

1-1 By: Armbrister S.B. No. 1299
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 8,
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 an exception to the prohibition against commingling
1-9 used oil with solid waste if the commingling is incident to the
1-10 dismantling of scrap, used, or obsolete metals.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsections (a) and (c), Section 7.176, Water
1-13 Code, are amended to read as follows:

1-14 (a) A person commits an offense if the person:

1-15 (1) intentionally discharges used oil into a sewer,
1-16 drainage system, septic tank, surface water or groundwater,
1-17 watercourse, or marine water;

1-18 (2) knowingly mixes or commingles used oil with solid
1-19 waste that is to be disposed of in landfills or directly disposes of
1-20 used oil on land or in landfills, unless the mixing or commingling
1-21 of used oil with solid waste that is to be disposed of in landfills
1-22 is incident to and the unavoidable result of the dismantling or
1-23 mechanical shredding of motor vehicles, appliances, or other items
1-24 of scrap, used, or obsolete metals;

1-25 (3) knowingly transports, treats, stores, disposes
1-26 of, recycles, causes to be transported, or otherwise handles any
1-27 used oil within the state:

1-28 (A) in violation of standards or rules for the
1-29 management of used oil; or

1-30 (B) without first complying with the
1-31 registration requirements of Chapter 371, Health and Safety Code,
1-32 and rules adopted under that chapter;

1-33 (4) intentionally applies used oil to roads or land
1-34 for dust suppression, weed abatement, or other similar uses that
1-35 introduce used oil into the environment;

1-36 (5) violates an order of the commission to cease and
1-37 desist an activity prohibited by this section or a rule applicable
1-38 to a prohibited activity; or

1-39 (6) intentionally makes a false statement or
1-40 representation in an application, label, manifest, record, report,
1-41 permit, or other document filed, maintained, or used for purposes
1-42 of program compliance.

1-43 (c) It is an exception to the application of Subsection
1-44 (a)(2) that the mixing or commingling of used oil with solid waste
1-45 that is to be disposed of in landfills is incident to and the
1-46 unavoidable result of the dismantling or mechanical shredding of
1-47 motor vehicles, appliances, or other items of scrap, used, or
1-48 obsolete metals.

1-49 SECTION 2. (a) The change in law made by this Act applies
1-50 only to an offense committed on or after the effective date of this
1-51 Act. For the purposes of this section, an offense is committed
1-52 before the effective date of this Act if any element of the offense
1-53 occurs before that date.

1-54 (b) An offense committed before the effective date of this
1-55 Act is governed by the law in effect when the offense was committed,
1-56 and the former law is continued in effect for that purpose.

1-57 SECTION 3. This Act takes effect September 1, 2005.

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