

1-1 By: Ordaz (Senate Sponsor - Blanco) H.B. No. 26
 1-2 (In the Senate - Received from the House April 24, 2023;
 1-3 April 24, 2023, read first time and referred to Committee on
 1-4 Natural Resources & Economic Development; May 19, 2023, reported
 1-5 adversely, with favorable Committee Substitute by the following
 1-6 vote: Yeas 7, Nays 1; May 19, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14	X			
1-15			X	
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 26 By: Blanco

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the permitting of medical waste facilities by the Texas
 1-22 Commission on Environmental Quality.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 361.0905, Health and Safety Code, is
 1-25 amended by amending Subsection (e) and adding Subsections (e-1) and
 1-26 (e-2) to read as follows:

1-27 (e) Except as provided by Subsection (e-1), rules [Rules]
 1-28 adopted to regulate the operation of municipal solid waste storage
 1-29 and processing units apply in the same manner to medical waste only
 1-30 to the extent that the rules address:

1-31 (1) permit and registration requirements that can be
 1-32 made applicable to a facility that handles medical waste, including
 1-33 requirements related to:

- 1-34 (A) applications;
- 1-35 (B) site development;
- 1-36 (C) notice; and
- 1-37 (D) permit or registration duration and limits;

1-38 (2) minor modifications to permits and registrations,
 1-39 including changes in operating hours and buffer zones;

1-40 (3) the reconciliation of conflicting site operation
 1-41 plan provisions for a site that conducts activities that require a
 1-42 separate permit or authorization;

1-43 (4) waste acceptance and analysis;

1-44 (5) facility-generated waste, including wastewater
 1-45 and sludge;

1-46 (6) contaminated water management;

1-47 (7) on-site storage areas for source-separated or
 1-48 recyclable materials;

1-49 (8) the storage of waste:

1-50 (A) to prevent the waste from becoming a hazard,
 1-51 including a fire hazard, to human health or safety;

1-52 (B) to ensure the use of sufficient containers
 1-53 between collections; and

1-54 (C) to prevent the waste from becoming litter;

1-55 (9) closure requirements for storage and processing
 1-56 units;

1-57 (10) recordkeeping and reporting requirements, except
 1-58 for rules regarding the recordkeeping provisions required to
 1-59 justify the levels of recovered recycled products;

1-60 (11) fire protection;

2-1 (12) access control;
2-2 (13) unloading waste;
2-3 (14) spill prevention and control;
2-4 (15) operating hours;
2-5 (16) facility signage;
2-6 (17) control of litter, including windblown material;
2-7 (18) noise pollution and visual screening;
2-8 (19) capacity overloading and mechanical breakdown;
2-9 (20) sanitation, including employee sanitation
2-10 facilities;
2-11 (21) ventilation and air pollution control, except as
2-12 those rules apply to:
2-13 (A) process areas where putrescible waste is
2-14 processed;
2-15 (B) the minimal air exposure for liquid waste;
2-16 and
2-17 (C) the cleaning and maintenance of mobile waste
2-18 processing unit equipment; and
2-19 (22) facility health and safety plans, including
2-20 employee training in health and safety.
2-21 (e-1) Not later than the 30th day after the date of filing an
2-22 application for, or notice of intent to file an application for, a
2-23 permit to construct, operate, or maintain a facility to store,
2-24 process, or dispose of medical waste, the applicant shall provide
2-25 notice of the application or notice of intent by hand delivery,
2-26 facsimile, or United States Postal Service mail to:
2-27 (1) the state senator and representative who represent
2-28 the area in which the facility is or is to be located;
2-29 (2) the commissioners court of the county in which the
2-30 facility is or is to be located; and
2-31 (3) the governing body of the municipality in which
2-32 the facility is or is to be located, if applicable.
2-33 (e-2) The applicant shall submit to the commission proof
2-34 that notice has been provided in accordance with Subsection (e-1).
2-35 SECTION 2. Sections 361.0905(e-1) and (e-2), Health and
2-36 Safety Code, as added by this Act, apply only to an application
2-37 related to a permit for a medical waste facility that is submitted
2-38 to the Texas Commission on Environmental Quality on or after the
2-39 effective date of this Act. An application related to a permit for
2-40 a medical waste facility that was submitted to the Texas Commission
2-41 on Environmental Quality before the effective date of this Act is
2-42 governed by the law in effect at the time the application was filed,
2-43 and the former law is continued in effect for that purpose.
2-44 SECTION 3. This Act takes effect September 1, 2023.

2-45 * * * * *