

BILL ANALYSIS

Senate Research Center
79R4985 SMH-D

S.B. 1297
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Natural Resources
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, state law treats any quantity of used oil present in water discharge as a violation. The standard used by enforcement agencies is a visible sheen on the surface of discharge. One of the reasons for establishing minimum discharge benchmarks given by the Environmental Protection Agency (EPA) is in the Final National Pollutant Discharge Elimination System Stormwater Multi-Sector Permit for Industrial Activities (notice) where it states, "The benchmarks are also viewed by EPA as a level, that if below, a facility represents little potential for water quality concern."

As proposed, S.B. 1297 provides an exception to the prohibition of discharging used oil into water in the state if the concentration of used oil resulting from the discharge as it enters the water in the state is less than fifteen parts per million following the discharge. The bill establishes an objective measurable level of discharge that can be considered a violation so that the discharge limit is consistent with the benchmark value established by EPA in the notice.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 7.147(a), Water Code, to include the discharge or allowance of discharge of waste or pollutants that consist of used oil and have a concentration of used oil in the waste stream resulting from the discharge as it enters the water in the state of less than 15 parts per million following the discharge as an exception to the criminal offense described under this subsection.

SECTION 2. Amends Section 7.176(a), Water Code, to make a conforming change.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2005.