

By: Darby

H.B. No. 631

A BILL TO BE ENTITLED

AN ACT

relating to local government and other political subdivision
regulation of certain solid waste facilities.

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

SECTION 1. The heading to Section 361.095, Health and
Safety Code, is amended to read as follows:

Sec. 361.095. LOCAL PERMITS FOR [APPLICANT FOR] HAZARDOUS
WASTE MANAGEMENT AND MUNICIPAL SOLID WASTE FACILITIES [FACILITY
PERMIT EXEMPT FROM LOCAL PERMIT].

SECTION 2. Section 361.095, Health and Safety Code, is
amended by adding Subsections (a-1) and (g) and amending
Subsections (b) and (d) to read as follows:

(a-1) An applicant for a permit under this subchapter is not
required to obtain a permit for the siting, construction, or
operation of a municipal solid waste facility from a local
government or other political subdivision of the state as a
prerequisite to a permit being issued by the commission.

(b) A local government or other political subdivision of the
state may not adopt a rule or ordinance that conflicts with or is
inconsistent with:

(1) the requirements for hazardous waste management or
municipal solid waste facilities as specified by:

(A) the rules of the commission; or

(B) [by] a permit issued by the commission; or

1 (2) the requirements for municipal solid waste
2 facilities under Section 361.011.

3 (d) The validity or applicability of a rule or ordinance of
4 a local government or other political subdivision may be determined
5 in an action for declaratory judgment under Chapter 37, Civil
6 Practice and Remedies Code, if it is alleged that the rule or
7 ordinance, or its threatened application, interferes with, ~~[or]~~
8 impairs, or threatens to interfere with or impair, the legal rights
9 or privileges of the plaintiff concerning an issued permit, an
10 application for a permit, or the issuance of a permit for the
11 siting, construction, or operation of a hazardous waste management
12 or municipal solid waste facility.

13 (g) This section does not prevent or limit:

14 (1) a county or municipality from exercising the
15 authority granted under Section 363.112; or

16 (2) a county from exercising the authority granted
17 under Section 364.012.

18 SECTION 3. This Act takes effect September 1, 2021.