

BILL ANALYSIS

S.B. 1258
By: Duncan
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Rural Texas communities are facing challenges dealing with a growing number of abandoned homes and buildings. These abandoned structures are an eyesore to the communities and create opportunities for undesirable activities, such as drug manufacturing. They also present health and safety concerns to citizens caused by rodents, collapsing buildings, and possible fire dangers. Many of these communities would like to take action and 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.

S.B. 1258 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 under certain circumstances.

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

S.B. 1258 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 a building 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 makes these provisions apply only to a building that has been abandoned or found to be a nuisance; acquired by the county or municipality by means of bankruptcy, tax delinquency, or condemnation; and previously owned by a person not financially capable of paying the costs of the disposal of demolition waste at a permitted solid waste disposal facility, including transportation of the waste to the 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.