

By: Ordaz Perez

H.B. No. 1947

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the permitting of medical waste facilities by the Texas
3 Commission on Environmental Quality.

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

5 SECTION 1. Section 361.0905, Health and Safety Code, is
6 amended by amending Subsection (e) and adding Subsections (e-1),
7 (e-2), and (e-3) to read as follows:

8 (e) Except as provided by Subsections (e-1) and (e-3), rules
9 [~~Rules~~] adopted to regulate the operation of municipal solid waste
10 storage and processing units apply in the same manner to medical
11 waste only to the extent that the rules address:

12 (1) permit and registration requirements that can be
13 made applicable to a facility that handles medical waste, including
14 requirements related to:

15 (A) applications;

16 (B) site development;

17 (C) notice; and

18 (D) permit or registration duration and limits;

19 (2) minor modifications to permits and registrations,
20 including changes in operating hours and buffer zones;

21 (3) the reconciliation of conflicting site operation
22 plan provisions for a site that conducts activities that require a
23 separate permit or authorization;

24 (4) waste acceptance and analysis;

- 1 (5) facility-generated waste, including wastewater
2 and sludge;
- 3 (6) contaminated water management;
- 4 (7) on-site storage areas for source-separated or
5 recyclable materials;
- 6 (8) the storage of waste:
 - 7 (A) to prevent the waste from becoming a hazard,
8 including a fire hazard, to human health or safety;
 - 9 (B) to ensure the use of sufficient containers
10 between collections; and
 - 11 (C) to prevent the waste from becoming litter;
- 12 (9) closure requirements for storage and processing
13 units;
- 14 (10) recordkeeping and reporting requirements, except
15 for rules regarding the recordkeeping provisions required to
16 justify the levels of recovered recycled products;
- 17 (11) fire protection;
- 18 (12) access control;
- 19 (13) unloading waste;
- 20 (14) spill prevention and control;
- 21 (15) operating hours;
- 22 (16) facility signage;
- 23 (17) control of litter, including windblown material;
- 24 (18) noise pollution and visual screening;
- 25 (19) capacity overloading and mechanical breakdown;
- 26 (20) sanitation, including employee sanitation
27 facilities;

1 (21) ventilation and air pollution control, except as
2 those rules apply to:

3 (A) process areas where putrescible waste is
4 processed;

5 (B) the minimal air exposure for liquid waste;
6 and

7 (C) the cleaning and maintenance of mobile waste
8 processing unit equipment; and

9 (22) facility health and safety plans, including
10 employee training in health and safety.

11 (e-1) Not later than the 30th day after the date of filing an
12 application for, or notice of intent to file an application for, a
13 permit to construct, operate, or maintain a facility to store,
14 process, or dispose of medical waste, the applicant shall send
15 notice of the application or notice of intent to:

16 (1) the state senator and representative who represent
17 the area in which the facility is or is to be located;

18 (2) the commissioners court of the county in which the
19 facility is or is to be located; and

20 (3) the governing bodies of the municipality and
21 school district in which the facility is or is to be located, as
22 applicable.

23 (e-2) The commission shall reject an application submitted
24 by a person who has not complied with Subsection (e-1). An
25 application rejected under this subsection must be submitted again
26 to the commission with the appropriate fee in order to be
27 considered. The fee submitted with the original rejected

1 application is forfeited to the commission.

2 (e-3) The commission may not issue a permit for a new
3 medical waste facility or the subsequent areal expansion of a
4 medical waste facility or unit of that facility if the boundary of
5 the facility or unit is to be located within 500 feet of an
6 established residence, farm, ranch, church, school, university,
7 community college, day-care center, surface water body used for a
8 public drinking water supply, or dedicated public park.

9 SECTION 2. Sections 361.0905(e-1), (e-2), and (e-3), Health
10 and Safety Code, as added by this Act, apply only to an application
11 related to a permit for a medical waste facility that is submitted
12 to the Texas Commission on Environmental Quality on or after the
13 effective date of this Act. An application related to a permit for
14 a medical waste facility that was submitted to the Texas Commission
15 on Environmental Quality before the effective date of this Act is
16 governed by the law in effect at the time the application was filed,
17 and the former law is continued in effect for that purpose.

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