

(Senator Whitmire in Chair)

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2120 ADOPTED**

Senator Lindsay called from the President's table the Conference Committee Report on **HB 2120**. The Conference Committee Report was filed with the Senate on Saturday, May 28, 2005.

(President in Chair)

On motion of Senator Lindsay, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

REMARKS ORDERED PRINTED

On motion of Senator Wentworth and by unanimous consent, the remarks by Senators Armbrister, Lindsay, and Wentworth regarding **HB 2120** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Armbrister: Is there a pending and unresolved notice of violation issued by TCEQ relating to an incident of spillage of hazardous waste, i.e. broken cathode ray tubes that occurred in my district, Hays County, in October 1997?

Senator Lindsay: I have been so advised.

Senator Armbrister: Is it your view that such an incident should have been handled with adequate enforcement and appropriate penalties assessed long before now?

Senator Lindsay: Yes.

Senator Armbrister: Are you aware that due to an action by the TCEQ that hazardous waste, commingled with municipal waste, is presently sitting in containers at a major non hazardous waste facility in Senator Barrientos' district?

Senator Lindsay: I am aware of the situation.

Senator Armbrister: Will you work with me in the weeks ahead to ensure that the pending matter of abandonment of waste by the trucking company involved in the October 1997 incident is resolved by the TCEQ with appropriate penalties being assessed for the seven and one half years of inaction?

Senator Lindsay: Yes.

Senator Armbrister: Are you also of the opinion that this inaction by TCEQ is creating significant issues for others that wish to do business within Texas?

Senator Lindsay: Yes.

Senator Wentworth: In this new Chapter, the County must provide reasonable notice to a "Concerned Party" about the need for the cleanup, removal, and disposal of the hazardous materials. What do you envision as being the reasonable time period for such notice?

Senator Lindsay: Obviously, this can depend on the exact circumstances and potential threat to public safety and the environment, but in no event more than 21 calendar days.

Senator Wentworth: If the material, at the time of its original leaking, spilling, release, or abandonment, was a hazardous waste, am I correct in assuming that it is your intent that the final disposal of such material must be at a fully licensed hazardous waste management and disposal facility?

Senator Lindsay: Yes.

Senator Wentworth: Is your answer the same even when the hazardous material has been commingled with nonhazardous materials?

Senator Lindsay: Yes.

Senator Wentworth: Am I also correct in assuming that both the county where the an incident occurred or where an abandonment of hazardous materials occurred has the authority under this law to take the actions contemplated by this new Chapter?

Senator Lindsay: Yes.