

By: Zaffirini

S.B. No. 1338

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the issuance of a permit for a municipal solid waste
3 landfill facility located in a special flood hazard area.

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

5 SECTION 1. Subchapter C, Chapter 361, Health and Safety
6 Code, is amended by adding Section 361.1232 to read as follows:

7 Sec. 361.1232. LIMITATION ON MUNICIPAL SOLID WASTE LANDFILL
8 IN SPECIAL FLOOD HAZARD AREA. (a) In this section:

9 (1) "Facility" mean all contiguous land, improvements
10 on land, structures, and appurtenances, including drainage
11 structures, groundwater monitoring wells, landfill gas probes, and
12 gate or scale houses, that are used for the storage, processing, or
13 disposal of solid waste.

14 (2) "Special flood hazard area" means the land in a
15 floodplain subject to not less than one percent chance of flooding
16 in a year as designated by the director or administrator of the
17 Federal Emergency Management Agency.

18 (b) The commission may not issue a permit for a new
19 municipal solid waste landfill facility or a lateral expansion of
20 an existing municipal solid waste landfill facility that is
21 contingent on the removal of a part of the facility from a special
22 flood hazard area.

23 (c) The commission may not issue a permit for a new
24 municipal solid waste landfill facility or for a lateral expansion

1 of an existing municipal solid waste landfill facility if a part of
2 the facility is or will be located in a special flood hazard area
3 unless the applicant has obtained from the Federal Emergency
4 Management Agency a letter of map change demonstrating that the
5 entire facility has been removed from the special flood hazard
6 area. A conditional letter of map change issued by the Federal
7 Emergency Management Agency does not satisfy the requirements of
8 this subsection.

9 (d) The commission shall coordinate with all applicable
10 regional and local governments to verify that all required map
11 changes to the Flood Insurance Rate Map have been acquired from the
12 Federal Emergency Management Agency and that all necessary permits
13 have been issued for the facility by the governmental entities or
14 agencies with jurisdiction over the facility under Section 16.235,
15 Texas Water Code, or Chapter 16, Subchapter I, Texas Water Code.

16 SECTION 2. Section 361.1232, Health and Safety Code, as
17 added by this Act, applies only to an application for the issuance
18 or amendment of a permit for a municipal solid waste landfill
19 facility that is pending before the Texas Commission on
20 Environmental Quality on or after the effective date of this Act. A
21 permit for a municipal solid waste landfill facility that is issued
22 or amended before the effective date of this Act is governed by the
23 law in effect when the permit was issued or amended, and the former
24 law is continued in effect for that purpose.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2019.