

1 AN ACT
2 relating to the location of certain municipal solid waste
3 landfills.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter C, Chapter 361, Health and Safety
6 Code, is amended by adding Section 361.123 to read as follows:

7 Sec. 361.123. LIMITATION ON LOCATION OF MUNICIPAL SOLID
8 WASTE LANDFILLS. (a) This section applies to an application for a
9 permit for a new Type I or new Type IV municipal solid waste
10 landfill or for a permit or permit amendment authorizing the
11 conversion of a Type IV municipal solid waste landfill to a Type I
12 municipal solid waste landfill only if the landfill or proposed
13 site for the new landfill is located in a county that is adjacent to
14 a county with a population of more than 3.3 million and inside the
15 boundaries of a national forest, as designated by the United States
16 Forest Service, on public or private land.

17 (b) The commission may not issue a permit for a new Type I or
18 new Type IV municipal solid waste landfill to be located as
19 described by Subsection (a).

20 (c) The commission may not issue a permit or permit
21 amendment authorizing the conversion of a Type IV municipal solid
22 waste landfill located as described by Subsection (a) to a Type I
23 municipal solid waste landfill.

24 (d) This section does not apply to an application for a

1 permit or permit amendment authorizing an areal expansion of an
2 existing Type I municipal solid waste landfill.

3 SECTION 2. Section 361.123, Health and Safety Code, as
4 added by this Act, applies only to the issuance of a permit for a new
5 municipal solid waste landfill or of a permit or permit amendment
6 authorizing the conversion of a Type IV municipal solid waste
7 landfill to a Type I municipal solid waste landfill, the
8 application for which is received by the Texas Commission on
9 Environmental Quality on or after the effective date of this Act.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2005.

David Dewhurst

President of the Senate

Jim Credik

Speaker of the House

I certify that H.B. No. 1053 was passed by the House on May 13, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1053 on May 26, 2005, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1053 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 30, Nays 1.

Arseny Sewell
Secretary of the Senate

APPROVED: 18 JUNE '05

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:20 PM O'CLOCK

JUN 18 2005
Roger Williams
Secretary of State