

Amend **HB 1053** by striking all below the enacting clause and substituting:

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

Sec. 361.123. LIMITATION ON LOCATION OF MUNICIPAL SOLID WASTE LANDFILLS. (a) This section applies to an application for a permit for a new Type I or new Type IV municipal solid waste landfill or for a permit or permit amendment authorizing the conversion of a Type IV municipal solid waste landfill to a Type I municipal solid waste landfill only if the landfill or proposed site for the new landfill is located in a county that is adjacent to a county with a population of more than 3.3 million and inside the boundaries of a national forest, as designated by the United States Forest Service, on public or private land.

(b) The commission may not issue a permit for a new Type I or new Type IV municipal solid waste landfill to be located as described by Subsection (a).

(c) The commission may not issue a permit or permit amendment authorizing the conversion of a Type IV municipal solid waste landfill located as described by Subsection (a) to a Type I municipal solid waste landfill.

(d) This section does not apply to an application for a permit or permit amendment authorizing an areal expansion of an existing Type I municipal solid waste landfill.

SECTION 2. Section 361.123, Health and Safety Code, as added by this Act, applies only to the issuance of a permit for a new municipal solid waste landfill or of a permit or permit amendment authorizing the conversion of a Type IV municipal solid waste landfill to a Type I municipal solid waste landfill, the application for which is received by the Texas Commission on Environmental Quality on or after September 1, 2005.

SECTION 3. This Act takes effect September 1, 2005.