

CHAPTER 400

H.B. No. 130

AN ACT

relating to the disposal of solid waste in certain landfills.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.115 to read as follows:

Sec. 361.115. CERTIFICATION OF LANDFILL CAPACITY TO MUNICIPALITY; RESTRICTIONS ON CONTRACT. (a) The owner or operator of a solid waste landfill

facility permitted by the commission or licensed by a county, before entering into a contract with a municipality for the disposal of the municipality's solid waste, must certify to the municipality that the facility has the capacity to dispose of the volume of waste proposed in the contract for the duration of the contract, if requested in writing by the municipality.

(b) The owner or operator of a solid waste landfill facility permitted by the commission or licensed by a county who has a contract with a municipality to dispose of the municipality's solid waste may not enter into a contract to accept solid waste generated from outside the municipality's extraterritorial jurisdiction for disposal at the facility in an amount that would reduce the projected life of the facility to less than the remaining duration of the contract for the disposal of the municipality's waste unless alternative disposal is provided.

(c) The owner or operator of a solid waste landfill facility permitted by the commission or licensed by a county who has a contract with a municipality for the disposal of the municipality's solid waste shall, if requested in writing by the municipality, certify and report to the municipality annually that the owner or operator has the capacity to fulfill its contractual obligations to the municipality for solid waste disposal. The certification if requested must include a statement:

- (1) of the remaining permitted solid waste disposal capacity of the facility;*
- (2) of the contractually committed volumes or tonnages of waste accepted at the facility;*
and
- (3) from the owner or operator that the facility possesses the capacity to fulfill the disposal commitments in the contract with the municipality.*

SECTION 2. This Act takes effect September 1, 1993.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 4, 1993, by a non-record vote; passed by the Senate on May 19, 1993: Yeas 31, Nays 0.

Approved June 2, 1993.

Effective Sept. 1, 1993.