

BILL ANALYSIS

C.S.H.B. 3071
By: Geren
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Permits issued by the Texas Commission on Environmental Quality (TCEQ) may become inactive over time, according to media reports; because of the lack of permitted activity, individuals or entities may purchase nearby property for residential purposes, and local governments such as public school districts may purchase nearby property for public purposes. The bill author has informed the committee of a recent instance where an application was submitted to the TCEQ for a municipal solid waste processing facility on a property that received a waste management facility permit from the state over 40 years ago, that the landfill permit became inactive, and that the applicant's proposal would have reactivated the permit in order to establish a six-acre recycling center. The bill author has further informed the committee that, if the application had been approved by state officials, the applicant would have built the recycling center to accept up to 450 tons of construction and demolition waste per day, including metals, woods, lumber, green waste, plastics, and concrete, but that, in the two decades since the site's landfill permit was active, the surrounding area has developed with a much larger residential presence that has expressed concerns regarding their environment, health, safety, and quality of life. C.S.H.B. 3071 seeks to address this issue by requiring the TCEQ to cancel a permit issued for a municipal solid waste landfill facility under certain conditions.

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. 3071 amends the Health and Safety Code to require the Texas Commission on Environmental Quality (TCEQ) to cancel a permit issued for a municipal solid waste landfill facility if:

- the facility is located in:
 - a county with a population of more than 2.1 million; and
 - the extraterritorial jurisdiction of the county's principal municipality with a population of more than 900,000;
- the facility has not accepted waste for a period of 25 consecutive years; and
- if the permit was issued to the owner of the facility, the person to whom the permit was issued no longer owns the facility.

The bill prohibits the TCEQ, if it cancels a permit under the bill's provisions, from approving a subsequent permit application for a municipal solid waste landfill facility that was the subject of the cancelled permit. A certain provision, as added by the bill, applies only to the transfer of

ownership of a municipal solid waste facility that occurs on or after the bill's effective date. A transfer of ownership that occurred before the bill's effective date is governed by the law as it existed immediately before the bill's effective date, and that law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3071 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute narrows the applicability of the introduced version's provisions to a facility that is located in:

- a county with a population of more than 2.1 million; and
- the extraterritorial jurisdiction of the county's principal municipality with a population of more than 900,000.

Whereas the substitute requires the TCEQ to cancel a permit issued for a municipal solid waste landfill facility only if both of the following conditions are satisfied, the introduced required the TCEQ to do so under satisfaction of either of these conditions:

- the facility has not accepted waste for a period of 25 consecutive years; or
- if the permit was issued to the owner of the facility, the person to whom the permit was issued no longer owns the facility.

The substitute includes a prohibition that was not in the introduced against the TCEQ, if it cancels a permit under the bill's provisions, approving a subsequent permit application for a municipal solid waste landfill facility that was the subject of the cancelled permit.

Whereas the introduced established that the cancellation of a permit issued for a municipal solid waste landfill facility with respect to an applicable change of ownership applies only to the transfer of ownership of a municipal solid waste facility that occurs on or after the bill's effective date, the substitute establishes that a certain provision, as added by the bill, applies only to the transfer of ownership of a municipal solid waste facility that occurs on or after the bill's effective date.