill or proposed landfill; and

(2) consider those effects in determining whether to issue or deny the permit or permit renewal or amendment.

(b) An assessment for purposes of this section must account for effects on residents, regardless of whether the residents reside in a municipality, and on businesses, schools, churches, or other gathering places in the area of the landfill or proposed landfill.

SECTION 2. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.1156 to read as follows:

Sec. 361.1156. MUNICIPAL SOLID WASTE LANDFILL FACILITY PERMIT PERIOD. (a) This section applies to a municipal solid waste landfill facility operating and maintained under a permit issued by the commission or a predecessor agency, regardless of the

1 duration of the term specified by the permit.

2 (b) The owner or operator of a municipal solid waste  
3 landfill facility shall apply for the renewal of the permit to  
4 operate and maintain the facility under this chapter not later than  
5 the 30th day before the 10th anniversary of the date on which the  
6 existing permit was issued or last renewed. If on September 1,  
7 2003, the 10th anniversary has passed, the owner or operator shall  
8 apply for the renewal of the permit not later than December 31,  
9 2003.

10 SECTION 3. Subchapter C, Chapter 361, Health and Safety  
11 Code, is amended by adding Section 361.1155 to read as follows:

12 Sec. 361.1155. HEIGHT OF LANDFILL. The commission may not  
13 issue, renew, or amend a permit for a solid waste landfill facility  
14 if the landfill, when filled to the capacity stated in the  
15 application for the issuance of a permit or in the request to renew  
16 or amend an existing permit, would be the highest visible landmark  
17 in a two-mile radius of the landfill.

18 SECTION 4. Subchapter C, Chapter 361, Health and Safety  
19 Code, is amended by adding Section 361.1205 to read as follows:

20 Sec. 361.1205. MUNICIPAL SOLID WASTE LANDFILL BUFFER ZONE.  
21 The commission shall require as a permit condition for a new  
22 municipal solid waste landfill a 1,000-foot buffer zone with  
23 appropriate markers to indicate the location of the zone.

24 SECTION 5. (a) Not later than October 1, 2003, the Texas  
25 Commission on Environmental Quality shall notify the owner or  
26 operator of each municipal solid waste landfill facility operating  
27 and maintained under a permit issued under Chapter 361, Health and

1 Safety Code, or its predecessor statute, Article 4477-7, Vernon's  
2 Texas Civil Statutes, of the changes in law made by this Act.

3 (b) Not later than December 1, 2003, the Texas Commission on  
4 Environmental Quality shall adopt any rules necessary for the  
5 implementation of this Act.

6 SECTION 6. This Act takes effect September 1, 2003, and  
7 applies to any permit issued to a municipal solid waste landfill  
8 facility by the Texas Commission on Environmental Quality or a  
9 predecessor agency that has not expired before that date.