

## **BILL ANALYSIS**

C.S.H.B. 1609  
By: Chisum  
Environmental Regulation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current rules and statute provide that an arid exempt landfill may receive up to 20 tons per day of waste of 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. C.S.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 them from accepting municipal solid waste.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 1609 amends the Health and Safety Code to allow a small municipal solid waste landfill to dispose of less than 20 tons of construction or demolition waste in addition to the municipal solid waste they normally receive. The bill allows the Texas Commission on Environmental Quality (TCEQ) to exempt a small municipal waste landfill from requirements for groundwater protection, monitoring, and correction if there is no evidence of groundwater contamination. The bill requires the TCEQ to adopt rules to do so in a manner that maintains compliance with federal law. The bill specifies that these provisions apply only to a small municipal solid waste landfill unit that is permitted as an arid exempt landfill under TCEQ rules.

### **EFFECTIVE DATE**

September 1, 2005

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute removes language that specified that these provisions only apply to a small municipal solid waste landfill that provides evidence that existing groundwater has not been contaminated and serves a community that has no practicable waste management alternative and instead ties the applicability of these provisions to a small municipal solid waste landfill that is permitted as an arid exempt landfill under commission rules.