

BILL ANALYSIS

Senate Research Center
84R31201 E

C.S.H.B. 281
By: Simmons; Parker (Nelson)
Natural Resources & Economic Development
5/19/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

C.S.H.B. 281 amends current law relating to a limitation on the expansion of certain landfills.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 361, Health and Safety Code, by adding Section 361.1231, as follows:

Sec. 361.1231. **LIMITATION ON EXPANSION OF CERTAIN LANDFILLS.** (a) Provides that this section applies only to a municipally owned Type I municipal solid waste landfill permitted by the state before 1980 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) Prohibits the Texas Natural Resource Conservation Commission (TNRCC), notwithstanding any other provision of this subchapter, from approving 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) Requires TNRCC 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 to consider those comments in evaluating an application under this subchapter.

SECTION 2. Provides that 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. Provides that 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. Effective date: upon passage or September 1, 2015.