

BILL ANALYSIS

Senate Research Center

S.B. 1393
By: Lindsay
Natural Resources
4-21-97
Committee Report (Amended)

DIGEST

As currently defined in Section 361.003, Health and Safety Code, "municipal solid waste" means "solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste." While such facilities do not pose risks to the same extent as hazardous waste facilities, there are a number of health and quality of life issues related to the location of such facilities. Presently there are no distance requirements limiting the distance between a municipal solid waste facility and areas such as residences, churches, or schools, as there are with hazardous waste facilities. This bill would require the Texas Natural Resource Conservation Commission to establish rules which prohibit the issuance of a permit for a new municipal solid waste facility or the expansion of an existing facility if the boundary of the landfill is to be located within 1,000 feet of an established residence, place of worship, school, day-care center, surface water body used for a public drinking water supply, or dedicated public park. The bill also sets forth provisions regarding when measurements will be taken and exempts certain areas located within the boundaries of a solid waste facility owned by the permit applicant.

PURPOSE

As proposed, S.B. 1393 requires the Texas Natural Resource Conservation Commission to establish certain rules regarding a permit for a new municipal solid waste facility or the expansion of an existing municipal solid waste facility.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission (Section 361.1025, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 361C, Health and Safety Code, by adding Section 361.1025, as follows:

Sec. 361.1025. PROHIBITION ON PERMIT FOR MUNICIPAL SOLID WASTE FACILITY WITHIN CERTAIN DISTANCE OF RESIDENCE, PLACE OF WORSHIP, SCHOOL, DAY-CARE CENTER, DRINKING WATER SUPPLY, OR PARK. Requires the Texas Natural Resource Conservation Commission, by rule, to prohibit the issuance of a permit for a new municipal solid waste facility or the areal expansion of an existing municipal solid waste facility if the boundary of the landfill is to be located within 1,000 feet of an established residence, place of worship, school, day-care center, surface water body used for a public drinking water supply, or dedicated public park, unless a site-specific, risk-based evaluation indicates otherwise. Sets forth provisions regarding measurement of distance toward the above locations. Provides that the restrictions imposed by Subsection (a) do not apply to a residence, place of worship, school, day-care center, surface water body used for a public drinking water supply, or dedicated park located inside the boundaries of a solid waste management facility or property owned by the permit applicant.

SECTION 2. Effective date: September 1, 1997.

Makes application of this Act prospective.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Page 1, line 18, insert after "park," ", unless a site-specific, risk-based evaluation indicates otherwise."