

## **BILL ANALYSIS**

Senate Research Center

S.B. 1306  
By: Brown  
Natural Resources  
3/29/1999  
As Filed

### **DIGEST**

Currently, under Texas law, hazardous waste is defined prospectively to mean any solid waste identified or listed as a hazardous waste by the administrator of the Environmental Protection Agency under the amended federal Solid Waste Disposal Act. Recent court cases in Texas have challenged the constitutionality of a state law that has the effect of prospectively adopting, by reference, a federal statutory definition. This bill would amend state law to delete the prospective definition of a hazardous waste as defined by federal law, to be replaced with a functional definition of hazardous waste derived from the federal criteria for defining or listing a hazardous waste.

### **PURPOSE**

As proposed, S.B. 1306 redefines "hazardous waste."

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 361.003(12), Health and Safety Code, to redefine "hazardous waste" as a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a substantial threat or potential hazard to human health or the environment, when improperly treated, stored, transported, or disposed of, or otherwise managed. Deletes text regarding hazardous waste identified by the Environmental Protection Agency.

SECTION 2. Emergency clause.  
Effective date: upon passage.