

AN ACT

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

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

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

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

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

(2) consists of used oil and the concentration of used oil in the waste stream resulting from the discharge as it enters water in the state is less than 15 parts per million following the discharge and the person is authorized to discharge storm water under a general permit issued under Section 26.040.

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

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

(1) intentionally discharges used oil into:

(A) a sewer or ~~[, drainage system,]~~ septic tank;

or

1 (B) a drainage system, surface water or
2 groundwater, a watercourse, or marine water unless the
3 concentration of used oil in the waste stream resulting from the
4 discharge as it enters water in the state is less than 15 parts per
5 million following the discharge and the person is authorized to
6 discharge storm water under a general permit issued under Section
7 26.040;

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

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

18 (A) in violation of standards or rules for the
19 management of used oil; or

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

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

26 (5) violates an order of the commission to cease and
27 desist an activity prohibited by this section or a rule applicable

1 to a prohibited activity; or

2 (6) intentionally makes a false statement or
3 representation in an application, label, manifest, record, report,
4 permit, or other document filed, maintained, or used for purposes
5 of program compliance.

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

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

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

David Newhurst
President of the Senate

Tom Craddick
Speaker of the House

I hereby certify that S.B. No. 1297 passed the Senate on April 19, 2005, by the following vote: Yeas 29, Nays 0; May 26, 2005, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 27, 2005, House granted request of the Senate; May 29, 2005, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0.

Patricia Spaw
Secretary of the Senate

I hereby certify that S.B. No. 1297 passed the House, with amendment, on May 25, 2005, by a non-record vote; May 27, 2005, House granted request of the Senate for appointment of Conference Committee; May 29, 2005, House adopted Conference Committee Report by a non-record vote.

Robert Haney
Chief Clerk of the House

Approved:

17 JUNE '05

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:22 AM O'CLOCK

JUN 17 2005

Roger Williams
Secretary of State