

BILL ANALYSIS

Senate Research Center
79R13368 JJT-D

H.B. 1053
By: Hope (Staples)
Natural Resources
5/17/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 1053 prohibits the Texas Commission on Environmental Quality from issuing new permits or amendments to permits for aerial expansion to certain landfills in Montgomery County.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 361, Health and Safety Code, by adding Section 361.123, as follows:

Sec. 361.123. LIMITATION ON LOCATION OF MUNICIPAL SOLID WASTE LANDFILLS; BOUNDARY AND MEASUREMENT. (a) Provides that this section applies only to an application for a permit for a new municipal solid waste landfill or an application for a permit for an aerial expansion of an existing municipal solid waste landfill if the landfill is or is intended to be located in a specific county.

(b) Prohibits the Texas Commission on Environmental Quality (TCEQ) from issuing a permit for a new municipal solid waste landfill or an aerial expansion of an existing municipal solid waste landfill unless certain criteria is met.

(c) Requires TCEQ, in determining the distance from the landfill for the purposes of Subsection (b)(1), to require measurements to be taken from the property boundary of the landfill site toward specific sites that are in use when the notice of intent to file a permit application is filed with TCEQ or, if no notice of intent is filed, when the permit application is filed with TCEQ.

SECTION 2. Makes application of Section 361.123, Health and Safety Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2005.