

BILL ANALYSIS

Senate Research Center

H.B. 2619
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Natural Resources
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Engrossed

DIGEST

Current, no statutory provisions exist concerning used oil filter management standards. Texas adopted a used filter landfill ban in 1995 to facilitate the recycling of used oil filters. However, the Texas Natural Resource Conservation Commission has had regulations in place regulating the recycling of used oil filters since 1993. Concerns have been raised that the regulations are burdensome and that it is difficult to comply with them. H.B. 2619 would provide standards concerning time limits for transporting, storing, and processing of used oil filters; would prohibit the improper discharge of oil; and would provide penalties for violations.

PURPOSE

As proposed, H.B. 2619 establishes regulations regarding the collections and management of used oil filters, and provides civil and administrative penalties.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Section 371.109, Health and Safety Code) and SECTION 2(c) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 371, Health and Safety Code, by adding Subchapter F, as follows:

SUBCHAPTER E. FILTER STORAGE, TRANSPORTATION, OR PROCESSING

Sec. 371.101. DEFINITIONS. Defines “bill of lading,” “bulk filter container,” “component parts,” “do-it-yourselfer,” “generator,” “process,” “processor,” “store,” “storage facility,” “transporter,” and “used oil filter.”

Sec. 371.102. APPLICABILITY. Provides that this subchapter applies to a used oil filter only if the filter has not been separated into its component parts or burned for steel or energy recovery, and not to a prescribed type of industrial generator or a do-it-yourselfer.

Sec. 371.103. GENERAL REQUIREMENTS. Prohibits a person from storing, processing, or disposing of a used oil filter in a manner that results in the discharge of oil into soil or water; and from knowingly placing on land a used oil filter that contains oil unless the used filter is in a container. Provides that a bulk filter container used to store used oil filters must not leak and must be securely closed, waterproof, and in good condition. Prohibits the used filter from being intentionally or knowingly placed in or accepted for disposal in a landfill permitted by the Texas Natural Resource Conservation Commission (TNRCC).

Sec. 371.104. REGISTRATION AND REPORTING. Prohibits a transporter, storage facility, or processor from storing, processing, or recycling or disposing of used oil filters unless the person is registered with TNRCC. Prohibits a person who is not registered with TNRCC from storing certain used oil filters. Requires the facilities to renew their registration biennially and report to TNRCC the number of filters they handle.

Sec. 371.105. SHIPMENT RECORDS. Sets forth standards which must be complied with in order to ship used oil filters. Requires copies of a bill of lading to be made available for TNRCC to inspect at any reasonable time.

Sec. 371.106. **LIMITATIONS ON STORAGE.** Sets forth the duration that a used oil filter may be handled by a storage facility, a transporter, a processor, and a processor that stores used filters.

Sec. 371.107. **VARIANCES.** Authorizes TNRCC to grant an individual variance to allow a generator and a person to store used oil filters for a certain period of time. Prohibits TNRCC from granting a variance under this section for a period of longer than two years.

Sec. 371.108. **SPILL PREVENTION AND CONTROL.** Requires each registered facility to develop a plan to respond to spills in accordance with certain federal requirements.

Sec. 371.109. **FINANCIAL RESPONSIBILITY.** Requires TNRCC to adopt rules requiring a person to register under Section 371.104 to demonstrate adequate financial responsibility.

Sec. 371.110. **CIVIL AND ADMINISTRATIVE PENALTIES.** Provides that certain violators are liable for a civil penalty of not less than \$100 or more than \$500 for each violation and for each day of a continuing violation. Authorizes TNRCC, the attorney general, or a local government with jurisdiction over the area of the violation to bring suit to recover the penalty. Provides that the violation described by Subsection (a) also is subject to an administrative penalty. Authorizes TNRCC to recover the administrative penalty in a proceeding.

SECTION 2. (a) Effective date: September 1, 1999, except as provided by Subsection (b).

(b) Effective date for Sections 371.104, 371.105, 371.106, and 371.110, Health and Safety Code: on January 1, 2000.

(c) Requires TNRCC to adopt rules so that the commission may begin enforcement of certain sections on January 1, 2000.

(d) Makes application of this Act retroactive beginning January 1, 2000.

SECTION 3. Repealer: Section 361.432, Health and Safety Code (Used Oil Filter Management).

SECTION 4. Emergency clause.