

By: Dukes

H.B. No. 1195

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a permit for a municipal solid waste landfill located near certain municipalities.

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 361.1235 to read as follows:

Sec. 361.1235. CONSENT TO LOCATION OF SOLID WASTE LANDFILL NEAR CERTAIN MUNICIPALITIES. (a) This section applies only to the issuance of a permit for a municipal solid waste landfill:

(1) owned or leased by a municipality with a population of more than 600,000 and less than 700,000; and

(2) proposed to be located:

(A) 1,000 feet or less from a residence;

(B) 2,500 feet or less from the Colorado River;

and

(C) in the 100-year flood plain.

(b) The commission may not issue a permit for a municipal solid waste landfill unless the commission receives written consent to the permit from the governing body of each municipality incorporated after 2000 that has any part of its municipal boundary located five miles or less from the proposed landfill.

(c) The governing body of a municipality may not provide consent under Subsection (b) if:

(1) that governing body determines that the health,

1 safety, or welfare of the residents of the municipality may be  
2 negatively affected by the landfill;

3 (2) the landfill site or the operation of the landfill  
4 fails to comply with the land use and zoning regulations of the  
5 municipality; or

6 (3) the landfill site or the operation of the landfill  
7 fails to correspond with the municipality's land use and  
8 development plans.

9 SECTION 2. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2009.