

By: Ordaz

H.B. No. 26

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the permitting of medical waste facilities by the Texas  
3 Commission on Environmental Quality.

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

5 SECTION 1. Section 361.0905, Health and Safety Code, is  
6 amended by amending Subsection (e) and adding Subsections (e-1) and  
7 (e-2) to read as follows:

8 (e) Except as provided by Subsection (e-1), rules ~~[Rules]~~  
9 adopted to regulate the operation of municipal solid waste storage  
10 and processing units apply in the same manner to medical waste only  
11 to the extent that the rules address:

12 (1) permit and registration requirements that can be  
13 made applicable to a facility that handles medical waste, including  
14 requirements related to:

15 (A) applications;

16 (B) site development;

17 (C) notice; and

18 (D) permit or registration duration and limits;

19 (2) minor modifications to permits and registrations,  
20 including changes in operating hours and buffer zones;

21 (3) the reconciliation of conflicting site operation  
22 plan provisions for a site that conducts activities that require a  
23 separate permit or authorization;

24 (4) waste acceptance and analysis;

- 1           (5) facility-generated waste, including wastewater  
2 and sludge;
- 3           (6) contaminated water management;
- 4           (7) on-site storage areas for source-separated or  
5 recyclable materials;
- 6           (8) the storage of waste:
  - 7               (A) to prevent the waste from becoming a hazard,  
8 including a fire hazard, to human health or safety;
  - 9               (B) to ensure the use of sufficient containers  
10 between collections; and
  - 11              (C) to prevent the waste from becoming litter;
- 12           (9) closure requirements for storage and processing  
13 units;
- 14           (10) recordkeeping and reporting requirements, except  
15 for rules regarding the recordkeeping provisions required to  
16 justify the levels of recovered recycled products;
- 17           (11) fire protection;
- 18           (12) access control;
- 19           (13) unloading waste;
- 20           (14) spill prevention and control;
- 21           (15) operating hours;
- 22           (16) facility signage;
- 23           (17) control of litter, including windblown material;
- 24           (18) noise pollution and visual screening;
- 25           (19) capacity overloading and mechanical breakdown;
- 26           (20) sanitation, including employee sanitation  
27 facilities;

1           (21) ventilation and air pollution control, except as  
2 those rules apply to:

3           (A) process areas where putrescible waste is  
4 processed;

5           (B) the minimal air exposure for liquid waste;  
6 and

7           (C) the cleaning and maintenance of mobile waste  
8 processing unit equipment; and

9           (22) facility health and safety plans, including  
10 employee training in health and safety.

11       (e-1) Not later than the 30th day after the date of filing an  
12 application for, or notice of intent to file an application for, a  
13 permit to construct, operate, or maintain a facility to store,  
14 process, or dispose of medical waste, the applicant shall provide  
15 notice of the application or notice of intent by hand delivery,  
16 facsimile, or United States Postal Service mail to:

17           (1) the state senator and representative who represent  
18 the area in which the facility is or is to be located;

19           (2) the commissioners court of the county in which the  
20 facility is or is to be located;

21           (3) the governing body of the municipality in which  
22 the facility is or is to be located, if applicable;

23           (4) the governing body of a school district in which  
24 the facility is or is to be located, if applicable; and

25           (5) the tribal council of an Indian tribe on whose  
26 tribal lands the facility is or is to be located, if applicable.

27       (e-2) The applicant shall submit to the commission proof

1 that notice has been provided in accordance with Subsection (e-1).

2           SECTION 2. Sections 361.0905(e-1) and (e-2), Health and  
3 Safety Code, as added by this Act, apply only to an application  
4 related to a permit for a medical waste facility that is submitted  
5 to the Texas Commission on Environmental Quality on or after the  
6 effective date of this Act. An application related to a permit for  
7 a medical waste facility that was submitted to the Texas Commission  
8 on Environmental Quality before the effective date of this Act is  
9 governed by the law in effect at the time the application was filed,  
10 and the former law is continued in effect for that purpose.

11           SECTION 3. This Act takes effect September 1, 2023.