

1-1 By: Chisum (Senate Sponsor - Seliger) H.B. No. 1609
1-2 (In the Senate - Received from the House April 28, 2005;
1-3 April 29, 2005, read first time and referred to Committee on
1-4 Natural Resources; May 18, 2005, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 18, 2005, sent to printer.)

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

1-8 relating to the allowed wastes and exemptions applicable to certain
1-9 municipal solid waste landfill units in arid areas.

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. ALLOWED WASTES AND EXEMPTIONS FOR CERTAIN
1-14 SMALL MUNICIPAL SOLID WASTE LANDFILLS IN ARID AREAS. (a) In this
1-15 section:

1-16 (1) "Construction or demolition waste" means any
1-17 material waste that is the byproduct of a construction or
1-18 demolition project, including paper, cartons, gypsum board, wood,
1-19 excelsior, rubber, and plastics.

1-20 (2) "Small municipal solid waste landfill unit" means
1-21 a discrete area of land or an excavation that:

1-22 (A) receives municipal solid waste or other solid
1-23 wastes allowed by law; and

1-24 (B) disposes of less than 20 tons of municipal
1-25 solid waste daily based on an annual average.

1-26 (b) This section applies only to a small municipal solid
1-27 waste landfill unit that is permitted as an arid exempt landfill
1-28 under commission rules.

1-29 (c) A small municipal solid waste landfill unit daily may
1-30 dispose of less than 20 tons of construction or demolition waste in
1-31 addition to the municipal solid waste the unit normally receives.

1-32 (d) The commission, in accordance with state and federal
1-33 solid wastes laws, may, under rules adopted by the commission,
1-34 grant a small municipal solid waste landfill unit an exemption from
1-35 the requirements for groundwater protection design and operation
1-36 and groundwater monitoring and corrective action if there is no
1-37 evidence of groundwater contamination from the unit.

1-38 (e) The commission shall adopt rules as are necessary to
1-39 implement this section in a manner that maintains compliance with
1-40 and state program authorization under Section 3006 of the federal
1-41 Solid Waste Disposal Act, as amended by the Resource Conservation
1-42 and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.).

1-43 SECTION 2. Section 361.123, Health and Safety Code, as
1-44 added by this Act, applies only to operations of a small municipal
1-45 solid waste landfill unit, as defined by that section, on and after
1-46 January 1, 2006.

1-47 SECTION 3. This Act takes effect September 1, 2005.

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