

BILL ANALYSIS

Senate Research Center
88R2074 MP-D

H.B. 26
By: Ordaz (Blanco)
Natural Resources & Economic Development
5/1/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2018, a medical waste company purchased property within a one-mile radius of seven schools, five parks, and established residential neighborhoods. This company planned to dump and process 100,000 pounds of medical waste daily at this site. Unfortunately, the lack of transparency in the process left many elected officials and constituents in the dark, and the medical waste company received approval to operate. Fortunately, a concerted effort by residents and elected officials brought attention to the issue, and the Texas Commission on Environmental Quality ultimately denied the company's application.

H.B. 26 seeks to allow for proper notification requirements to local elected officials if a medical waste company aims to operate in their respective districts. This bill will require medical waste facility applicants to properly notify state representatives, state senators, the city council representative, the county commissioner, the school board trustee, and the tribal council of an Indian tribe where the applicant plans to operate. Providing this transparency will allow constituents of affected areas to engage in the permitting process.

H.B. 26 amends current law relating to the permitting of medical waste facilities by the Texas Commission on Environmental Quality.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

(e) Creates an exception under Subsection (e-1).

(e-1) Requires an applicant, 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, to 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) Requires the applicant to submit to the Texas Commission on Environmental Quality proof that notice has been provided in accordance with Subsection (e-1).

SECTION 2. Makes application of Sections 361.0905(e-1) and (e-2), Health and Safety Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2023.