

## **BILL ANALYSIS**

Senate Research Center  
79R8017 JTS-D

S.B. 1676  
By: Barrientos  
Natural Resources  
5/3/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Vertical landfill expansions are being permitted above old landfill areas that do not have an adequate liner or leachate collection system. These permits, furthermore, do not require landfill companies to meet the standards applied to new landfills, even in the expansion.

As proposed, S.B. 1676 prohibits a permit for a vertical expansion over any part of a municipal solid waste landfill that does not comply with regulations applicable to new landfills. It also prohibits a permit from being issued for a location adjacent to a landfill facility which has applied for a permit for expansion within the previous 36 months; this provision prevents a neighborhood from having to bear the financial brunt of opposing two facilities expanding at the same time. This bill finally prohibits the granting of a permit if the commissioners of a county have adopted a resolution recommending denial of the permit prior to final consideration.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 361.122, Health and Safety Code, to prohibit the Texas Commission on Environmental Quality (commission) from issuing a permit for a new Type I landfill or the areal expansion of an existing Type I landfill if the proposed landfill or expansion is located in certain areas or if prior to final consideration of the application by the commission, the commissioners of the county in which the facility is located have adopted a resolution recommending denial of the application. Creates a subsection from existing text.

SECTION 2. (a) Requires the commission to adopt rules to implement Section 361.122(a), Health and Safety Code, as added by this Act, as soon as practicable, but not later than December 31, 2005.

(b) Makes application of this Act prospective to an application for a permit for a municipal solid waste landfill or for an areal expansion of such a landfill that is received by the commission on or after the date the rules adopted by the commission under this Act take effect.

SECTION 3. Effective date: September 1, 2005.