

**SUBJECT:** Studying the regulations of certain solid waste landfills overlying aquifers

**COMMITTEE:** Environmental Regulation — committee substitute recommended

**VOTE:** 8 ayes — Morrison, E. Rodriguez, Kacal, K. King, P. King, Lozano, Reynolds, E. Thompson

1 nay — Isaac

**WITNESSES:** For — Stephen Minick, Texas Association of Business

Against — Brenda Haney, Lone Star Chapter of the Solid Waste Association of North America (TxSWANA)

On — Andrew Dobbs, Texas Campaign for the Environment; (*Registered, but did not testify*: Earl Lott, Texas Commission on Environmental Quality)

**BACKGROUND:** Municipal solid waste landfills receive household waste and non-hazardous sludge, industrial solid waste, and construction and demolition debris. All municipal solid waste landfills must comply with the federal Resource Conservation and Recovery Act, Subtitle D, or equivalent state regulations.

Included in the federal regulations adopted by Texas are:

- location restrictions to ensure that landfills are built in suitable geological areas;
- requirements for composite landfill liners to protect groundwater and underlying soil from releases of leachate, a liquid produced as waste decomposes;
- requirements for a leachate collection and removal systems to remove leachate from the landfill for treatment and disposal; and
- requirements for groundwater monitoring.

**DIGEST:** CSHB 2532 would require the Texas Commission on Environmental Quality (TCEQ) to conduct a peer reviewed study determining the effectiveness of the regulations governing the design and construction of Type I municipal solid waste landfills located over Texas aquifers that were built on or after October 9, 1993.

The study would have to:

- determine if landfills located over aquifers were leaking;
- determine if any leakage had seeped into or contaminated the groundwater underlying the landfills; and
- include recommendations for improving the effectiveness of the regulations governing the design and construction of landfills located over aquifers, including recommendations to prevent or reduce leakage and to protect aquifers.

TCEQ could work with other state agencies, institutions of higher education, nonprofit organizations, private organizations, or business entities to conduct the study.

By January 1, 2017, TCEQ would be required to submit a report on the results and recommendations of the study to the governor, the lieutenant governor, the speaker of the House of Representatives, and the chairman of each legislative committee with jurisdiction over environmental matters.

Applications and permits for Type I municipal solid waste landfills could not be postponed or delayed pending the results of the study.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS SAY:** CSHB 2532 would require TCEQ to study 15 landfills built on top of aquifers since 1993 to determine the effectiveness of regulations governing their design and construction in protecting the underlying

groundwater against the possibility of leaks.

In 1993, Texas adopted standards from the federal Resource Conservation and Recovery Act, Subtitle D, requiring municipal solid waste landfills to include composite liners for leak prevention and monitoring systems for leak detection. Other standards adopted were related to drainage systems to protect against the accumulation of leachate, a liquid produced as waste decomposes that can pose a significant threat to the surrounding water if it is not properly collected and removed.

Twenty-two years have passed since the landfill standards were adopted, and Texas has never evaluated the effectiveness of these regulations to ensure that its aquifers and groundwater are adequately protected against leachate. While groundwater monitoring data have been collected for more than 20 years, this information has not been adequately reviewed. The study and report required by HB 2532 would serve this important purpose.

**OPPONENTS  
SAY:**

HB 2532 is unnecessary because each landfill that has been constructed or updated since Texas adopted the federal standards in 1993 already has been studied extensively. Existing regulation of landfills is rigorous and includes protections for groundwater, such as landfill liners and ongoing monitoring. More than 20 years of groundwater monitoring data already demonstrate the effectiveness of the design and construction of municipal solid waste landfills in protecting groundwater against the possibility of leaks.

**OTHER  
OPPONENTS  
SAY:**

Empowering TCEQ to conduct the study would not be appropriate because the commission regulates municipal landfills. Although the study would be peer reviewed, the interests of the state would be better served by having an independent source such as a research university conduct the study.