

BILL ANALYSIS

C.S.H.B. 1053
By: Hope
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Municipal solid waste landfills present a number of potential hazards to public health. Under current statute, the Texas Commission on Environmental Quality (TCEQ) requires a permit for municipal solid waste landfills. The current requirements allow landfills to be placed in proximity to residences, schools, and other areas where children play. C.S.H.B. 1053 requires new or expanding landfills to be located at least 1,000 feet from an established residence, place of worship, school, day-care center, or dedicated public park.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1053 amends the Health and Safety Code to prohibit the Texas Commission on Environmental Quality from issuing a permit for a new municipal solid waste landfill or the areal expansion of an existing municipal solid waste landfill unless: (1) the landfill is to be located at least 1,000 feet from any part of an established residence, place of worship, school, day-care center, or dedicated public park; and (2) the property boundary of the landfill site is located at least 75 feet from the landfill unit, as it is proposed to be constructed or expanded. The bill sets forth provisions relating to the measurement of these distances.

C.S.H.B. 1053 applies only to a county that is adjacent to a county with a population of more than 3.3 million and contains part of a national forest.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The bill applies only to an application for a permit for a new municipal solid waste landfill or an areal expansion of an existing municipal solid waste landfill in a county that is adjacent to a county with a population of more than 3.3 million and contains part of a national forest.