

By: Cyrier

H.B. No. 4568

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of floodplain maps in the permitting of certain solid waste facilities.

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

SECTION 1. Chapter 16, Water Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. FLOODPLAIN MAPPING

Sec. 16.501. DEFINITIONS. In this subchapter:

(1) "Local flood map" means a map created and certified under this subchapter.

(2) "Local floodplain manager" means the individual responsible for carrying out a local government's floodplain studies and mapping programs of floodplains, flood-prone areas, and flood-risk zones under Section 16.316.

(3) "National flood map" means a map approved for use in the National Flood Insurance Program.

(4) "Political subdivision" has the meaning assigned by Section 16.313.

Sec. 16.502. LOCAL FLOOD MAP. A local floodplain manager who has information regarding a floodplain, flood-prone area, or flood-risk zone in the manager's political subdivision that is more recent than the information in the national flood map used in the political subdivision may deliver to the board:

(1) a local flood map that represents the more recent

1 information;

2 (2) information relevant to the creation of the local
3 flood map; and

4 (3) a sworn statement that the information represented
5 in the local flood map is accurate to the best of the local
6 floodplain manager's knowledge.

7 Sec. 16.503. CERTIFICATION AND PUBLICATION OF LOCAL FLOOD
8 MAP. On receipt of an updated local flood map and sworn statement
9 under Section 16.502, the board shall certify the map and make it
10 available on the board's Internet website.

11 Sec. 16.504. LIABILITY. A local floodplain manager is not
12 personally liable for damages arising from the use of information
13 in a local flood map.

14 Sec. 16.505. RULES. The board shall adopt rules to
15 implement this subchapter.

16 SECTION 2. Subchapter C, Chapter 361, Health and Safety
17 Code, is amended by adding Section 361.1235 to read as follows:

18 Sec. 361.1235. MUNICIPAL SOLID WASTE LANDFILLS AND TRANSFER
19 STATIONS IN FLOODPLAIN. (a) In this section, "local flood map" has
20 the meaning assigned by Section 16.501, Water Code.

21 (b) The commission shall consider a local flood map in
22 determining whether to issue a permit for a municipal solid waste
23 landfill or transfer station to be located in a floodplain.

24 SECTION 3. Section 361.1235, Health and Safety Code, as
25 added by this Act, applies only to an application for a municipal
26 solid waste permit that is filed with the Texas Commission on
27 Environmental Quality on or after the effective date of this Act.

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1 An application for a municipal solid waste permit that is pending on
2 the effective date of this Act is governed by the law in effect at
3 the time the application was filed, and the former law is continued
4 in effect for that purpose.

5 SECTION 4. This Act takes effect September 1, 2019.