

SUBJECT: New exemption from prohibition on mixing used oil with solid waste

COMMITTEE: Environmental Regulation — favorable, without amendment

VOTE: 6 ayes — Bonnen, Howard, Homer, T. King, Kuempel, Smith

0 nays

1 absent — Driver

WITNESSES: For — Dudley Smith, Harris County Auto Recyclers Association and Pick A Part Auto Wrecking, Inc.; Ron Sucheki, Texas on Site Wastewater Association

Against — None

BACKGROUND: “Used oil” is oil that contains physical or chemical impurities resulting from use. Used oil often is generated by motor vehicles or small engines and has the potential to contaminate soil, surface water, and drinking water through improper handling or disposal.

Water Code, sec. 7.176, regulates the handling of used oil and prohibits the following actions:

- intentionally dumping used oil in sewers;
- mixing used oil with solid waste that is disposed of in landfills; and
- applying used oil on land to kill weeds or eliminate dust.

Sec. 7.176 creates an offense for such violations that is punishable by a fine ranging from \$1,000 to \$50,000 and/or a maximum of five years incarceration.

An exception from the penalty is provided for instances in which used oil has been mixed with solid waste as the unavoidable result of the mechanical shredding of motor vehicles, appliances, or other items of scrap, used, or obsolete metals.

DIGEST: HB 1991 would amend the regulations for the handling of used oil to exclude the unavoidable mixing of used oil with solid waste that occurs as the unavoidable result of the dismantling as well as the mechanical shredding, of motor vehicles, appliances, or other items of scrap, used, or obsolete metals.

The bill would take effect September 1, 2005.

SUPPORTERS SAY: HB 1991 appropriately would add “dismantling” to the definition of activities related to the processing of old cars and other scrap metal that are exempt from the prohibition on mixing of used oil and solid waste. Dismantling simply is another step in the process of recycling oil filters and other materials, and this bill would make the law more equitable by recognizing this fact.

The process of hot-draining removes the majority of used oil from filters, making them safer for disposal. This process of recycling used oil filters can involve crushing, shredding, or dismantling before filters are recycled into new and useful products such as rebar, construction beams, fence posts, or manhole covers. The effective processing of used oil filters for recycling purposes typically leaves behind only a small amount of residual oil.

OPPONENTS SAY: Used oil can be harmful to the environment and to public health when released into the environment. By providing an additional exemption from the penalty for improper handling and disposal of used oil, HB 1991 would authorize the improper disposal of even more used oil that has been mixed with solid waste.

NOTES: The companion bill, SB 1299 by Armbrister, passed the Senate by 29-0 on April 19 and was reported favorably, without amendment, by the House Environmental Regulation Committee on April 25, making it eligible to be considered in lieu of HB 1991.