86R7443 JRR-F

By:  Zaffirini S.B. No. 2422

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a permit for a municipal solid waste facility located in a 100-year floodplain.

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 361.1235 to read as follows:

Sec. 361.1235.  LIMITATION ON ISSUANCE OF MUNICIPAL SOLID WASTE PERMIT FOR FACILITY IN 100-YEAR FLOODPLAIN. The commission may not approve an application for a municipal solid waste permit for a facility that is to be constructed in an area located in a 100-year floodplain, existing before site development, unless the applicant:

(1)  has obtained the following:

(A)  approval from the governmental entity with jurisdiction under Section 16.236, Water Code, or a rule adopted by the commission to implement that section;

(B)  a floodplain development permit from the municipality, county, or other entity with jurisdiction over the proposed improvements;

(C)  a conditional letter of map amendment issued by the Federal Emergency Management Agency; and

(D)  a permit issued by the United States Army Corps of Engineers under Section 404(b) of the federal Clean Water Act (33 U.S.C. Section 1344(b)) for construction of all necessary improvements if waters of the United States will be affected by construction of the facility; and

(2)  meets all other requirements of the permit.

SECTION 2.  Section 361.1235, Health and Safety Code, as added by this Act, applies only to an application for a municipal solid waste permit that is pending before the Texas Commission on Environmental Quality on or after the effective date of this Act. A municipal solid waste permit that is issued before the effective date of this Act is governed by the law in effect when the permit was issued, 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 effect, this Act takes effect September 1, 2019.