

SUBJECT: Demolition waste disposal by certain local governments.

COMMITTEE: Environmental Regulation — favorable, without amendment

VOTE: 7 ayes — Harless, Márquez, Isaac, Kacal, E. Thompson, C. Turner, Villalba
0 nays
2 absent — Lewis, Reynolds

SENATE VOTE: On final passage, March 27 — 30-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify:* Monty Wynn, Texas Municipal League)
Against — None
On — (*Registered, but did not testify:* Earl Lott, Texas Commission on Environmental Quality)

BACKGROUND: SB 1258 by Duncan, enacted by the 82nd Legislature in 2011, required the Texas Commission on Environmental Quality (TCEQ) to adopt rules affecting certain counties and cities with 10,000 or fewer inhabitants. The rules allow the commission to grant permits to local governments to dispose of waste from demolished abandoned homes below ground on city or county land that would qualify for an arid exemption for solid waste disposal. Six communities have applied for and received permits from TCEQ to dispose of demolition material in this manner.

The arid exemption is an exemption from certain landfill requirements in areas of the state where annual precipitation averages 25 inches or less for the most recent 30-year reporting period, based on data from the nearest official recording station.

DIGEST: SB 819 would amend Health and Safety Code, sec. 361.126, to change the population limit from 10,000 or less to 12,000 or less for certain counties and cities wishing to dispose of demolished abandoned housing outside of

a permitted landfill.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

SB 819 would allow more communities in arid parts of the state to access TCEQ's program to dispose of abandoned and nuisance structures in an economical manner that also protects the environment. The TCEQ program incorporates environmental safeguards, such as the protection of groundwater and the safe disposal of asbestos. The bill simply would raise the population cap so that additional cities and counties would be eligible to dispose of demolition waste under the program.

Disposing of a demolished abandoned building in a landfill can cost upwards of \$50,000, an expense that many small communities cannot afford. Abandoned structures are eyesores and pose health and safety concerns. They attract rodents and create public safety dangers from fire and building collapse.

**OPPONENTS
SAY:**

The Legislature should ensure that any recyclable material had been removed before a building was demolished, and that communities considered deconstruction, which involves the removal of usable materials, such as lumber and working fixtures, prior to demolition. Toxic material, such as thermostats containing mercury, should be removed from the building before demolition.