

## **BILL ANALYSIS**

C.S.H.B. 281  
By: Simmons  
Environmental Regulation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Reports indicate that a number of municipal solid waste landfills are not located in the municipality that owns the landfill but are actually located within the city limits of a second municipality. Interested parties have raised concerns regarding the lack of a requirement that the Texas Commission on Environmental Quality consider the views and input of the second municipality when the city that owns the landfill submits an application to increase the size of the landfill. C.S.H.B. 281 seeks to address this discrepancy.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 281 amends the Health and Safety Code to prohibit the Texas Commission on Environmental Quality (TCEQ) from approving an application for the issuance, amendment, or renewal of a permit under the Solid Waste Disposal Act that seeks to expand the area or capacity of a landfill unless the governing body of the municipality in which the landfill is located first approves by resolution or order the issuance, amendment, or renewal of the permit. The bill's provisions apply only to a municipally owned Type I municipal solid waste landfill that is located wholly inside the boundaries of a municipality and is owned by a municipality other than the municipality in which it is located. The bill requires TCEQ to provide the members of the legislature who represent the district containing the landfill described in the permit with an opportunity to comment on the application and requires TCEQ to consider those comments in evaluating a permit application under the Solid Waste Disposal Act.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 281 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.1231 to read as follows:

Sec. 361.1231. LIMITATION ON EXPANSION OF CERTAIN LANDFILLS.

(a) This section applies only to a Type I municipal solid waste landfill that is located:

(1) in a municipality that is located in a county with a population of more than 600,000; and

(2) not more than 500 feet from another municipality located in a county described by Subdivision (1).

(b) Notwithstanding any other provision of this subchapter, the commission may not approve an application for the issuance, amendment, or renewal of a permit that seeks to expand the area or capacity of a landfill unless the governing body of each municipality described by Subsection (a) first approves by resolution or order the issuance, amendment, or renewal of the permit.

(c) The commission shall provide the members of the legislature who represent the district containing the landfill described in the permit with an opportunity to comment on the application and shall consider those comments in evaluating an application under this subchapter.

SECTION 2. The changes in law made by this Act apply only to an application for the issuance, amendment, or renewal of a permit pending before the Texas Commission on Environmental Quality on or after the effective date of this Act. A permit issued, amended, or renewed before the effective date of this Act is governed by the law in effect when the permit was issued, amended, or renewed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.1231 to read as follows:

Sec. 361.1231. LIMITATION ON EXPANSION OF CERTAIN LANDFILLS.

(a) This section applies only to a municipally owned Type I municipal solid waste landfill that:

(1) is located wholly inside the boundaries of a municipality; and

(2) is owned by a municipality other than the municipality in which it is located.

(b) Notwithstanding any other provision of this subchapter, the commission may not approve an application for the issuance, amendment, or renewal of a permit that seeks to expand the area or capacity of a landfill unless the governing body of the municipality in which the landfill is located first approves by resolution or order the issuance, amendment, or renewal of the permit.

(c) The commission shall provide the members of the legislature who represent the district containing the landfill described in the permit with an opportunity to comment on the application and shall consider those comments in evaluating an application under this subchapter.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

effect, this Act takes effect September 1, 2015.