

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Simmons, Parker

H.B. No. 281

A BILL TO BE ENTITLED

AN ACT

relating to a limitation on the expansion of certain landfills.

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 361.1231 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.

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

8           SECTION 3. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2015.

# ADOPTED

MAY 26 2015

*Leta Spaw*  
Secretary of the Senate

By: Nelson

H.B. No. 281

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: Robert Lee Nichols

C.S. H.B. No. 281

A BILL TO BE ENTITLED

1 AN ACT

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

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

6 Sec. 361.1231. LIMITATION ON EXPANSION OF CERTAIN  
7 LANDFILLS. (a) This section applies only to a municipally owned  
8 Type I municipal solid waste landfill permitted by the state before  
9 1980 that:

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

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

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

21 (c) The commission shall provide the members of the  
22 legislature who represent the district containing the landfill  
23 described in the permit with an opportunity to comment on the  
24 application and shall consider those comments in evaluating an



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

9           SECTION 3. 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, 2015.

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 27, 2015

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB281** by Simmons (Relating to a limitation on the expansion of certain landfills.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 361 of the Health and Safety Code to provide that the Texas Commission on Environmental Quality (TCEQ) 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 approved by resolution or order by the governing body of the municipality in which the landfill is located. TCEQ would be required to provide members of the legislature who represent the district containing the landfill with an opportunity to comment; and must consider those comments. The bill would apply to a municipally owned Type I municipal solid waste landfill permitted by the state before 1980 that is located inside the boundaries of a municipality and is owned by a municipality other than the municipality in which it is located.

TCEQ indicated changes to rules, policies, and procedures regarding the submittal, evaluation, and approval of applications for new permits and permit amendments for Type I municipal solid waste landfills located in affected areas would be necessary. TCEQ anticipates any additional work could be reasonably absorbed within current resources.

**Local Government Impact**

According to the analysis by TCEQ, there could be costs to the affected local governments that chose to conduct administrative and technical reviews of the applications; however, the amounts would vary depending on how a resolution or order is developed, current processes, the number of reviews conducted, and the costs incurred for the reviews.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** UP, EK, SZ, SD, TL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 21, 2015**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Natural Resources & Economic Development

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB281** by Simmons (relating to a limitation on the expansion of certain landfills.),  
**Committee Report 2nd House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend Chapter 361 of the Health and Safety Code to provide that the Texas Commission on Environmental Quality (TCEQ) 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 approved by resolution or order by the governing body of the municipality in which the landfill is located. TCEQ would be required to provide members of the legislature who represent the district containing the landfill with an opportunity to comment; and must consider those comments. The bill would apply to a municipally owned Type I municipal solid waste landfill permitted by the state before 1980 that is located inside the boundaries of a municipality and is owned by a municipality other than the municipality in which it is located.

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**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** UP, EK, SZ, SD, TL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 12, 2015**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Natural Resources & Economic Development

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB281** by Simmons (Relating to a limitation on the expansion of certain landfills.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 361 of the Health and Safety Code to provide that the Texas Commission on Environmental Quality (TCEQ) 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 approved by resolution or order by the governing body of the municipality in which the landfill is located. TCEQ would be required to provide members of the legislature who represent the district containing the landfill with an opportunity to comment; and must consider those comments. The bill would apply to a municipally owned Type I municipal solid landfill that is located inside the boundaries of a municipality and is owned by a municipality other than the municipality in which it is located.

TCEQ indicated changes to rules, policies, and procedures regarding the submittal, evaluation, and approval of applications for new permits and permit amendments for Type I municipal solid waste landfills located in affected areas would be necessary. TCEQ anticipates any additional work could be reasonably absorbed within current resources.

**Local Government Impact**

According to the analysis by TCEQ, there could be costs to the affected local governments that chose to conduct administrative and technical reviews of the applications; however, the amounts would vary depending on how a resolution or order is developed, current processes, the number of reviews conducted, and the costs incurred for the reviews.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** UP, SZ, SD, EK, TL

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION  
Revision 1**

**April 16, 2015**

**TO:** Honorable Geanie Morrison, Chair, House Committee on Environmental Regulation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB281** by Simmons (relating to a limitation on the expansion of certain landfills.),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 361 of the Health and Safety Code to provide that the Texas Commission on Environmental Quality (TCEQ) 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 approved by resolution or order by the governing body of the municipality in which the landfill is located. TCEQ would be required to provide members of the legislature who represent the district containing the landfill with an opportunity to comment; and must consider those comments. The bill would apply to a municipally owned Type I municipal solid landfill that is located inside the boundaries of a municipality and is owned by a municipality other than the municipality in which it is located.

TCEQ indicated changes to rules, policies, and procedures regarding the submittal, evaluation, and approval of applications for new permits and permit amendments for Type I municipal solid waste landfills located in affected areas would be necessary. TCEQ anticipates any additional work could be reasonably absorbed within current resources.

**Local Government Impact**

According to the analysis by TCEQ, there could be costs to the affected local governments that chose to conduct administrative and technical reviews of the applications; however, the amounts would vary depending on how a resolution or order is developed, current processes, the number of reviews conducted, and the costs incurred for the reviews.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** UP, SZ, SD, EK, TL



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 15, 2015**

**TO:** Honorable Geanie Morrison, Chair, House Committee on Environmental Regulation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB281** by Simmons (relating to a limitation on the expansion of certain landfills.),  
**Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend Chapter 361 of the Health and Safety Code to provide that the Texas Commission on Environmental Quality (TCEQ) 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 approved by resolution or order by the governing bodies of municipality. TCEQ would be required to provide members of the legislature who represent the district containing the landfill with an opportunity to comment; and must consider those comments. The bill would apply to a municipally owned Type I municipal solid landfill that is located inside the boundaries of a municipality and is owned by a municipality other than the municipality in which it is located.

TCEQ indicated changes to rules, policies, and procedures regarding the submittal, evaluation, and approval of applications for new permits and permit amendments for Type I municipal solid waste landfills located in affected areas would be necessary. TCEQ anticipates any additional work could be reasonably absorbed within current resources.

**Local Government Impact**

According to the analysis by TCEQ, there could be costs to the affected local governments that chose to conduct administrative and technical reviews of the applications; however, the amounts would vary depending on how a resolution or order is developed, current processes, the number of reviews conducted, and the costs incurred for the reviews.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** UP, SZ, SD, EK, TL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 13, 2015**

**TO:** Honorable Geanie Morrison, Chair, House Committee on Environmental Regulation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB281** by Simmons (Relating to a limitation on the expansion of certain landfills.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 361 of the Health and Safety Code to provide that the Texas Commission on Environmental Quality (TCEQ) 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 approved by resolution or order by the governing bodies of each affected local government. TCEQ would be required to provide members of the legislature who represent the district containing the landfill with an opportunity to comment; and must consider those comments. Based on the applicability criteria, the provisions would currently apply to Bexar, Collin, Dallas, Denton, El Paso, Harris, Hidalgo, Tarrant, and Travis counties, and only to municipalities within those counties within 500 feet of another municipality.

TCEQ indicated changes to rules, policies, and procedures regarding the submittal, evaluation, and approval of applications for new permits and permit amendments for Type I municipal solid waste landfills located in affected areas would be necessary. In addition, TCEQ would need to develop a method for determining which local governments have jurisdiction for affected applications. TCEQ anticipates any additional work could be reasonably absorbed within current resources.

**Local Government Impact**

According to the analysis by TCEQ, there could be costs to the affected local governments that chose to conduct administrative and technical reviews of the applications; however, the amounts would vary depending on how a resolution or order is developed, current processes, the number of reviews conducted, and the costs incurred for the reviews.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** UP, SZ, SD, EK, TL