

BILL ANALYSIS

Senate Research Center
79R11911 SGA-D

H.B. 1609
By: Chisum (Seliger)
Natural Resources
5/9/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current rules and statute provide that an arid exempt landfill may receive up to 20 tons per day of waste Type 1 material (municipal solid waste) and Type IV waste (demolition debris). The current rule and practice is that the 20-ton limit applies to each type of material individually. However, a different interpretation is that the 20-ton limit is on the total amount of waste received.

H.B. 1609 clarifies that the 20-ton limit applies only to each type individually. This bill allows a landfill to occasionally accept large amounts of debris without preventing the landfill from accepting municipal solid waste.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 361.123, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 361, Health and Safety Code, by adding Section 361.123, as follows:

Sec. 361.123. ALLOWED WASTES AND EXEMPTIONS FOR CERTAIN SMALL MUNICIPAL SOLID WASTE LANDFILLS IN ARID AREAS. (a) Defines "construction or demolition waste" and "small municipal solid waste landfill unit."

(b) Provides that this section applies only to a small municipal solid waste landfill unit that is permitted as an arid exempt landfill under Texas Commission on Environmental Quality (commission) rules.

(c) Authorizes a small municipal solid waste landfill unit daily to dispose of less than 20 tons of construction or demolition waste in addition to the municipal solid waste the unit normally receives.

(d) Authorizes the commission, in accordance with state and federal solid wastes laws, under rules adopted by the commission, to grant a small municipal solid waste landfill unit an exemption from the requirements for groundwater protection design and operation and groundwater monitoring and corrective action if there is no evidence of groundwater contamination from the unit.

(e) Requires the commission to adopt rules as are necessary to implement this section in a manner that maintains compliance with and state program authorization under Section 3006 of the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976.

SECTION 2. Makes application of this Act prospective to January 1, 2006.

SECTION 3. Effective date: September 1, 2005.