Harms Hazardous Waste Oversight Program

The bill adds a “no stricter than federal” provision to the hazardous waste law. This effectively ends the Brownfields/Voluntary Cleanup Program, which means the program and its staff would no longer be in operation and the state would not seek the $1M annual grant from EPA to operate it. The state would no longer supervise site cleanups presently conducted through this program. The provision would also change state hazardous waste generator exemption provisions to match the federal ones, costing the Department of Natural Resources about $500,000 annually.

More Red Tape, Less Transparency

These sections on administrative penalties are in part unnecessary and in part counterproductive. The provision that provides violators a written calculation of the penalty is not necessary as the department provides this now. A violator can see the thought process of documenting the severity, duration and other factors the department used in calculating a proposed penalty. The provision that maintains this as confidential is not productive to either the violator, who may want to see how his/her particular penalty adds up compared to others, or to those who may want to see if the department is treating all violators fairly. While such documents may be held confidential in anticipation of litigation, once a matter is settled the documents should be readily available to anyone who wants to see them.

SB 40 is sponsored by Senator Burlison. It passed the Senate and is on the floor of the House.