

By: Strama

H.B. No. 3273

A BILL TO BE ENTITLED

AN ACT

relating to the denial of certain landfill permits by the Texas Commission on Environmental Quality.

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

SECTION 1. Section 361.122, Health and Safety Code, is amended to read as follows:

Sec. 361.122. DENIAL OF CERTAIN LANDFILL PERMITS. (a) The commission may not issue a permit for a new Type I landfill or the areal expansion of an existing Type I landfill if:

(1) the proposed landfill or expansion is located:

(A) above or in an area that contains municipal solid waste but does not meet federal regulations applicable to new landfills under 40 C.F.R. Parts 257 and 258, regardless of when the waste was received; or

(B) adjacent to a landfill facility for which the commission has received an application for a permit for the areal expansion of the facility during the previous 36 months; or

(2) prior to final consideration of the application by the commission, the commissioners of the county in which the facility is located have adopted a resolution recommending denial of the application.

(b) The commission may not issue a permit for a Type IV landfill if:

(1) the proposed site is located within 100 feet of a

1 canal that is used as a public drinking water source or for
2 irrigation of crops used for human or animal consumption;

3 (2) the proposed site is located in a county with a
4 population of more than 225,000 that is located adjacent to the Gulf
5 of Mexico; and

6 (3) prior to final consideration of the application by
7 the commission, the commissioners of the county in which the
8 facility is located have adopted a resolution recommending denial
9 of the application.

10 SECTION 2. (a) The Texas Commission on Environmental
11 Quality shall adopt rules to implement Section 361.122(a), Health
12 and Safety Code, as added by this Act, as soon as practicable, but
13 not later than December 31, 2005.

14 (b) This Act applies only to an application for a permit for
15 a municipal solid waste landfill or for an areal expansion of such a
16 landfill that is received by the Texas Commission on Environmental
17 Quality on or after the date the rules adopted by the commission
18 under this Act take effect. An application received by the
19 commission before the date the rules adopted by the commission
20 under this Act take effect is covered by the law in effect on the
21 date the application is received, and the former law is continued in
22 effect for that purpose.

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