

AN ACT

relating to the requirements for identifying former municipal landfills and notifying the owners of the overlaying property.

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

SECTION 1. Section 363.064, Health and Safety Code, is amended to read as follows:

Sec. 363.064. CONTENTS OF REGIONAL OR LOCAL SOLID WASTE MANAGEMENT PLAN. (a) A regional or local solid waste management plan must:

- (1) include a description and an assessment of current efforts in the geographic area covered by the plan to minimize production of municipal solid waste, including sludge, and efforts to reuse or recycle waste;
- (2) identify additional opportunities for waste minimization and waste reuse or recycling;
- (3) include a description and assessment of existing or proposed community programs for the collection of household hazardous waste;
- (4) make recommendations for encouraging and achieving a greater degree of waste minimization and waste reuse or recycling in the geographic area covered by the plan;
- (5) encourage cooperative efforts between local governments in the siting of landfills for the disposal of solid waste;
- (6) consider the need to transport waste between municipalities, from a municipality to an area in the jurisdiction of a county, or between counties, particularly if a technically suitable site for a landfill does not exist in a particular area;
- (7) allow a local government to justify the need for a landfill in its jurisdiction to dispose of the solid waste generated in the jurisdiction of another local government that does not have a technically suitable site for a landfill in its jurisdiction;

(8) establish recycling rate goals appropriate to the area covered by the plan;

(9) recommend composting programs for yard waste and related organic wastes that may include:

(A) creation and use of community composting centers;

(B) adoption of the "Don't Bag It" program for lawn clippings developed by the Texas Agricultural Extension Service; and

(C) development and promotion of education programs on home composting, community composting, and the separation of yard waste for use as mulch;

(10) include an inventory of municipal solid waste landfill units, including:

(A) landfill units no longer in operation;

(B) [;] the exact boundaries [location] of each former landfill unit or, if the exact boundaries are not known, the best approximation of each unit's boundaries;

(C) a map showing the approximate boundaries of each former landfill unit, if the exact boundaries are not known;

(D) [such units;] the current owners of the land on which the former landfill units were located;[;] and

(E) the current use of the land;

(11) assess the need for new waste disposal capacity;

(12) include a public education program; and

(13) include waste reduction in accordance with the goal established under Section 361.0201(d), to the extent that funds are available.

(b) If the boundaries of a municipal solid waste unit that is no longer operating are known to be wholly on an identifiable tract, the council of governments for the area in which the former landfill unit is located [Each council of governments] shall notify the owner of land that overlays the [overlies a] former landfill [municipal solid waste] unit [within the council of government's jurisdiction] of the former use of the land and shall notify the county clerk of the county or

counties in which the former landfill unit is located of the former use. The notice requirements of this subsection do not apply if the exact boundaries of a former landfill unit are not known.

(c) The county clerk shall record on the deed records of land formerly used as a municipal solid waste landfill a description of the exact boundaries of the former landfill unit, or, if the exact boundaries are not known, the best approximation of each unit's boundaries, together with a legal description of the parcel or parcels of land in which the former landfill unit is located [~~pertinent part of the land~~], notice of its former use, and notice of the restrictions on the development or lease of the land imposed by this subchapter. The county clerk shall make the records available for public inspection.

(d) [~~(e)~~] The municipalities and counties within each council of governments shall cooperate fully in compiling the inventory of landfill units.

(e) [~~(d)~~] Each council of governments shall provide a copy of the inventory of municipal solid waste landfill units to the commission and to the chief planning official of each municipality and county in which a unit is located. The commission and the officials shall make the inventory available for public inspection.

(f) [~~(e)~~] The commission may grant money from fees collected under Section 361.013 to a municipality or association of municipalities for the purpose of conducting the inventory required by this section.

SECTION 2. This Act takes effect September 1, 1999.

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.

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President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1447 passed the Senate on April 16, 1999, by a viva-voce vote.

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Secretary of the Senate

I hereby certify that S.B. No. 1447 passed the House on May 25, 1999, by a non-record vote.

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Chief Clerk of the House

Approved:

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Date

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Governor