

BILL ANALYSIS

C.S.H.B. 2479
By: Bell
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that legislation is needed regarding the denial of a permit application for certain municipal solid waste landfills for which a previous application was returned to the applicant for containing inadequate or incomplete information. C.S.H.B. 2479 seeks to address this issue by prohibiting the Texas Commission on Environmental Quality from issuing a permit for a new municipal solid waste landfill under certain conditions.

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. 2479 amends the Health and Safety Code to prohibit the Texas Commission on Environmental Quality (TCEQ) from issuing a permit for a new municipal solid waste landfill if the proposed site is located in a county with a population of less than 70,000 and more than 40,000 that is adjacent to a county with a population of more than 3.3 million and if a previous application was submitted to TCEQ to operate a new municipal solid waste landfill at the same proposed site, the previous application was returned to the applicant by TCEQ for containing inadequate or incomplete information, and the applicant for the previous application stated in writing that the previous application did not meet requirements established by TCEQ rules. The bill applies only to an application for the issuance of a permit pending before TCEQ on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2479 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

HOUSE COMMITTEE SUBSTITUTE

85R 22258

17.125.859

Substitute Document Number: 85R 28814

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.0681 to read as follows:

Sec. 361.0681. RETURN OR DENIAL OF INCOMPLETE OR INACCURATE APPLICATION. (a) Before the commission determines that a permit application is administratively and technically complete, the commission may return the application to an applicant if the application is incomplete or inaccurate.

(b) The commission:

(1) shall deny a permit application the commission finds to be incomplete or inaccurate during technical review if the commission returned a previous version of the application to the applicant during technical review because the previous version was incomplete or inaccurate; and

(2) may not approve a subsequent application for a solid waste facility at the site that was the subject of the denied application under Subdivision (1).

No equivalent provision. (*But see SECTION 1 above.*)

SECTION 2. The changes in law made by this Act apply only to an application for the

No equivalent provision. (*But see SECTION 1 below.*)

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.0681 to read as follows:

Sec. 361.0681. DENIAL OF APPLICATION FOR CERTAIN MUNICIPAL SOLID WASTE LANDFILLS IN CERTAIN COUNTIES.

The commission may not issue a permit for a new municipal solid waste landfill if:

(1) the proposed site is located in a county with a population of less than 70,000 and more than 40,000 that is adjacent to a county with a population of more than 3.3 million; and

(2) a previous application was submitted to the commission to operate a new municipal solid waste landfill at the same proposed site and:

(A) the previous application was returned to the applicant by the commission for containing inadequate or incomplete information; and

(B) the applicant for the previous application stated in writing that the previous application did not meet requirements established by commission rules.

SECTION 2. Same as introduced version.

issuance of a permit pending before the Texas Commission on Environmental Quality on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 3. Same as introduced version.