

By: Landgraf

H.B. No. 3866

Substitute the following for H.B. No. 3866:

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C.S.H.B. No. 3866

A BILL TO BE ENTITLED

AN ACT

relating to the installation and operation of intermediate bulk container recycling facilities; authorizing a fee.

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

SECTION 1. The heading to Subchapter I, Chapter 26, Water Code, is amended to read as follows:

SUBCHAPTER I. UNDERGROUND AND ABOVEGROUND STORAGE [~~TANKS~~]

SECTION 2. Section 26.341(b), Water Code, is amended to read as follows:

(b) The legislature declares that it is the policy of this state and the purpose of this subchapter to:

(1) maintain and protect the quality of groundwater and surface water resources in the state from certain substances in underground and aboveground storage tanks that may pollute groundwater and surface water resources;

(2) require the use of all reasonable methods, including risk-based corrective action, to implement this policy; ~~and~~

(3) promote the safety of storage vessels as defined in Section 26.3442, by adopting requirements for the design, construction, operation, and maintenance of storage vessels, with the objective of protecting groundwater and surface water resources in the event of accidents and natural disasters; and

(4) ensure that intermediate bulk container recycling

1 facilities, as defined by Section 26.3445, are not located close to
2 private residences.

3 SECTION 3. Subchapter I, Chapter 26, Water Code, is amended
4 by adding Section 26.3445 to read as follows:

5 Sec. 26.3445. LOCATION OF INTERMEDIATE BULK CONTAINER
6 RECYCLING FACILITY. (a) In this section:

7 (1) "Intermediate bulk container" means a rigid or
8 flexible portable packaging, other than a cylinder or portable
9 tank, that is designed for mechanical handling, with a volume of at
10 least 275 gallons.

11 (2) "Intermediate bulk container recycling facility"
12 means a site that accepts intermediate bulk containers for purposes
13 of reconditioning the containers for reuse or disposal.

14 (b) This section applies only to an intermediate bulk
15 container regulated by the Pipeline and Hazardous Materials Safety
16 Administration.

17 (c) A person may not install or operate an intermediate bulk
18 container recycling facility within 2,000 feet of a private
19 residence.

20 (d) An owner of an intermediate bulk container recycling
21 facility shall register the facility with the commission not later
22 than the 30th day before the date the facility begins receiving
23 intermediate bulk containers.

24 (e) At least once every three years, the commission shall
25 conduct on-site inspections of intermediate bulk container
26 recycling facilities registered under this section to determine
27 compliance with laws under the jurisdiction of the commission.

1 (f) The commission by rule shall impose an annual fee for
2 registering an intermediate bulk container recycling facility
3 under this section in an amount sufficient to cover the reasonable
4 costs of administering the registration program, including costs
5 associated with:

6 (1) implementing the registration program; and

7 (2) inspecting registered facilities.

8 (g) A fee received by the commission under this section
9 shall be deposited to the general revenue fund to the credit of the
10 water resource management account. Fees deposited under this
11 section may be appropriated only for purposes of this section.

12 (h) A facility is exempt from the application of this
13 section if the facility does not stage, store, or process more than
14 50 intermediate bulk containers at any time.

15 (i) This section does not limit the authority of a
16 municipality to adopt an ordinance prohibiting the operation of an
17 intermediate bulk container recycling facility within 2,000 feet of
18 a private residence.

19 SECTION 4. Notwithstanding Section 26.3445, Water Code, as
20 added by this Act, an owner of an intermediate bulk container
21 recycling facility, as defined by Section 26.3445(a), Water Code,
22 as added by this Act, that began receiving intermediate bulk
23 containers before March 1, 2027, is not required to register the
24 facility before March 31, 2027.

25 SECTION 5. This Act takes effect September 1, 2025.