

By: Chisum

H.B. No. 1609

Substitute the following for H.B. No. 1609:

By: Smith of Harris

C.S.H.B. No. 1609

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the allowed wastes and exemptions applicable to certain
3 municipal solid waste landfill units in arid areas.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter C, Chapter 361, Health and Safety
6 Code, is amended by adding Section 361.123 to read as follows:

7 Sec. 361.123. ALLOWED WASTES AND EXEMPTIONS FOR CERTAIN
8 SMALL MUNICIPAL SOLID WASTE LANDFILLS IN ARID AREAS. (a) In this
9 section:

10 (1) "Construction or demolition waste" means any
11 material waste that is the byproduct of a construction or
12 demolition project, including paper, cartons, gypsum board, wood,
13 excelsior, rubber, and plastics.

14 (2) "Small municipal solid waste landfill unit" means
15 a discrete area of land or an excavation that:

16 (A) receives municipal solid waste or other solid
17 wastes allowed by law; and

18 (B) disposes of less than 20 tons of municipal
19 solid waste daily based on an annual average.

20 (b) This section applies only to a small municipal solid
21 waste landfill unit that is permitted as an arid exempt landfill
22 under commission rules.

23 (c) A small municipal solid waste landfill unit daily may
24 dispose of less than 20 tons of construction or demolition waste in

1 addition to the municipal solid waste the unit normally receives.

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

8 (e) The commission shall adopt rules as are necessary to
9 implement this section in a manner that maintains compliance with
10 and state program authorization under Section 3006 of the federal
11 Solid Waste Disposal Act, as amended by the Resource Conservation
12 and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.).

13 SECTION 2. Section 361.123, Health and Safety Code, as
14 added by this Act, applies only to operations of a small municipal
15 solid waste landfill unit, as defined by that section, on and after
16 January 1, 2006.

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