

BILL ANALYSIS

H.B. 7
By: Landgraf
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the compact waste disposal facility in Andrews County - namely that the facility may be used for the interim storage of high-level radioactive waste including spent nuclear fuel. H.B. 7 proposes to address these concerns by prohibiting a person from disposing of or storing high-level radioactive waste in Texas, with certain exceptions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 7 amends the Health and Safety Code to prohibit a person from transporting or arranging for the transportation of high-level radioactive waste on the highways or railways in Texas. The bill prohibits a person, including the compact waste disposal facility license holder, from disposing of or storing high-level radioactive waste in Texas, with the exception of storage at the site of currently or formerly operating nuclear power reactors and currently or formerly operating nuclear research and test reactors located on university campuses. For purposes of the bill's provisions, "high-level radioactive waste" is defined by reference to 42 U.S.C. Section 10101(12) and includes spent nuclear fuel, defined by reference to 42 U.S.C. Section 10101(23).

H.B. 7 prohibits the Texas Commission on Environmental Quality (TCEQ) from taking the following actions under the authority given to the agency under certain provisions of the federal Clean Water Act:

- issuing a general construction permit or approving a Stormwater Pollution Prevention Plan under specified Water Code provisions for the construction or operation of a facility that is licensed for the storage of high-level radioactive waste by the U.S. Nuclear Regulatory Commission under federal regulations; or
- issuing a permit under the Texas Pollutant Discharge Elimination System Program under specified Water Code provisions for the construction or operation of such a facility.

The bill excepts from that prohibition a permit for a facility located at the site of currently or formerly operating nuclear power reactors and currently or formerly operating nuclear research and test reactors located on university campuses. The bill exempts the prohibition from a statutory provision specifying that a reference in Chapter 401, Health and Safety Code, to the "C.F.R." or the "Code of Federal Regulations" means the Code of Federal Regulations as it existed on September 1, 1999. These provisions relating to TCEQ apply only to an application for a permit or permit amendment submitted on or after the bill's effective date.

H.B. 7 establishes the following:

- if any of the bill's provisions or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the bill that can be given effect without the invalid provision or application; and
- to this end the bill's provisions are declared to be severable.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.