

BILL ANALYSIS

C.S.H.B. 2532
By: Bell
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Modern municipal solid waste landfills, interested parties note, are well-engineered facilities designed to protect the environment from contaminants which may be present in a solid waste stream. Within the last two decades, these parties explain, increased regulations have required the improvement of monitoring systems, composite liners, and other standards to protect against the generation of leachate, which is a liquid resulting from waste decomposition. It has been reported that leachate can create a serious problem for these landfills due to the threat it poses to any surrounding water if it is not properly collected and removed. The parties assert that it is now time to evaluate the effectiveness of landfill regulations to ensure that Texas' aquifers and groundwater are adequately protected against leachate. C.S.H.B. 2532 seeks to provide for such evaluation by means of a study.

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. 2532 requires the Texas Commission on Environmental Quality (TCEQ) to conduct a study to determine the effectiveness of the regulations governing the design and construction of Type I municipal solid waste landfills located over aquifers in Texas the entirety of which were designed and constructed in accordance with regulatory standards effective on or after October 9, 1993, and that are not adjacent to a landfill that was designed and constructed in accordance with regulatory standards effective before October 9, 1993. The bill sets out requirements for the study and authorizes TCEQ to work with other state agencies, institutions of higher education, nonprofit organizations, private organizations, or business entities to conduct the study.

C.S.H.B. 2532 requires TCEQ, not later than January 1, 2017, to submit a report on the results and recommendations of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the legislature with jurisdiction over environmental matters. The bill prohibits applications and permits for Type I municipal solid waste landfills from being postponed or delayed pending the results of the study. The bill's provisions expire August 31, 2017.

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. 2532 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. (a) In this Act:

(1) "Commission" means the Texas Commission on Environmental Quality.

(2) "Landfill" means a Type I municipal solid waste landfill designed and constructed in accordance with regulatory standards effective on or after October 9, 1993.

(b) The commission shall conduct a study to determine the effectiveness of the regulations governing the design and construction of landfills located over aquifers in this state. The study must:

(1) determine whether landfills located over aquifers are leaking;

(2) based on a review of groundwater monitoring data collected and reported by statewide landfill operators and any other relevant information, determine if any leakage from landfills built over aquifers has seeped into or contaminated the aquifers underlying the landfills;

(3) include any recommendations necessary for improving the effectiveness of the regulations governing the design and construction of landfills located over aquifers, including recommendations to:

(A) prevent or reduce leakage from landfills overlying aquifers; and

(B) protect aquifers underlying the landfills; and

(4) be submitted for independent peer review.

(c) The commission may work with other state agencies, institutions of higher education, nonprofit organizations, private organizations, or business entities to conduct the study.

(d) Not later than January 1, 2017, the commission shall submit a report on the results and recommendations of the study to

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. (a) In this Act:

(1) "Commission" means the Texas Commission on Environmental Quality.

(2) "Landfill" means a Type I municipal solid waste landfill:

(A) the entirety of which was designed and constructed in accordance with regulatory standards effective on or after October 9, 1993; and

(B) that is not adjacent to a landfill that was designed and constructed in accordance with regulatory standards effective before October 9, 1993.

(b) The commission shall conduct a study to determine the effectiveness of the regulations governing the design and construction of landfills located over aquifers in this state. The study must:

(1) determine whether landfills located over aquifers are leaking;

(2) based on a review of groundwater monitoring data collected and reported by statewide landfill operators and any other relevant information, determine if any leakage from landfills built over aquifers has seeped into or contaminated the groundwater underlying the landfills;

(3) include any recommendations necessary for improving the effectiveness of the regulations governing the design and construction of landfills located over aquifers, including recommendations to:

(A) prevent or reduce leakage from landfills overlying aquifers; and

(B) protect aquifers underlying the landfills; and

(4) be submitted for independent peer review.

(c) The commission may work with other state agencies, institutions of higher education, nonprofit organizations, private organizations, or business entities to conduct the study.

(d) Not later than January 1, 2017, the commission shall submit a report on the results and recommendations of the study to

the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the legislature with jurisdiction over environmental matters.

(e) Applications and permits for Type I municipal solid waste landfills may not be postponed or delayed pending the results of the study.

SECTION 2. This Act expires August 31, 2017.

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 effect, this Act takes effect September 1, 2015.

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(e) Applications and permits for Type I municipal solid waste landfills may not be postponed or delayed pending the results of the study.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.