

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1150
By: Nixon
Natural Resources
4-18-97
Committee Report (Substituted)

DIGEST

Currently, the Texas Natural Resource Conservation Commission (TNRCC) has processor/rerefiner and transporter reporting and registration requirements for used oil that are more stringent than federal regulations, and which are burdensome for the regulated community and TNRCC, both of which have limited resources. During the 74th Legislative Session, a bill was passed which enabled TNRCC to apply for delegation of the federal Used Oil Management Program. S.B. 1150 changes certain registration, reporting, and financial assurance requirements so that they are consistent with existing federal requirements for the recycling of used oil.

PURPOSE

As proposed, C.S.S.B. 1150 establishes registration and reporting requirements pursuant to the collection, management, and recycling of used oil.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Section 371.026(a), Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 371.026, Health and Safety Code, by amending Subsection (a), as follows:

Sec. 371.026. New heading: **REGISTRATION AND REPORTING REQUIREMENTS OF USED OIL HANDLERS OTHER THAN GENERATORS**. Requires the Texas Natural Resource Conservation Commission (commission) to adopt rules governing registration and reporting of certain used oil handlers which require that a used oil handler other than a generator provide proof of liability insurance or other evidence of financial responsibility for any liability that may be incurred in handling used oil. Establishes that this provision does not apply to a used oil handler which is owned or otherwise effectively controlled by the owners or operators where the used oil is generated; and that a used oil processor or rerefiner must report to the commission on certain issues by a certain date. Deletes the provision requiring the rules to require a used oil handler other than a generator to register biennially and report annually on certain issues. Makes conforming changes.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amends the relating clause to delete the reference to used oil filters.

SECTION 1.

Amends Section 371.026, Health and Safety Code, to delete the requirement that the rules require a used oil handler other than a generator to provide proof of liability insurance

consistent with and not more stringent than the standards under the Resource Conservation and Recovery Act of 1976. Establishes that this provision does not apply to a used oil handler which is owned or otherwise effectively controlled by the owners or operators where the used oil is generated. Makes the report required of a used oil processor or rerefiner due December 1 of each odd-numbered year, rather than March 1 of each even-numbered year.