

SUBJECT: Revising the definitions of hazardous waste

COMMITTEE: Environmental Regulation — favorable, without amendment

VOTE: 7 ayes — Chisum, Bonnen, Kuempel, Uher, Bosse, Geren, Howard
0 nays
2 absent — Dukes, Zbranek

SENATE VOTE: On final passage, March 1 — 30-0, on Local and Uncontested Calendar

WITNESSES: None

BACKGROUND: The Solid Waste Disposal Act (Health and Safety Code, ch. 361) and Natural Resources Code, ch. 91 define hazardous waste as it is defined by the administrator of the U.S. Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976.

DIGEST: SB 689 would redefine “hazardous waste” in the Solid Waste Disposal Act and “oil and gas hazardous waste” in Natural Resources Code, ch. 91.

Hazardous waste and oil and gas hazardous waste would mean waste or a combination of wastes that:

- ! could contribute to an increase in mortality or illness, or pose a hazard to human health or the environment when stored, handled, or disposed of improperly; and
- ! was identified by a Texas Natural Resources Conservation Commission or Railroad Commission rule as a hazardous waste, provided that the rules were consistent with, and not more stringent than, the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. §6901).

The 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, 2001.

**SUPPORTERS
SAY:**

SB 689 would amend the definitions of hazardous waste to conform to the definition of hazardous waste under federal law. In considering whether state statutes constitutionally can include future amendments to federal law, courts recently have ruled that hazardous waste as defined in state statutes is equivalent to the definition in the federal solid waste statute as it was last amended, July 30, 1991. This interpretation creates a discrepancy in the federal and state definitions of hazardous waste that could jeopardize funding from the federal hazardous waste program and could result in gaps in enforcement authority. Amending the definition would not remove or add any wastes to those already subject to regulation under the current definition.

**OPPONENTS
SAY:**

No apparent opposition.