

BILL ANALYSIS

Senate Research Center

H.B. 1598
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Water, Agriculture & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Political subdivisions across Texas 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. H.B. 1598 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.

H.B. 1598 amends current law relating to local government and other political subdivision regulation of certain solid waste facilities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 361.095, Health and Safety Code, as follows:

Sec. 361.095. New heading: LOCAL PERMITS FOR HAZARDOUS WASTE MANAGEMENT AND MUNICIPAL SOLID WASTE FACILITIES. (a) Provides that an applicant for a permit under Subchapter C (Permits) is not:

(1) creates this subdivision from existing text; or

(2) 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 Texas Commission on Environmental Quality (TCEQ).

Makes a nonsubstantive change.

(b) Prohibits a local government or other political subdivision of the state from adopting a rule, order, or ordinance that conflicts with or is inconsistent with:

(1) the requirements for hazardous waste management or municipal solid waste facilities as specified by certain the rules of TCEQ or a permit issued by TCEQ; or

(2) the requirements for municipal solid waste facilities under Section 361.011 (Commission's Jurisdiction: Municipal Solid Waste).

Makes nonsubstantive changes.

(c) Makes a conforming change to this subsection.

(d) Authorizes the validity or applicability of a rule, order, or ordinance of a local government or other political subdivision to be determined in a certain action if it is alleged that the rule, order, or ordinance, or its threatened application, interferes with, impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff concerning an issued permit, an application for a permit, or the issuance of a permit for the siting, construction, or operation of a hazardous waste management or municipal solid waste facility. Makes nonsubstantive changes.

(e)-(f) Makes conforming changes to these subsections.

(g) Prohibits this section from being construed to prevent or limit the right of:

(1) a county or municipality to exercise the authority granted under Section 363.112 (Prohibition of Processing or Disposal of Solid Waste in Certain Areas) to prohibit the processing or disposal of municipal solid waste;

(2) a county to exercise the authority granted under Section 364.012 (Prohibiting Solid Waste Disposal in County) to prohibit the disposal of municipal solid waste; or

(3) a local government or other 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.

SECTION 2. Provides that Section 361.095, Health and Safety Code, as amended by this Act, applies only to an order, ordinance, or other regulation related to the siting or location of a solid waste disposal facility adopted by a local government or other political subdivision after the effective date of this Act. Provides that an order, ordinance, or other regulation related to the siting or location of a solid waste disposal facility adopted before the effective date of this Act is governed by the law in effect on the date it was adopted, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: upon passage or September 1, 2023.