

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

March 6, 2025

HOUSE FLOOR AMENDMENT number 1 to HOUSE ENERGY, ENVIRONMENT
AND NATURAL RESOURCES
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 140

Amendment sponsored by Representative Andrea Reeb

1. On page 1, line 11, after the semicolon, strike the remainder of the line and strike lines 12 through 15 and insert in lieu thereof "AMENDING THE DEFINITION OF "HAZARDOUS WASTE"; AUTHORIZING THE ENVIRONMENTAL IMPROVEMENT BOARD TO ADOPT RULES FOR PER- AND POLYFLUOROALKYL SUBSTANCES THAT ARE DESIGNATED HAZARDOUS WASTE.".

2. On page 4, strike lines 18 through 25, strike page 5 and on page 6, strike lines 1 and 2 and insert in lieu thereof:

"K. "hazardous waste":

(1) means any solid waste or combination of solid wastes that, because of quantity, concentration or physical, chemical or infectious characteristics, may:

(a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed;

(2) includes:

(a) discarded aqueous film-forming foam containing intentionally added per- or polyfluoroalkyl substances;

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and

(b) all solid waste or combination of solid wastes listed and designated as hazardous waste by the federal environmental protection agency pursuant to the federal Resource Conservation and Recovery Act of 1976; provided that any solid waste or combination of solid wastes designated as hazardous by the federal environmental protection agency pursuant to the federal Resource Conservation and Recovery Act of 1976 on July 1, 2025 and subsequently removed by the federal environmental protection agency shall be considered hazardous waste; and

(3) does not include the following substances, until the board determines that the substance is subject to Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et seq.:

(a) drilling fluids, produced waters and other wastes associated with the exploration, development or production of crude oil, natural gas or geothermal energy;

(b) fly ash waste;

(c) bottom ash waste;

(d) slag waste;

(e) flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

(f) solid waste from the extraction, beneficiation or processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore;

(g) cement kiln dust waste; or

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(h) solid wastes generated by the growing and harvesting of agricultural crops or the raising of animals, including animal manures, when those solid wastes are returned to the soils as fertilizer;".

3. Reletter the succeeding subsections accordingly.

4. On page 10, lines 4 and 5, strike "hazardous constituents and hazardous waste constituents,".

5. On page 10, line 11, strike "and hazardous waste constituents".

6. On page 10, lines 15 through 21, remove the brackets and the line through and on line 21, after "amended", insert a semicolon.

7. On page 15, lines 4 and 5, strike "hazardous constituents or hazardous waste constituents".

8. On page 20, line 20, strike the closing quotation mark.

9. On page 20, between lines 20 and 21, insert:

"M. The board may adopt rules pertaining to aqueous film-forming foam containing intentionally added per- or polyfluoroalkyl substances pursuant to the Hazardous Waste Act.""

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____