

## **BILL ANALYSIS**

C.S.H.B. 631  
By: Darby  
Environmental Regulation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Local governments and other political subdivisions must balance the concerns of the public regarding the siting of municipal solid waste facilities with the obligation of these authorities to be prepared to manage the waste generated within their community. However, balanced regulation must also take into account the principle that solid waste companies operating statewide are deserving of the same uniform, stringent regulations across the state as other industries. An inconsistent patchwork of requirements imposed by each county, municipality, or district in the state may create unnecessary confusion and disproportionate results. C.S.H.B. 631 seeks to strike this balance by ensuring that companies providing waste management services can operate under a uniform, consistent body of law while preserving the long-standing abilities of local governments to control the locations of municipal solid waste facilities.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 631 amends the Health and Safety Code to establish that an applicant for a permit under the Solid Waste Disposal Act is not required to obtain a permit for the siting, construction, or operation of a municipal solid waste facility from a political subdivision as a prerequisite to a permit being issued by the Texas Commission on Environmental Quality (TCEQ). The bill prohibits a political subdivision from adopting a rule, order, or ordinance that conflicts with or is inconsistent with the following:

- the requirements for municipal solid waste facilities as specified by TCEQ rules or by a permit issued by TCEQ; or
- the requirements for municipal solid waste facilities under TCEQ jurisdiction over municipal solid waste management.

The bill makes provisions relating to actions for declaratory judgment to determine the validity or applicability of a local rule, order, or ordinance regarding hazardous waste management facilities also applicable with respect to municipal solid waste facilities and clarifies the grounds on which such an action may be brought.

C.S.H.B. 631 prohibits provisions relating to local permits for hazardous waste management and municipal solid waste facilities, as amended by the bill, from being construed to prevent or limit the right of the following:

- a county or municipality to exercise certain authority granted under the Comprehensive

Municipal Solid Waste Management, Resource Recovery, and Conservation Act to prohibit the processing or disposal of municipal solid waste in certain areas;

- a county to exercise certain authority granted under the County Solid Waste Control Act to prohibit the disposal of municipal solid waste in the county; or
- a political subdivision to adopt or enforce a rule, order, or ordinance under the authority of the National Flood Insurance Program governing permits or other approvals for the development of land in areas prone to floods or mudslides.

The bill expands the scope of certain of these provisions to apply also to an applicable order of a political subdivision.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 631 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the original established that provisions relating to local permits for hazardous waste management and municipal solid waste facilities, as amended by the bill, do not prevent or limit a county or municipality from exercising certain authority, the substitute prohibits those provisions from being construed to prevent or limit the right of a county or municipality to exercise that authority and further specifies that authority. The substitute includes language not included in the original prohibiting the provisions from being construed to prevent or limit the right of a political subdivision to adopt or enforce a rule, order, or ordinance under the authority of the National Flood Insurance Program governing permits or other approvals for the development of land in areas prone to floods or mudslides.

The substitute includes language not included in the original extending certain of the provisions to apply also to an applicable order of a political subdivision.