88R2074 MP-D

By:  Blanco S.B. No. 173

A BILL TO BE ENTITLED

AN ACT

relating to the permitting of medical waste facilities by the Texas Commission on Environmental Quality.

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

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

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

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

(A)  applications;

(B)  site development;

(C)  notice; and

(D)  permit or registration duration and limits;

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

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

(4)  waste acceptance and analysis;

(5)  facility-generated waste, including wastewater and sludge;

(6)  contaminated water management;

(7)  on-site storage areas for source-separated or recyclable materials;

(8)  the storage of waste:

(A)  to prevent the waste from becoming a hazard, including a fire hazard, to human health or safety;

(B)  to ensure the use of sufficient containers between collections; and

(C)  to prevent the waste from becoming litter;

(9)  closure requirements for storage and processing units;

(10)  recordkeeping and reporting requirements, except for rules regarding the recordkeeping provisions required to justify the levels of recovered recycled products;

(11)  fire protection;

(12)  access control;

(13)  unloading waste;

(14)  spill prevention and control;

(15)  operating hours;

(16)  facility signage;

(17)  control of litter, including windblown material;

(18)  noise pollution and visual screening;

(19)  capacity overloading and mechanical breakdown;

(20)  sanitation, including employee sanitation facilities;

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

(A)  process areas where putrescible waste is processed;

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

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

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

(e-1)  Not later than the 30th day after the date of filing an application for, or notice of intent to file an application for, a permit to construct, operate, or maintain a facility to store, process, or dispose of medical waste, the applicant shall provide notice of the application or notice of intent by hand delivery, facsimile, or United States Postal Service mail to:

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

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

(3)  the governing body of the municipality in which the facility is or is to be located, if applicable;

(4)  the governing body of a school district in which the facility is or is to be located, if applicable; and

(5)  the tribal council of an Indian tribe on whose tribal lands the facility is or is to be located, if applicable.

(e-2)  The applicant shall submit to the commission proof that notice has been provided in accordance with Subsection (e-1).

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

SECTION 3.  This Act takes effect September 1, 2023.