

By: Talton

H.B. No. 2455

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the elements of the criminal offense of discharging
3 used oil into water in the state.

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

5 SECTION 1. Section 7.147(a), Water Code, is amended to read
6 as follows:

7 (a) A person commits an offense if the person discharges or
8 allows the discharge of any waste or pollutant into any water in the
9 state that causes or threatens to cause water pollution unless the
10 waste or pollutant:

11 (1) is discharged in strict compliance with all
12 required permits or with a valid and currently effective order
13 issued or rule adopted by the appropriate regulatory agency; or

14 (2) consists of used oil and the concentration of used
15 oil in the waste stream resulting from the discharge as it enters
16 water in the state is less than 15 parts per million following the
17 discharge.

18 SECTION 2. Section 7.176(a), Water Code, is amended to read
19 as follows:

20 (a) A person commits an offense if the person:

21 (1) intentionally discharges used oil into a sewer,
22 drainage system, septic tank, surface water or groundwater,
23 watercourse, or marine water unless the concentration of used oil
24 in the waste stream resulting from the discharge as it enters water

1 in the state is less than 15 parts per million following the
2 discharge;

3 (2) knowingly mixes or commingles used oil with solid
4 waste that is to be disposed of in landfills or directly disposes of
5 used oil on land or in landfills, unless the mixing or commingling
6 of used oil with solid waste that is to be disposed of in landfills
7 is incident to and the unavoidable result of the mechanical
8 shredding of motor vehicles, appliances, or other items of scrap,
9 used, or obsolete metals;

10 (3) knowingly transports, treats, stores, disposes
11 of, recycles, causes to be transported, or otherwise handles any
12 used oil within the state:

13 (A) in violation of standards or rules for the
14 management of used oil; or

15 (B) without first complying with the
16 registration requirements of Chapter 371, Health and Safety Code,
17 and rules adopted under that chapter;

18 (4) intentionally applies used oil to roads or land
19 for dust suppression, weed abatement, or other similar uses that
20 introduce used oil into the environment;

21 (5) violates an order of the commission to cease and
22 desist an activity prohibited by this section or a rule applicable
23 to a prohibited activity; or

24 (6) intentionally makes a false statement or
25 representation in an application, label, manifest, record, report,
26 permit, or other document filed, maintained, or used for purposes
27 of program compliance.

1 SECTION 3. (a) The changes in law made by this Act apply
2 only to an offense committed on or after the effective date of this
3 Act. For purposes of this section, an offense is committed before
4 the effective date of this Act if any element of the offense occurs
5 before that date.

6 (b) An offense committed before the effective date of this
7 Act is covered by the law in effect when the offense was committed,
8 and the former law is continued in effect for that purpose.

9 SECTION 4. This Act takes effect September 1, 2005.