

By: Kolkhorst  
(Gerdes, Wharton, Bumgarner)

S.B. No. 2078

Substitute the following for S.B. No. 2078:

By: Landgraf

C.S.S.B. No. 2078

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of composting in certain counties;  
authorizing a civil penalty.

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

SECTION 1. Subchapter B, Chapter 364, Health and Safety  
Code, is amended by adding Section 364.020 to read as follows:

Sec. 364.020. DEPOSIT OF CERTAIN FOOD WASTE FOR COMPOSTING  
IN CERTAIN COUNTIES PROHIBITED. (a) In this section:

(1) "Commercial food waste composting ordinance"  
means a municipal ordinance that requires a multifamily residential  
property, a business holding a food permit, or another business  
owner to divert food waste from disposal in a landfill.

(2) "Composting facility" means a facility that  
composts source-separated yard trimmings, clean wood material,  
vegetative material, paper, manure, meat, fish, dead animal  
carcasses, dairy materials, or meat and vegetable oils and greases  
from a municipal, commercial, or institutional source.

(b) Except as provided by Subsection (e), a person may not  
deposit at a composting facility located in a county that does not  
contain a municipality with a commercial food waste composting  
ordinance food waste that is:

(1) collected for composting in a municipality that  
has a commercial food waste composting ordinance; and

(2) subject to such an ordinance.

1        (c) A person is liable for a civil penalty of \$1,000 for each  
2 violation of Subsection (b).

3        (d) The attorney general may bring an action in a court of  
4 competent jurisdiction to recover the civil penalty imposed under  
5 this section.

6        (e) This section does not apply to:

7                (1) an agricultural operation as defined by Section  
8 [251.002](#), Agriculture Code;

9                (2) a composting facility located in a county  
10 described by Subsection (b) if the commissioners court of the  
11 county by resolution or order authorizes the deposit of food waste  
12 subject to a commercial food waste composting ordinance at the  
13 facility; or

14                (3) a composting facility that:

15                        (A) is authorized to operate under a valid  
16 notification issued by the commission on or before January 1, 2025;  
17 and

18                        (B) accepted food waste described by Subsection  
19 (b) before January 1, 2025.

20        SECTION 2. This Act takes effect September 1, 2025.