

BILL ANALYSIS

C.S.H.B. 4112
By: Landgraf
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 87th Legislature, Second Called Session, 2021, enacted H.B. 7 which prohibited the disposal and storage of high-level radioactive waste in Texas, with exceptions for on-site storage and disposal at the site of currently or formerly operating nuclear power reactors and university-operated nuclear research and test reactors. The bill author seeks to revise those statutory provisions through C.S.H.B. 4112 by explicitly clarifying that all past, currently operational, and future nuclear power reactors and university-operated nuclear research and test reactors are exempt from the restrictions on high-level radioactive waste storage and disposal.

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. 4112 amends the Health & Safety Code to expand the prohibition against the Texas Commission on Environmental Quality (TCEQ) under the authority given to the TCEQ under the federal Clean Water Act issuing a general construction permit or approving a Stormwater Pollution Prevention Plan under specified Water Code provisions or issuing a permit under the Texas Pollutant Discharge Elimination System Program under specified Water Code provisions for the construction or operation of a facility that is licensed for the applicable storage of high-level radioactive waste by the U.S. Nuclear Regulatory Commission by also prohibiting the TCEQ from, under such authority, issuing an aforementioned permit or approving an aforementioned plan for the construction or operation of a facility that is licensed for the applicable disposal of such waste by that federal commission. The bill, with respect to the exception from this prohibition for a permit for a facility located at the site of nuclear power reactors and nuclear research and test reactors operated by a university, does the following:

- removes the specification that the reactors be currently or formerly operating; and
- specifies that such a facility includes a facility that stores high-level radioactive waste.

C.S.H.B. 4112, with respect to the exception from the prohibition against a person disposing of or storing high-level radioactive waste in Texas for the storage at the site of nuclear power reactors and nuclear research and test reactors operated by a university, removes the specification that the reactors be currently or formerly operating.

C.S.H.B. 4112 requires high-level radioactive waste stored at a facility excepted from both of the aforementioned prohibitions to originate from the nuclear power reactors or nuclear research and test reactors located at the site at which the waste is stored.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4112 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 includes provisions absent from the introduced requiring high-level radioactive waste stored at a facility located at the site of nuclear power reactors and nuclear research and test reactors operated by a university excepted from certain prohibitions to originate from the nuclear power reactors or nuclear research and test reactors located at the site at which the waste is stored.

Whereas the introduced, with respect to the exception from the prohibition against the TCEQ relating to a permit for a facility located at the site of nuclear power reactors and nuclear research and test reactors operated by a university, specified that such a facility is a storage facility, the substitute instead specifies that such a facility includes a facility that stores high-level radioactive waste.