

1-1 By: Armbrister S.B. No. 1297
1-2 (In the Senate - Filed March 9, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 6, 2005, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 6, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the elements of the criminal offense of discharging
1-9 used oil into water in the state.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 7.147, Water Code, is
1-12 amended to read as follows:

1-13 (a) A person commits an offense if the person discharges or
1-14 allows the discharge of any waste or pollutant into any water in the
1-15 state that causes or threatens to cause water pollution unless the
1-16 waste or pollutant:

1-17 (1) is discharged in strict compliance with all
1-18 required permits or with a valid and currently effective order
1-19 issued or rule adopted by the appropriate regulatory agency; or

1-20 (2) consists of used oil and the concentration of used
1-21 oil in the waste stream resulting from the discharge as it enters
1-22 water in the state is less than 15 parts per million following the
1-23 discharge.

1-24 SECTION 2. Subsection (a), Section 7.176, Water Code, is
1-25 amended to read as follows:

1-26 (a) A person commits an offense if the person:

1-27 (1) intentionally discharges used oil into a sewer,
1-28 drainage system, septic tank, surface water or groundwater,
1-29 watercourse, or marine water unless the concentration of used oil
1-30 in the waste stream resulting from the discharge as it enters water
1-31 in the state is less than 15 parts per million following the
1-32 discharge;

1-33 (2) knowingly mixes or commingles used oil with solid
1-34 waste that is to be disposed of in landfills or directly disposes of
1-35 used oil on land or in landfills, unless the mixing or commingling
1-36 of used oil with solid waste that is to be disposed of in landfills
1-37 is incident to and the unavoidable result of the mechanical
1-38 shredding of motor vehicles, appliances, or other items of scrap,
1-39 used, or obsolete metals;

1-40 (3) knowingly transports, treats, stores, disposes
1-41 of, recycles, causes to be transported, or otherwise handles any
1-42 used oil within the state:

1-43 (A) in violation of standards or rules for the
1-44 management of used oil; or

1-45 (B) without first complying with the
1-46 registration requirements of Chapter 371, Health and Safety Code,
1-47 and rules adopted under that chapter;

1-48 (4) intentionally applies used oil to roads or land
1-49 for dust suppression, weed abatement, or other similar uses that
1-50 introduce used oil into the environment;

1-51 (5) violates an order of the commission to cease and
1-52 desist an activity prohibited by this section or a rule applicable
1-53 to a prohibited activity; or

1-54 (6) intentionally makes a false statement or
1-55 representation in an application, label, manifest, record, report,
1-56 permit, or other document filed, maintained, or used for purposes
1-57 of program compliance.

1-58 SECTION 3. (a) The changes in law made by this Act apply
1-59 only to an offense committed on or after the effective date of this
1-60 Act. For purposes of this section, an offense is committed before
1-61 the effective date of this Act if any element of the offense occurs
1-62 before that date.

1-63 (b) An offense committed before the effective date of this
1-64 Act is covered by the law in effect when the offense was committed,

2-1 and the former law is continued in effect for that purpose.

2-2 SECTION 4. This Act takes effect September 1, 2005.

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