

## **BILL ANALYSIS**

Senate Research Center

S.B. 1511  
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Natural Resources  
3/29/2003  
As Filed

### **DIGEST AND PURPOSE**

Current Texas Commission on Environmental Quality regulations for municipal solid waste (MSW) landfills have been criticized by some as failing to protect neighboring communities. As proposed, S.B. 1511 sets forth height limits for MSW landfills; extends the current required buffer zone to 1,000 feet; requires MSW landfill permit holders to apply for renewal every ten years; and clarifies which communities must be included in pre-approval impact assessments.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Commission on Environmental Quality in SECTION 5(b) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 361C, Health and Safety Code, by adding Section 361.070, as follows:

Sec. 361.070. CONSIDERATION OF COMMUNITY AFFECTED BY MUNICIPAL SOLID WASTE LANDFILL. (a) Requires the Texas Commission on Environmental Quality (TCEQ) to make certain requirements and considerations when issuing a permit.

(b) Requires an assessment for purposes of this section to account for effects on residents, regardless of whether the residents reside in a municipality, and on businesses, schools, churches, or other gathering places in the area of the landfill or proposed landfill.

SECTION 2. Amends Chapter 361C, Health and Safety Code, by adding Section 361.1156, as follows:

Sec. 361.1156. MUNICIPAL SOLID WASTE LANDFILL FACILITY PERMIT PERIOD. (a) Provides that this section applies to a municipal solid waste landfill facility operating and maintained under a permit issued by TCEQ or a predecessor agency, regardless of the duration of the term specified by the permit.

(b) Requires the owner or operator of a municipal solid waste landfill facility to apply for the renewal of the permit to operate and maintain the facility under this chapter not later than the 30th day before the 10th anniversary of the date on which the existing permit was issued or last renewed. Requires the owner or operator, if on September 1, 2003, the 10th anniversary has passed, to apply for the renewal of the permit not later than December 31, 2003.

SECTION 3. Amends Chapter 361C, Health and Safety Code, by adding Section 361.1155, as follows:

Sec. 361.1155. HEIGHT OF LANDFILL. Prohibits TCEQ from issuing, renewing, or amending a permit for a solid waste landfill facility if the landfill, when filled to the capacity stated in the application for the issuance of a permit or in the request to renew or amend an existing permit, would be the highest visible landmark in a two-mile radius of

the landfill.

SECTION 4. Amends Chapter 361C, Health and Safety Code, by adding Section 361.1205, as follows:

Sec. 361.1205. MUNICIPAL SOLID WASTE LANDFILL BUFFER ZONE. Requires TCEQ to require as a permit condition for a new municipal solid waste landfill a 1,000-foot buffer zone with appropriate markers to indicate the location of the zone.

SECTION 5. (a) Requires TCEQ, not later than October 1, 2003, to notify the owner or operator of each municipal solid waste landfill facility operating and maintained under a permit issued under Chapter 361, Health and Safety Code, or its predecessor statute, Article 4477-7, V.T.C.S., of the changes in law made by this Act.

(b) Requires TCEQ, not later than December 1, 2003, to adopt any rules necessary for the implementation of this Act.

SECTION 6. Effective date: September 1, 2003.