

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 486  
By: Brown  
Natural Resources  
2/24/1999  
Committee Report (Substitute)

### **DIGEST**

Currently, Texas law contains provisions which provide for the role local governments' landfill siting ordinances have in the siting process for solid waste facilities. The Solid Waste Disposal Act also provides that a landfill permit applicant has 270 days to submit additional information to the Texas Natural Resource Conservation Commission (TNRCC) as requested to make a landfill permit administratively complete. C.S.S.B. 486 clarifies the power of local governments to use landfill ordinances to restrict the areas within their jurisdictions where new municipal or industrial landfills may be sited. This bill limits the application of the local ordinances to those permit applications filed with TNRCC after the ordinances become effective. The bill also instructs TNRCC to establish, by rule, the deadline by which a landfill permit applicant submit the additional information requested. This bill does not apply to "on-site" commercial waste facilities.

### **PURPOSE**

As proposed, C.S.S.B. 486 regulates the processing or disposing of solid waste.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTIONS 1, 3, and 4 (Sections 361.066(c), 363.112(d), and 364.012(f), Health and Safety Code) of this bill

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 361.066, Health and Safety Code, to require an applicant to submit any portion of an application that the Texas Natural Resource Conservation Commission (commission) determines is necessary to make the application administratively complete not later than the deadline set by the commission under Subsection (c). Requires the commission, by rule, to establish a deadline for the submission of additional information or material after the applicant receives notice from the commission that the information or material is needed to make the application administratively complete. Deletes text regarding a deadline of the 270th day after the applicant receives notice.

SECTION 2. Amends Section 361.152, Health and Safety Code, to prohibit the powers specified by Section 364.011, rather than Sections 364.011 and 364.012, from being exercised.

SECTION 3. Amends Section 363.112, Health and Safety Code, by amending Subsections (a) and (c), and adding Subsections (d) and (e), to require a city or municipality to designate an area for the disposal of municipal or industrial waste, in order to prohibit the processing or disposal of municipal or industrial solid waste in certain areas of a municipality or county. Prohibits the governing body of a municipality or county from prohibiting the processing or disposal of municipal or industrial solid waste in an area of that municipality for which certain conditions apply. Prohibits the commission from granting an application for a permit to process or dispose of municipal or industrial solid waste in an area in which the processing or disposal of municipal or industrial solid waste is prohibited by an ordinance or order authorized by Subsection (a), unless the governing body of the municipality or county violated Subsection (c) in passing the ordinance or order. Requires the commission, by rule, to establish procedures for determining whether an application is for the processing or disposal of municipal or industrial solid waste in an area for which that processing or disposal is prohibited by an ordinance or order. Prohibits the powers specified by this section from being exercised by the governing body of a municipality or county with respect to areas to which Section 361.090 applies. Deletes the provision that this section does not apply to municipality or county that has adopted solid waste management plans approved by the commission under Section 363.063.

SECTION 4. Amends Section 364.012, Health and Safety Code, to prohibit the commissioners court of the county from prohibiting the processing or disposal of municipal or industrial solid waste in an area of that county for which certain conditions apply. Prohibits the commission from granting an application for a permit to process or dispose of municipal or industrial solid waste in an area in which the processing or disposal of municipal or industrial solid waste is prohibited by an ordinance, unless the county violated Subsection (e) in passing the ordinance. Authorizes the commission, by rule, to specify the procedures for determining whether an application is for the processing or disposal of municipal or industrial solid waste in an area for which that processing or disposal is prohibited by an ordinance. Prohibits the powers specified by this section from being exercised by a county with respect to areas to which Section 361.090 applies. Deletes text regarding a requirement which does not apply if the county has adopted solid waste disposal guidelines approved by the commission. Makes conforming changes.

SECTION 5. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 6. Emergency clause.

#### **SUMMARY OF COMMITTEE CHANGES**

##### **SECTION 4.**

Amends Section 364.012(f), Health and Safety Code, to prohibit the commission from granting an application for a permit to process or dispose of municipal or industrial solid waste in an area in which the processing or disposal of municipal or industrial solid waste is prohibited by an ordinance, rather than order, unless the county violated Subsection (e) in passing the ordinance, rather than order. Authorizes the commission, by rule, to specify the procedures for determining whether an application is for the processing or disposal of municipal or industrial solid waste in an area for which that processing or disposal is prohibited by an ordinance, rather than order.

##### **SECTION 5.**

Amends Section 5, to provide that the provisions of this Act, as amended and added by this Act, apply only to an application submitted on or after the effective date of this Act.