

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1306  
By: Brown  
Natural Resources  
4/1/1999  
Committee Report (Substituted)

### **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**

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Section 361.003(12)(C), Health and Safety Code) of this bill.

### **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, pose a substantial threat or potential hazard to human health or the environment, when improperly treated, stored, transported, or disposed of, or otherwise managed, and is identified by the Texas Natural Resource Conservation Commission (TNRCC) as a hazardous waste, by rule. Requires TNRCC rules implementing this section to be consistent with, and not more stringent than necessary to maintain state program authorization under the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.). Deletes text regarding hazardous waste identified by the Environmental Protection Agency.

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

### **SUMMARY OF COMMITTEE CHANGES**

#### SECTION 1.

Amends Section 361.003(12), Health and Safety Code, to redefine "hazardous waste" to include hazardous waste as identified by TNRCC, by rule. Requires TNRCC rules implementing this section to be consistent with, and not more stringent than necessary to maintain state program authorization under the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.).