

By: Hope

H.B. No. 1053

Substitute the following for H.B. No. 1053:

By: Howard

C.S.H.B. No. 1053

A BILL TO BE ENTITLED

AN ACT

relating to the location of certain municipal solid waste landfills.

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 361.123 to read as follows:

Sec. 361.123. LIMITATION ON LOCATION OF MUNICIPAL SOLID WASTE LANDFILLS; BOUNDARY AND MEASUREMENT. (a) This section applies only to an application for a permit for a new municipal solid waste landfill or an application for a permit for an areal expansion of an existing municipal solid waste landfill if the landfill is or is intended to be located in a county that:

(1) is adjacent to a county with a population of more than 3.3 million; and

(2) contains part of a national forest.

(b) The commission may not issue a permit for a new municipal solid waste landfill or an 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.

1        (c) In determining the distance from the landfill for the  
2 purposes of Subsection (b)(1), the commission shall require  
3 measurements to be taken from the property boundary of the landfill  
4 site and toward an established residence, place of worship, school,  
5 day-care center, or dedicated public park that is in use when the  
6 notice of intent to file a permit application is filed with the  
7 commission or, if no notice of intent is filed, when the permit  
8 application is filed with the commission.

9        SECTION 2. Section 361.123, Health and Safety Code, as  
10 added by this Act, applies only to the issuance of a permit for a new  
11 municipal solid waste landfill or an areal expansion of an existing  
12 municipal solid waste landfill, the application for which is  
13 received by the Texas Commission on Environmental Quality on or  
14 after September 1, 2005.

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