

1-1 By: Hope (Senate Sponsor - Staples) H.B. No. 1053
1-2 (In the Senate - Received from the House May 16, 2005;
1-3 May 17, 2005, read first time and referred to Committee on Natural
1-4 Resources; May 20, 2005, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the location of certain municipal solid waste
1-9 landfills.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-11 SECTION 1. Subchapter C, Chapter 361, Health and Safety
1-12 Code, is amended by adding Section 361.123 to read as follows:

1-13 Sec. 361.123. LIMITATION ON LOCATION OF MUNICIPAL SOLID
1-14 WASTE LANDFILLS; BOUNDARY AND MEASUREMENT. (a) This section
1-15 applies only to an application for a permit for a new municipal
1-16 solid waste landfill or an application for a permit for an areal
1-17 expansion of an existing municipal solid waste landfill if the
1-18 landfill is or is intended to be located in a county that:

1-19 (1) is adjacent to a county with a population of more
1-20 than 3.3 million; and

1-21 (2) contains part of a national forest.

1-22 (b) The commission may not issue a permit for a new
1-23 municipal solid waste landfill or an areal expansion of an existing
1-24 municipal solid waste landfill unless:

1-25 (1) the landfill is to be located at least 1,000 feet
1-26 from any part of an established residence, place of worship,
1-27 school, day-care center, or dedicated public park; and

1-28 (2) the property boundary of the landfill site is
1-29 located at least 75 feet from the landfill unit, as it is proposed
1-30 to be constructed or expanded.

1-31 (c) In determining the distance from the landfill for the
1-32 purposes of Subsection (b)(1), the commission shall require
1-33 measurements to be taken from the property boundary of the landfill
1-34 site and toward an established residence, place of worship, school,
1-35 day-care center, or dedicated public park that is in use when the
1-36 notice of intent to file a permit application is filed with the
1-37 commission or, if no notice of intent is filed, when the permit
1-38 application is filed with the commission.

1-39 SECTION 2. Section 361.123, Health and Safety Code, as
1-40 added by this Act, applies only to the issuance of a permit for a new
1-41 municipal solid waste landfill or an areal expansion of an existing
1-42 municipal solid waste landfill, the application for which is
1-43 received by the Texas Commission on Environmental Quality on or
1-44 after September 1, 2005.

1-45 SECTION 3. This Act takes effect September 1, 2005.

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