

- SUBJECT:** Waste accepted by arid exempt landfills.
- COMMITTEE:** Environmental Regulation — committee substitute recommended
- VOTE:** 4 ayes — Bonnen, Howard, T. King, W. Smith
0 nays
3 absent — Driver, Homer, Kuempel
- WITNESSES:** For — Gary Brown, City of Floydada; Mark Hanbury, City of Dalhart and Panhandle Regional Planning Commission Solid Waste Advisory; William King, James Smith, City of Meadow; Jim Powell, City of Perryton; Marvin Tillman, City of Olton
Against — Cyrus Reed, Lone Star Chapter, Sierra Club
On — Robin Schneider, Texas Campaign for the Environment; Wade Wheatley, Texas Commission on Environmental Quality
- BACKGROUND:** Municipal solid waste is federally regulated under ch. D of the Resource Conservation and Recovery Act (RCRA) of 1976. Municipal solid waste is defined to consist of household trash and trash from small businesses. Ch. D of the RCRA establishes minimum requirements for landfills. Landfills are regulated under Texas law by the Solid Waste Disposal Act, ch. 361, Health and Safety Code.
- Arid exempt landfills are small, municipal solid waste landfills that accept a relatively small quantity of waste each year, that are located in regions with small amounts of rainfall, and that have geological features that reduce the incidence of leakage. Arid exempt landfills have been exempted from certain requirements that apply to other landfills because of their minimal potential for hazardous effects on the environment and public health.
- In Texas, most Arid exempt landfills are in rural towns in West Texas and the Panhandle. Arid exempt landfills may dispose of both Type 1 and Type 2 solid waste. Type 1 solid waste is municipal solid waste, and Type 2 solid waste is construction or demolition waste. Under TCEQ rules

regulating landfill “units,” Arid exempt landfills can accept up to 20 tons per day of Type 1 waste and up to 20 additional tons of Type 2 waste.

DIGEST: HB 1609 would permit arid exempt landfills to dispose of a maximum of 20 tons per day of construction or demolition waste in addition to 20 tons per day of municipal solid waste. TCEQ could exempt arid exempt landfills from groundwater protection and monitoring requirements if there were no evidence of groundwater contamination from the landfill. Rules adopted by TCEQ would have to comply with federal rules established by the Federal Solid Waste Disposal Act and the RCRA.

The bill would take effect on September 1, 2005.

SUPPORTERS SAY: HB 1609 would protect rural landfills that would be unable to continue operating if regulations were tightened to further restrict the quantity of waste that could be received. Many municipalities that have arid exempt landfills fear that tighter regulations on the amount of waste they may accept could be imposed in the near future if TCEQ amended its rules to comply with federal standards. Landfills in rural areas anticipate that increased restrictions on the quantity of solid waste accepted would drive them out of business. Arid exempt landfills already are subject to adequate regulations on the quantity of solid waste accepted. Imposing more regulations would be unnecessarily burdensome and result in many landfills being forced to shut down operations.

Many communities depend on small municipal solid waste landfills for the disposal of their waste. Cities isolated in rural areas would be forced to transport solid waste up to 100 miles to the nearest state-permitted landfill. The added cost of hauling solid waste long distances would force cities to increase rates on residents. Citizens in small towns with landfills are often of low income or retired and would be unable to afford increased costs of waste disposal. Without affordable waste disposal, rural residents would be more likely improperly to dispose of their waste – either by burning it or dumping it in remote areas.

Small landfills in rural areas represent an integral part of the economy in many small towns in West Texas and the Panhandle. Arid exempt landfills have boosted the economies in many towns by providing jobs for residents and generating revenue for municipal governments. In some cities, revenue generated from landfills accounts for most of the city’s operating budget.

OPPONENTS
SAY:

The current limit of 20 tons per day of solid waste is more than enough for small landfills in rural areas to accept. The 20-ton-per-day limit would translate into upwards of 7,300 tons of solid waste per year. Also, the 20-ton-per-day maximum is based on annual amounts accepted and would include days that the landfill was not in operation. The current TCEQ practice allowing arid exempt landfills to receive up to 40 tons of solid waste per day is excessive and has resulted in the proliferation of new landfills as moneymaking strategies for local governments.

By making the disposal of solid waste in landfills less expensive, HB 1609 would discourage recycling. The Legislature should enact policies that make recycling more attractive in order to protect the environment and public health. Keeping the cost of trash disposal cheap only exacerbates the state's waste disposal crisis by providing incentives for individuals to use a less environmentally friendly way of eliminating their solid waste.

NOTES:

The committee substitute differs from the original bill in that it specifies that it would apply to small, municipal solid waste landfills that have been permitted as such by TCEQ.