

BILL ANALYSIS

H.B. 200
By: Landgraf
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The U.S. Nuclear Regulatory Commission (NRC) is reportedly poised to issue a license to allow for the storage of high-level radioactive waste near the only low-level radioactive waste disposal facility in Texas, which is located in Andrews County. The NRC could approve the license as early as September 13, 2021. If the license is issued, high-level radioactive waste from all over the country will be able to be stored in Texas. Earlier this summer, the Andrews County Commissioner's Court voted unanimously on a resolution specifically opposing the storage of high-level radioactive waste in the county. House Bill 200 aims to ban the importation, disposing, or storage of high-level radioactive waste in critical energy infrastructure zones while giving the Texas Commission on Environmental Quality rulemaking authority to designate critical energy infrastructure zones based on parameters that factor in the wind energy generation capacity, solar energy generation capacity, and natural gas or oil production within a county.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 200 amends the Health and Safety Code to require the Texas Commission on Environmental Quality (TCEQ) to establish criteria and procedures for designating areas where oil and gas activities or other energy-related activities occur as critical energy infrastructure zones and to prohibit a person from importing into, disposing of, or storing high-level radioactive waste in an area of Texas designated as a critical energy infrastructure zone. In establishing the criteria and procedures, the TCEQ must consider establishing critical energy infrastructure zones in counties with more than:

- 100 megawatts of installed solar energy generation capacity;
- 100 megawatts of installed wind generation capacity;
- 10,000,000 barrels of oil produced annually; or
- 2,000,000 MCF of natural gas produced annually.

For purposes of the bill's provisions, "high-level radioactive waste" is defined by reference to 42 U.S.C. Section 10101(12) and includes spent nuclear fuel, defined by reference to 42 U.S.C. Section 10101(23).

H.B. 200 establishes that the designation of an area as a critical energy infrastructure zone remains in effect until TCEQ revokes the designation under procedures adopted by TCEQ and

further establishes that TCEQ may amend a critical energy infrastructure zone's boundaries. The bill requires TCEQ to adopt rules necessary to implement the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.