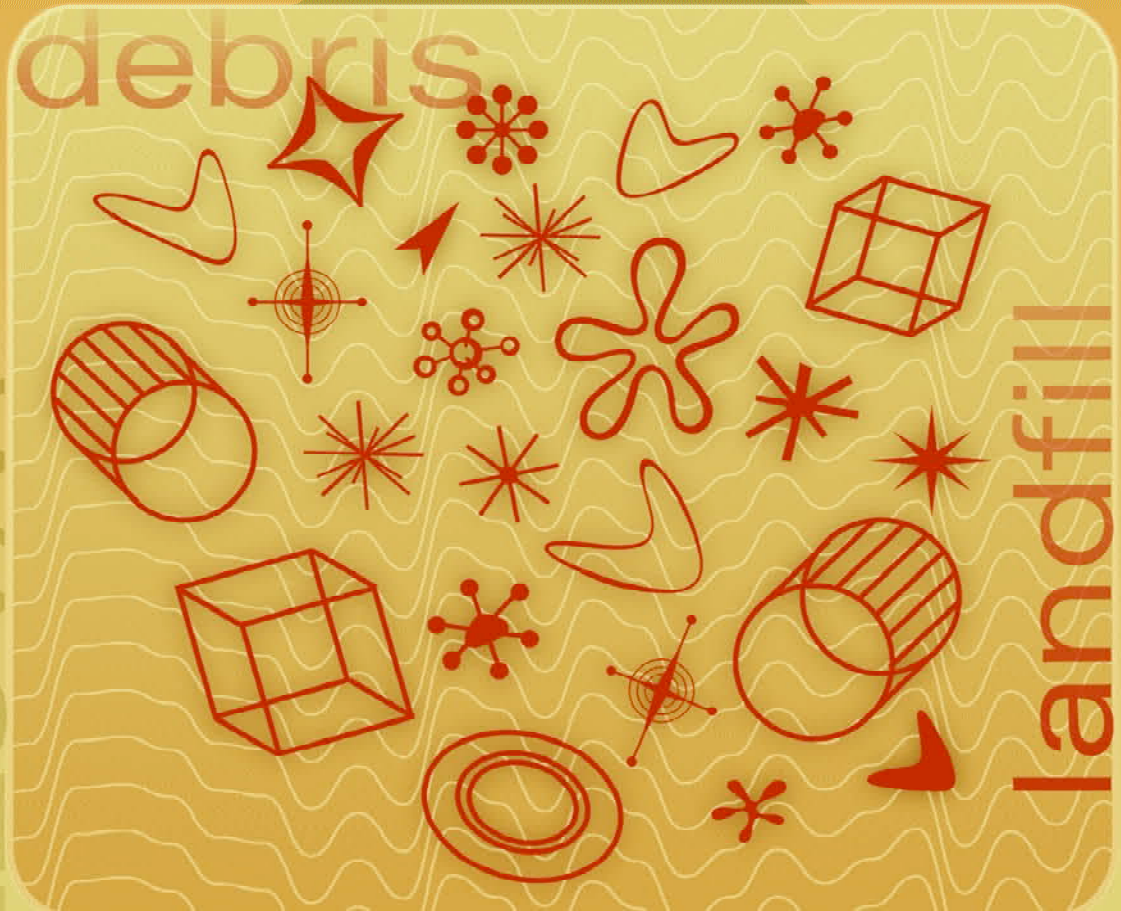


TEXAS

CLOSED LANDFILL INVENTORY

It's Easy. It's Safe. IT'S THE LAW.



WASTE
GARBAGE

NO CLEAN UP IS REQUIRED · COUNTY CLERKS MUST DEED RECORD CLOSED LANDFILLS WITH APPROXIMATE OR EXACT BOUNDARIES
THIS DOCUMENT WAS PRODUCED WITH FUNDS PROVIDED BY A GRANT FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE HOUSTON-GALVESTON AREA COUNCIL.

GET THE FACTS...

about the Closed Landfill Inventory for the H-GAC Region

BACKGROUND



In 1993, the Texas Legislature passed House Bill (HB) 2537, which required Councils of Governments (COGs) to develop an inventory of closed municipal solid waste landfills for their regional solid waste management plans.

The Texas Commission on Environmental Quality (TCEQ, formerly the Texas Natural Resource Conservation Commission) coordinated with the 24 COGs in Texas to begin inventorying known and suspected closed municipal landfill sites. The result of this study brought forth approximately 4,200 closed municipal solid waste landfills, with more than 500 in the H-GAC's 13-county region. Estimated point locations were mapped and available historical information was collected into a database for each county and COG.

NEW REQUIREMENTS ADDED



In 1999, Senate Bill (SB) 1447 was passed and required the COGs to carry out the inventory to a higher level of detail. Each COG was to document and map the exact boundaries of each closed landfill or approximate the boundaries if exact boundaries could not be identified. When an exact boundary can be determined, the COG is required to notify the current landowner regarding the former land use of the property and also notify the County Clerk for deed recordation.

SB 1447 also required that the COGs provide a copy of the closed landfill inventory report to the chief planning official of each municipality and county in which a closed landfill was identified and boundaries documented. The completed closed landfill inventory is also included in the COG's regional solid waste management plan and is provided to the TCEQ.

VALUABLE INFORMATION



This inventory will provide valuable information regarding potential development limitations and for environmental consultants and others investigating historical use of properties.



QUESTIONS & ANSWERS...

Q. What is a closed municipal solid waste landfill?

A. According to rule 330.951 of the Texas Administrative Code (TAC), a closed municipal solid waste landfill is a permitted or previously permitted municipal solid waste landfill, a municipal solid waste landfill which has never been permitted, or a dumping area as defined by TAC §330.951 (8), which stopped receiving waste and completed the closure activities.

Q. Why is there a Closed Landfill Inventory law?

A. As garbage decomposes, it produces methane gas, which can lead to explosions in high concentrations. The Closed Landfill Inventory can help to identify the potential environmental risk areas. Several years ago in the Austin area, an apartment complex built above an unknown landfill had to be evacuated because of a methane gas leak. Improperly engineered landfills may also be a source of groundwater and soil contamination.

Q. Why are H-GAC and other Texas COGs involved in this Closed Landfill Inventory?

A. It's the law. The Texas Legislature passed HB 2537, in 1993, which required COGs to develop an inventory of closed municipal solid waste landfills as part of their regional solid waste management plans. More than 500 sites were identified in H-GAC's region and compiled into a database. Then, additional legislation in 1999 (SB 1447) required COGs to focus more detail on site boundaries, where feasible.



Q. What happens when a closed landfill appears on the Closed Landfill Inventory?

A. Only the closed landfills that have exact boundaries or good estimations of boundaries will be deed recorded with the appropriate county clerk. When exact boundaries are known, a letter will be sent to the property owner to notify him/her that a closed landfill has been identified on his/her property. The closed landfills with poor estimations of boundaries or unknown boundaries are not deed recorded and the property owner is not notified. The closed landfills remaining on the inventory are for informational purposes only.

Q. Does the CLI require clean up for these sites?

A. No. Clean up was not included in the legislation. New legislation would have to be passed requiring clean up of sites.

Q. What happens if a closed landfill is identified on a property but there never was a landfill?

A. There is an appeal process if a property owner wants to dispute the identification of a closed landfill on the property. The property owner may offer proof that the waste was removed from the site and/or may sign an affidavit attesting that the property was never used as a landfill; however, the TCEQ ultimately makes the decision.

Q. What kind of development is allowed on a closed landfill?

A. For sites that are deed recorded, development is allowed, but limited. This limitation is to protect against any potential disturbance of the landfill's final cover or liner. Disturbance of the final cover or liner systems is prohibited according to the TAC. Some of these prohibitions include borings, piers, spread footings, foundations for light standards, fence posts, manholes, on-site disposal systems and recreational facilities. (For more information, please see: TAC, Title 30, Part 1, Chapter 330, Subchapter T – Use of land over closed municipal solid waste landfills, §330.951 - §330.964).

Q. How did sites get on the Closed Landfill Inventory?

A. TCEQ compiled a list of sites based on data collected from complaints, inspections and permitted facilities that were at least 1/4 acre in size.

Q. What are the characteristics of sites to be deed recorded?

A. Most sites that will be deed recorded are permitted facilities owned or operated by municipalities and/or private companies. There is a small number of sites that are unpermitted facilities that will be deed recorded.

Q. Can H-GAC remove sites from the inventory?

A. No. H-GAC can recommend the removal of a site to TCEQ, but TCEQ will make the final decision. Adequate proof must be provided that documents the suspect landfill never existed.

If you have any questions please contact us at:

832.681.2518 or via e-mail cli@h-gac.com

To access the CLI free online, visit www.hgac-cli.com





DISCLAIMER: This Closed or Abandoned Municipal Solid Waste Landfill Inventory was prepared from information furnished by the Texas Commission on Environmental Quality ("TCEQ"), permitting records on file with TCEQ and the Texas Department of Health, and from aerial photography and geographic data developed by the Houston-Galveston Area Council ("H-GAC"). The county map, individual site maps, and legal descriptions of the closed or abandoned municipal solid waste landfills represent TCEQ's and H-GAC's best judgment about the landfills' location, but neither TCEQ nor H-GAC warrants the accuracy, timeliness, or completeness of the maps or legal descriptions. Moreover, because TCEQ and H-GAC have inventoried only known municipal solid waste landfills, TCEQ and H-GAC make no representation about whether a specific tract of land may overlie an unknown municipal or other solid waste landfill.



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