

## **BILL ANALYSIS**

Senate Research Center  
82R20104 SLB/NAJ-F

C.S.S.B. 1258  
By: Duncan  
Natural Resources  
4/6/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Rural Texas communities are facing challenges dealing with a growing number of abandoned homes and buildings. These abandoned structures are an eyesore to the communities and create opportunities for undesirable activities, such as drug manufacturing. They also present health and safety concerns to citizens caused by rodents, collapsing buildings, and possible fire dangers. Many of these communities would like to take action and demolish these structures. However, demolition of a structure is costly and results in debris that is regulated as municipal solid waste, which creates further challenges, including the cost of transportation to an approved landfill and the disposal of the waste.

C.S.S.B. 1258 grants the Texas Commission on Environmental Quality the authority to adopt rules to create a process by which to issue a permit to authorize a city or county with a population of 10,000 or less to dispose of demolition waste from an abandoned building or building found to be a nuisance.

C.S.S.B. 1258 amends current law relating to the disposal of demolition waste from abandoned or nuisance buildings in certain areas.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Section 361.126, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 361, Health and Safety Code, by adding Section 361.126, as follows:

Sec. 361.126. DISPOSAL OF DEMOLITION WASTE FROM ABANDONED OR NUISANCE BUILDING. (a) Provides that this section applies only to a building that has been:

- (1) abandoned or found to be a nuisance;
- (2) acquired by the county or municipality by means of bankruptcy, tax delinquency, or condemnation; and
- (3) previously owned by a person not financially capable of paying the costs of the disposal of demolition waste at a permitted solid waste disposal facility, including transportation of the waste to the facility.

(b) Authorizes TNRCC to issue a permit by rule to authorize the governing body of a county or municipality with a population of 10,000 or less to dispose of demolition waste from a building the disposal occurs on land that:

(1) the county or municipality owns or controls; and

(2) would qualify for an arid exemption under TNRCC rules.

(c) Authorizes TNRCC to adopt rules under Section 361.024 (Rules and Standards) to control the collection, handling, storage, processing, and disposal of demolition waste under this section to protect public and private property, rights-of-way, groundwater, and any other right that requires protection.

SECTION 2. Effective date: upon passage or September 1, 2011.