

BILL ANALYSIS

C.S.H.B. 2013
By: Hardcastle
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Rural Texas communities are facing challenges dealing with a growing number of abandoned homes and buildings. These abandoned structures serve as eyesores to the communities and create opportunities for undesirable activities such as drug manufacturing. They also present health and safety concerns to citizens due to rodent infestation, building collapse, and possible fire dangers. Many of these communities would like to take action to demolish these structures. However, demolition of a structure is costly and results in debris that is regulated as municipal solid waste, which creates further challenges, including the cost of transportation to an approved landfill and the disposal of the waste.

C.S.H.B. 2013 seeks to address this issue by providing a process authorizing a city or county with a population of 10,000 or less to dispose of demolition waste from an abandoned building or building found to be a nuisance on certain land if the city or county has previously acquired ownership or control of the abandoned building through bankruptcy, tax delinquency, or condemnation.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2013 amends the Health and Safety Code to authorize the Texas Commission on Environmental Quality (TCEQ) to issue a permit by rule to authorize the governing body of a county or municipality with a population of 10,000 or less to dispose of demolition waste from an abandoned building or building found to be a nuisance if the disposal occurs on land that the county or municipality owns or controls and that would qualify for an arid exemption under TCEQ rules. The bill requires the county or municipality to have acquired ownership or control of the building through bankruptcy, tax delinquency, or condemnation, with the previous owner of the building not being financially capable of paying the costs to transport and dispose of the demolition waste at a permitted solid waste disposal facility. The bill requires TCEQ to adopt rules to control the collection, handling, storage, processing, and disposal of demolition waste to protect public and private property, rights-of-way, groundwater, and any other right that requires protection.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2013 contains a provision not included in the original requiring the county or municipality to have acquired ownership or control of the abandoned building or building found

to be a nuisance through bankruptcy, tax delinquency, or condemnation, with the previous owner of the building not being financially capable of paying the costs to transport and dispose of the demolition waste at a permitted solid waste disposal facility. The substitute differs from the original by requiring TCEQ to adopt certain rules relating to disposal of demolition waste, whereas the original authorizes TCEQ to adopt such rules.