

By: Smith of Harris

H.B. No. 2876

A BILL TO BE ENTITLED

AN ACT

relating to violations relating to hazardous waste.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7.162, Water Code, is amended to read as follows:

Sec. 7.162. VIOLATIONS RELATING TO HAZARDOUS WASTE. (a) A person commits an offense if the person~~[, acting]~~ intentionally or knowingly acts in any of the following ways ~~[with respect to the person's conduct]~~:

(1) transports, or causes or allows to be transported, for storage, processing, or disposal, any hazardous waste to any location without ~~[that does not have]~~ all required permits;

(2) stores, processes, exports or disposes of, or causes to be stored, processed, exported, or disposed of, any hazardous waste without all permits required by the appropriate regulatory agency or in knowing violation of any material condition or requirement of a permit or of an applicable interim status rule or standard;

(3) omits or causes to be omitted material information or makes or causes to be made any false material statement or representation in any application, label, manifest, record, report, permit, plan or other document filed~~[,]~~ or required to be maintained~~[,]~~ or used to comply with any requirement of Chapter 361, Health and Safety Code, applicable to hazardous waste;

1 (4) generates, transports, stores, processes, or
2 disposes of, or otherwise handles, or causes to be generated,
3 transported, stored, processed, disposed of, or otherwise handled,
4 hazardous waste, whether the activity took place before or after
5 September 1, 1981, and who knowingly destroys, alters, conceals, or
6 does not file, or cause to be destroyed, altered, concealed, or not
7 filed, any record, application, manifest, report, or other document
8 required to be maintained or filed to comply with the rules of the
9 appropriate regulatory agency adopted under Chapter 361, Health and
10 Safety Code;

11 (5) transports without a manifest, or cause or allows
12 to be transported without a manifest, any hazardous waste required
13 by rules adopted under Chapter 361, Health and Safety Code, to be
14 accompanied by a manifest;

15 (6) tampers with, modifies, disables, or fails to use
16 required pollution control or monitoring devices, systems,
17 methods, or practices, unless done in strict compliance with
18 Chapter 361, Health and Safety Code, or with an order, rule, or
19 permit of the appropriate regulatory agency;

20 (7) releases, causes, or allows the release of a
21 hazardous waste that causes or threatens to cause pollution, unless
22 the release is made in strict compliance with a [~~all~~] required
23 permit [~~permits~~] or an order[~~7~~] or rule[~~7~~ ~~or permit~~] of the
24 appropriate regulatory agency; or

25 (8) does not notify or report to the appropriate
26 regulatory agency as required by Chapter 361, Health and Safety
27 Code, or by a rule adopted or an order or a permit issued by the

1 appropriate regulatory agency under that chapter.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2007.