

By: Chisum

H.B. No. 1609

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

(b) This section applies only to a small municipal solid waste landfill unit that:

(1) provides evidence as prescribed by the commission that existing groundwater has not been contaminated by the unit;

(2) is located in an area that receives an annual

1 average of not more than 25 inches of precipitation; and

2 (3) serves a community that has no practicable waste
3 management alternative.

4 (c) A small municipal solid waste landfill unit daily may
5 dispose of less than 20 tons of construction or demolition waste in
6 addition to the municipal solid waste the unit normally receives.

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

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

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

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