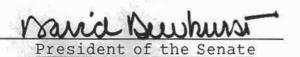
<u>CHAPTER 38</u> S.B. No. 1299

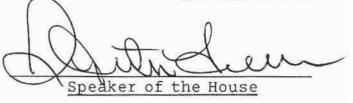
1 AN ACT

2 relating to an exception to the prohibition against commingling

- 3 used oil with solid waste if the commingling is incident to the
- 4 dismantling of scrap, used, or obsolete metals.
- 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 6 SECTION 1. Subsections (a) and (c), Section 7.176, Water
- 7 Code, are amended to read as follows:
- 8 (a) A person commits an offense if the person:
- 9 (1) intentionally discharges used oil into a sewer,
- 10 drainage system, septic tank, surface water or groundwater,
- 11 watercourse, or marine water;
- 12 (2). knowingly mixes or commingles used oil with solid
- 13 waste that is to be disposed of in landfills or directly disposes of
- 14 used oil on land or in landfills, unless the mixing or commingling
- of used oil with solid waste that is to be disposed of in landfills
- 16 is incident to and the unavoidable result of the dismantling or
- 17 mechanical shredding of motor vehicles, appliances, or other items
- 18 of scrap, used, or obsolete metals;
- 19 (3) knowingly transports, treats, stores, disposes
- 20 of, recycles, causes to be transported, or otherwise handles any
- 21 used oil within the state:
- 22 (A) in violation of standards or rules for the
- 23 management of used oil; or
- 24 (B) without first complying with the

- 1 registration requirements of Chapter 371, Health and Safety Code,
- 2 and rules adopted under that chapter;
- 3 (4) intentionally applies used oil to roads or land
- 4 for dust suppression, weed abatement, or other similar uses that
- 5 introduce used oil into the environment;
- 6 (5) violates an order of the commission to cease and
- 7 desist an activity prohibited by this section or a rule applicable
- 8 to a prohibited activity; or
- 9 (6) intentionally makes a false statement or
- 10 representation in an application, label, manifest, record, report,
- 11 permit, or other document filed, maintained, or used for purposes
- 12 of program compliance.
- 13 (c) It is an exception to the application of Subsection
- 14 (a)(2) that the mixing or commingling of used oil with solid waste
- 15 that is to be disposed of in landfills is incident to and the
- 16 unavoidable result of the dismantling or mechanical shredding of
- 17 motor vehicles, appliances, or other items of scrap, used, or
- 18 obsolete metals.
- 19 SECTION 2. (a) The change in law made by this Act applies
- 20 only to an offense committed on or after the effective date of this
- 21 Act. For the purposes of this section, an offense is committed
- 22 before the effective date of this Act if any element of the offense
- 23 occurs before that date.
- 24 (b) An offense committed before the effective date of this
- 25 Act is governed by the law in effect when the offense was committed,
- 26 and the former law is continued in effect for that purpose.
- 27 SECTION 3. This Act takes effect September 1, 2005.





I hereby certify that S.B. No. 1299 passed the Senate on April 19, 2005, by the following vote: Yeas 29, Nays 0 .-

Secretar

I hereby certify that S.B. No. 1299 passed the House on April 28, 2005, by a non-record vote._

> Chief Clerk of the H puse

Approved:

MAY'05
Date
PERRY

FILED IN THE OFFICE OF THE SECRETARY OF STATE