

Texas Health and Safety Code
Chapter 365: Texas Litter Abatement Act

Citation:

365.012(a) Illegal Dumping: Disposal

Penalty:

Class C Misdemeanor (strict liability): Waste weighs 5 lbs or less, or volume of 5 gallons or less.

Class B Misdemeanor (strict liability): Waste weighs more than 5 lbs but less than 500 lbs, or more than 5 gallons but less than 100 ft.³ (~748 gal):

Class A Misdemeanor (strict liability): Waste weighs 500 lbs or more but less than 1000 lbs, or volume is 100 ft.³ or more but less than 200 ft.³; or 5 pounds but less than 200 pounds if dumped for a commercial reason

State Jail Felony (reckless, knowing, or intentional, see TPC § 6.02(c)): Weighs 1,000 lbs or more or has a volume of 200 ft.³ or more, or 200 lbs or more and dumped for a commercial purpose or is contained in a closed barrel or drum.

*** Punishment is raised to next highest category for second or subsequent conviction

***vehicle used to commit the offense can be forfeited on 3rd conviction if it is a class A misdemeanor

Elements: Cite as 365.012(b), Health and Safety Code

1. A person commits an offense if the person
2. Disposes, or allows or permits the disposal [see §§ 365.011 and 361.003(7)]
3. Of litter or other solid waste [see definitions at §§ 365.011(6) and 361.003(35)]
4. At a place that is not an approved solid waste site

Notes:

- 365.012(k) states that "This section does not apply to an individual's disposal of litter or other solid waste if: (1) The litter is generated on the land the individual owns; (2) The litter or waste is not generated as a result of an activity related to commercial activity (3) The disposal on land the individual owns; and (4) The disposal is not for commercial purpose."
- "Commercial purpose" means "the purpose of economic gain" (TH&SC § 365.011) Duping more than 5 lbs or 13 gallons is presumed to be for a commercial purpose (TH&SC § 365.014(c))
- Does not apply to farmers under certain circumstances (see TH&SC § 365.014(a))
- Disposal, Receiving, and Transporting can each be charged as separate offenses if the elements of each offense are proved (see *Gandy v. State*, 222 S.W.3d 525, 530)

Texas Health and Safety Code
Chapter 365: Texas Litter Abatement Act

Citation:

Texas Health & Safety Code § 365.012(b) Illegal Dumping [Receiving]

Penalty:

Class C Misdemeanor (strict liability): Waste weighs 5 lbs or less, or volume of 5 gallons or less.

Class B Misdemeanor (strict liability): Waste weighs more than 5 lbs but less than 500 lbs, or more than 5 gallons but less than 100 ft.³ (~748 gal):

Class A Misdemeanor (strict liability): Waste weighs 500 lbs or more but less than 1000 lbs, or volume is 100 ft.³ or more but less than 200 ft.³; or 5 pounds but less than 200 pounds if dumped for a commercial reason

State Jail Felony (reckless, knowing, or intentional, see TPC § 6.02(c)): Weighs 1,000 lbs or more or has a volume of 200 ft.³ or more, or 200 lbs or more and dumped for a commercial purpose or is contained in a closed barrel or drum.

*** Punishment is raised to next highest category for second or subsequent conviction

***vehicle used to commit the offense can be forfeited on 3rd conviction if it is a class A misdemeanor

Elements: Cite as 365.012(b), Health and Safety Code

1. A person commits an offense if the person
2. Receives litter or other solid waste [see definitions at §§ 365.011(6) and 361.003(35)]
3. For disposal see §§ 365.011 and 361.003(7)
4. At a place that is not an approved solid waste site,
5. Regardless of whether the litter or solid waste or the land on which the litter or other solid waste is disposed is owned or controlled by the person.

Notes:

- 365.012(k) states that "This section does not apply to an individual's disposal of litter or other solid waste if: (1) The litter is generated on the land the individual owns; (2) The litter or waste is not generated as a result of an activity related to commercial activity (3) The disposal on land the individual owns; and (4) The disposal is not for commercial purpose."
- "Commercial purpose" means "the purpose of economic gain" (TH&SC § 365.011) Duping more than 5 lbs or 13 gallons is presumed to be for a commercial purpose (TH&SC § 365.014(c))
- Does not apply to farmers under certain circumstances (see TH&SC § 365.014(a))
- Disposal, Receiving, and Transporting can each be charged as separate offenses if the elements of each offense are proved (see *Gandy v. State*, 222 S.W.3d 525, 530)

Texas Health and Safety Code
Chapter 365: Texas Litter Abatement Act

Citation:

Texas Health & Safety Code § 365.012(c) Illegal Dumping [Transporting]

Penalty:

Class C Misdemeanor (strict liability): Waste weighs 5 lbs or less, or volume of 5 gallons or less.

Class B Misdemeanor (strict liability): Waste weighs more than 5 lbs but less than 500 lbs, or more than 5 gallons but less than 100 ft.³ (~748 gal):

Class A Misdemeanor (strict liability): Waste weighs 500 lbs or more but less than 1000 lbs, or volume is 100 ft.³ or more but less than 200 ft.³; or 5 pounds but less than 200 pounds if dumped for a commercial reason

State Jail Felony (reckless, knowing, or intentional, see TPC § 6.02(c)): Weighs 1,000 lbs or more or has a volume of 200 ft.³ or more, or 200 lbs or more and dumped for a commercial purpose or is contained in a closed barrel or drum.

*** Punishment is raised to next highest category for second or subsequent conviction

***vehicle used to commit the offense can be forfeited on 3rd conviction if it is a class A misdemeanor

Elements:

1. A person
2. Transports litter or other solid waste [see definitions at §§ 365.011(6) and 361.003(35)]
3. To a place that is not an approved solid waste site
4. For-disposal at the site [see §§ 365.011(5) and 361.003(7)]

Notes:

- 365.012(k) states that "This section does not apply to an individual's disposal of litter or other solid waste if: (1) The litter is generated on the land the individual owns; (2) The litter or waste is not generated as a result of an activity related to commercial activity (3) The disposal on land the individual owns; and (4) The disposal is not for commercial purpose."
- "Commercial purpose" means "the purpose of economic gain" (TH&SC § 365.011) Dumping more than 5 lbs or 13 gallons is presumed to be for a commercial purpose (TH&SC § 365.014(c))
- Does not apply to farmers under certain circumstances (see TH&SC § 365.014(a))
- Disposal, Receiving, and Transporting can each be charged as separate offenses if the elements of each offense are proved (see *Gandy v. State*, 222 S.W.3d 525, 530)

Texas Health and Safety Code
Chapter 365: Texas Litter Abatement Act

Citation:

Texas Health & Safety Code § 365.016 Disposal of Litter in a Cave; Criminal Penalty

Penalty:

1st offense – Class C Misdemeanor

2nd Offense – Class A Misdemeanor

3rd Offense – 3rd Degree Felony

Elements:

1. A person
2. Recklessly, knowingly, or intentionally
3. Disposes litter, a dead animal, sewage, or any chemical
4. In a cave

Notes:

- Venue is in the county where defendant resides, the county where the offense occurred, or in Travis County

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

7.143 Violations of Minimum State Standards or Model Political Subdivision Rules

Penalty:

Class A Misdemeanor

Enhancements: None

Elements: Cite as 7.143(a), Tex. Water Code

1. A person
2. Knowingly or intentionally
3. Violates a rule adopted under Subchapter J, Chapter 16 Water code

Notes:

- This subchapter addresses the requirements for the Texas Water Development board to establish model political subdivision rules that meet the minimum TCEQ requirements regarding drinking water, sewage disposal, and septic tanks.
- Individuals, cities, and organizations violating septic tank and other state rules pertaining to safe drinking water and sewer services may be guilty of violating the provisions of this section.

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.145 Intentional or knowing unauthorized discharge

Penalty:

3d Degree Felony

Individual: fine of \$1,000 to \$100,000 and 5 years confinement

Corporation: fine of \$1,000 to \$250,000

Elements:

1. A person,
2. Acting, intentionally or knowingly with respect to the person's conduct,
3. Discharges or allows the discharge
4. Of a waste or pollutant [see TWC § 26.001(6) and (13)]
5. Into or adjacent to water in the state
6. That causes or threatens to cause water pollution, and
7. The waste or pollutant was not discharged in strict compliance with all required permits or with an order issued or a rule adopted by the appropriate agency.

OR

1. A person,
2. Acting, intentionally or knowingly with respect to the person's conduct,
3. Discharges or allows the discharge
4. Of a waste or pollutant [see TWC § 26.001(6) and (13)]
5. From a point source [see TWC § 26.001(21)]
6. In violation of chapter 26 or of a rule, permit, or order of the appropriate regulatory agency.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code 7.147(a) Unauthorized Discharge

Penalty:

Class A Misdemeanor

Individual: \$1,000 to \$50,000 and 1 year confinement

Corporation: \$1,000 to \$100,000

Elements: Cite as 7.147(a), Tex. Water Code

1. A person
2. Discharges or allows the discharge
3. Of any waste or pollutant [see TWC § 26.001(6) and (13)]
4. Into any water in the state
5. That causes or threatens to cause pollution [see TWC § 26.001(14)]
6. Unless the waste or pollutant is discharged in strict compliance with all permits or with a valid and currently effective order issued or rule adopted by the appropriate regulatory agency.

Notes:

- An offense under this section may be prosecuted without alleging or proving a culpable mental state.
- Requires a discharge "into water in the state" as compared to § 7.145, in which the discharge can be "into *or adjacent* to water in the state"
- Exception for discharge of used oil in concentration less than 15ppm when the discharge is under a permitted stormwater general permit.

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

7.148 Failure to properly use pollution control measures

Penalty:

Class A Misdemeanor

Individual: \$1,000 to \$100,000 fine and 1 year confinement

Corporation: \$1,000 to \$250,000 fine

Elements: Cite as 7.148(a), Tex. Water Code

1. A person
2. Intentionally or knowingly
3. Tampers with, modifies, disables, or fails to use
4. Pollution control or monitoring devices, systems, methods, or practices required by Chapter 26 or a rule or a permit or an order issued under Chapter 26, by the TCEQ
5. Unless done in strict compliance with the rule, permit, or order.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.149(a) False Statement

Penalty:

Class A Misdemeanor

Individual: \$1,000 to \$100,000 fine and 1 year confinement

Corporation: \$1,000 to \$250,000 fine

Elements:

1. A person
2. Intentionally or knowingly
3. Makes or causes to be made a false statement, representation, certification in, or
Omits or causes to be omitted material information from
4. An application, notice, record, report, plan, or other document, including monitoring device data, filed with or required to be maintained by Chapter 26 or by a rule adopted or a rule permit or application issued by the appropriate regulatory agency under Chapter 26.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code 7.150 Failure to notify or report

Penalty:

Class A Misdemeanor

Individual: \$1,000 to \$100,000 fine and 1 year confinement

Corporation: \$1,000 to \$250,000 fine

Elements:

1. A person
2. Intentionally or knowingly
3. Fails to notify or report to the commission as required by Chapter 26 or by a rule adopted or a permit or an order issued by the appropriate regulatory agency under Chapter 26.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.151 Failure to pay fee

Penalty:

Class B Misdemeanor

Individual: 2x the required fee, and 90 days confinement

Corporation: 2x the required fee

Elements:

1. A person
2. Intentionally or knowingly
3. Fails to pay a fee, and
4. The fee is required by Chapter 26 or by a rule adopted or a permit or an order issued by the appropriate regulatory agency under Chapter 26.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.152

Intentional or Knowing Unauthorized Discharge
and Knowing Endangerment

Penalty:

3rd Degree Felony

Individual: \$1,000 to \$250,000 fine and 10 years confinement

Corporation: \$2,000 to \$500,000 fine

Enhancements:

If death or serious bodily injury occurs (2nd Degree Felony):

Individual: \$2,000 to \$500,000 fine and 20 years confinement

Corporation: \$5,000 to \$1,000,000 fine

Elements:

1. A person
2. Intentionally or knowingly
3. Discharges or allows the discharge of a waste or pollutant [see TWC § 26.001(6) and (13)]
4. Into or adjacent to water in the state and
5. By that action knowingly places another in imminent danger of death or serious bodily injury, and
6. The discharge was not made in strict compliance with all required permits or with an order issued or rule adopted by the appropriate regulatory agency.

Note:

- determining whether the defendant had knowledge that his actions placed another in imminent danger, the defendant is only responsible for his actual awareness or belief.

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

7.153 Intentional or Knowing Unauthorized Discharge and Endangerment

Penalty:

3rd Degree Felony

Individual: \$1,000 to \$250,000 fine and 5 years confinement

Corporation: \$2,000 to \$500,000 fine

Enhancements:

If death or serious bodily injury occurs (3rd Degree Felony):

Individual: \$2,000 to \$500,000 fine and 10 years confinement

Corporation: \$5,000 to \$1,000,000 fine

Elements: Cite as 7.153(a), Tex. Water Code

1. A person
2. Acting intentionally or knowingly with respect to the person's conduct,
3. Discharges or allows the discharge of a waste or pollutant [see TWC § 26.001(6) and (13)]
4. Into or adjacent to water in the state
5. And by that action knowingly places another person in imminent danger of death or serious bodily injury,
6. Unless the discharge is made in strict compliance with all required permits or with a valid and currently effective order issued or rule adopted by the appropriate regulatory agency.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.154 Reckless unauthorized discharge and endangerment

Penalty:

Class A Misdemeanor

Individual: \$1,000 to \$100,000 and 1 year confinement

Corporation: \$1,000 to \$250,000 fine

Enhancements:

If death or serious bodily injury occurs (3rd Degree Felony):

Individual: \$1,000 to \$250,000 fine and 5 years confinement

Corporation: \$2,000 to \$500,000 fine

Elements:

1. A person
2. Acting recklessly with respect to the person's conduct
3. Discharges or allows the discharge of a waste or pollutant
4. Into or adjacent to water in the state and
5. By that action places another person in imminent danger of death or serious bodily injury
6. Unless the discharge is made in strict compliance with all required permits or with a valid and currently effective order issued or rule adopted by the appropriate regulatory agency.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.155(a)(1) Violation relating to discharge or spill (failure to report discharge or spill)

Penalty:

Class A Misdemeanor

Elements:

1. A person
2. Operates, is in charge of, or is responsible for a facility or vessel
3. The facility or vessel causes a discharge or spill as defined by TWC § 26.263; and
4. (Recklessly) Does not report the spill or discharge on discovery

Citation:

Tex. Water Code 7.155(a)(2) Violation relating to discharge or spill (falsifying a report regarding a discharge or spill)

Penalty:

3rd Degree Felony

2 to 10 years in prison, \$10,000 fine

Elements:

1. A person
2. Knowingly
3. Falsifies a record or report concerning the prevention or cleanup of a discharge or spill (see TWC § 26.263(1)).

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.156(a)(1) Violation relating to underground storage tank
(unlicensed UST construction activity)

Penalty:

Class A Misdemeanor

1 year in County Jail, \$4,000 Fine

Elements:

1. A person (including a corporation or other business entity)
2. (Recklessly)
3. Engages in the installation, repair, or removal of an underground storage tank, and
4. Does not hold a certification of registration issued under Section 26.452; and,
5. Is not under the substantial control of a person or business entity who holds a certificate of registration issued under Section 26.452.

Note:

- Charging this section is appropriate against the unlicensed contractor who actually performs the work. The landowner can be charged under 7.156(a)(2) for authorizing or allowing the unlicensed work to be performed

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.156(a)(2) Violation relating to underground storage tank
(authorizing or allowing UST construction activity
by an unlicensed person)

Penalty:

Class A Misdemeanor

1 year in County Jail, \$4,000 Fine

Elements:

1. A person
2. (Recklessly)
3. Authorizes or allows the installation, repair or removal of a underground storage tank to be conducted by a person or business entity who does not hold a certification of registration issued under section 26.452 (26.452 requires a UST contractor registration for persons conducting work on UST systems);
OR
4. Authorizes or allows the installation, repair, or removal of an underground storage tank to be performed or supervised by a person or business entity who does not hold a license issued under TWC § 26.456. (26.456 requires a person with an on-site supervisor license to be present during all "critical junctures" of any UST construction work)

Notes:

- UST contractor registration and On-Site Supervisor license are two separate licenses which must be obtained from the TCEQ.
- This offense can be used to charge a landowner who hires an unlicensed individual.

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.156(a)(3) Violation relating to underground storage tank

Penalty:

Class A Misdemeanor

1 year in County Jail, \$4,000 Fine

Elements:

1. A Person
2. (Recklessly)
3. Engages in conduct which makes the person or business entity responsible for a violation of Subchapter K, Chapter 26, or of a rule or order issued under that subchapter.

Note:

- Subchapter K contains occupational licensing statutes for UST contractors.

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.156(b)

Violation relating to underground storage tank
(unlicensed supervision of UST construction
activity)

Penalty:

Class A Misdemeanor

Elements:

1. A person
2. performs or supervises the installation, repair, or removal of an underground storage tank
3. The person does not hold a license issued under Section 26.456; and
4. No other person who holds a license issued under Section 26.456 is substantially responsible for the performance or supervision of the installation, repair, or removal.

Note:

- Mental state required for this offense is at least reckless, pursuant to TPC § 6.02(c)

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.156(c)

Violation relating to underground storage tank
(accepting delivery of fuel into UST without
delivery certificate)

Penalty:

Class A Misdemeanor

1 year in County Jail, \$4,000 Fine

Elements:

1. A person
2. Who is an owner or operator of an underground storage tank regulated under TWC ch. 26,
3. Into which any regulated substance [see TWC § 26.342(13)] is delivered, and
4. The underground storage tank had not been issued a valid, current underground storage tank registration and certificate of compliance under TWC § 26.346

Note:

- The statute appears on its face to be a strict liability offense, however it does not plainly dispense with any mental element, Mental state required for this offense is at least reckless, pursuant to TPC § 6.02(c)

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.157(a) Violation relating to injection wells

Penalty:

\$1,000 to \$50,000 fine

Elements:

1. A person
2. Knowingly or intentionally
3. Violates Chapter 27 or a rule adopted or an order or permit issued under Chapter 27.

Note:

- Chapter 27, "The injection Well Act," pertains to drilling an operating an injection well for the disposal of industrial or municipal waste, mineral extraction, or fluid injection, including oil and gas waste. Some injection wells are regulated by the TCEQ and others by the Railroad Commission.

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.158(a) Violation relating to plugging wells

Penalty:

Misdemeanor

Fine up to \$1,000

Elements:

1. A person
2. is the owner of a well that is required to be cased or plugged by TWC ch. 26, and
3. (Recklessly)
4. Fails or refuses to case or plug the well within the 30-day period following the date of the commission's order to do so;

OR

- a. Fails to comply with any other order issued by the commission under Chapter 26 within the 30 day period following the date of the order.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.159

Violation relating to water wells or drilled or
mined shafts

Penalty:

\$1,000 to \$50,000

Elements:

1. A person
2. Knowingly or intentionally
3. Violates Chapter 28 or a commission rule adopted or an order or a permit issued under that chapter.

Note:

- Chapter 28 pertains to water wells and drilled mines or shafts and groundwater quality protection.

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.160(a)

Violation relating to certain subsurface
Excavations

Penalty:

\$1,000 to \$50,000 Fine

Elements:

1. A person
2. Knowingly or intentionally
3. Violates Chapter 31 or a commission rule adopted or an order or a permit issued under that chapter.

Note:

- Chapter 31 pertains to subsurface excavations (TCEQ Jurisdiction)

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.161(a) Violation relating to solid waste in enclosed containers or vehicles

Penalty:

Class B Misdemeanor

180 Days in County Jail, \$2,000 Fine

Elements:

1. An operator of a solid waste facility or a solid waste hauler (see definition of "solid waste facility" at TH&SC § 361.003(36))
2. (Recklessly)
3. Disposes of solid waste
4. In a completely enclosed container or vehicle
5. At a solid waste site or operation permitted as a Type IV landfill:
 - a. Without having in possession the special permit required by TH&SC § 361.091;
 - b. On a date or time not authorized by the commission; or
 - c. Without a commission inspector being present to verify that the solid waste is free of putrescible, hazardous, and infectious waste.

Note:

- This does not apply to: a stationary compactor at a specific location permitted by the TCEQ, or an enclosed vehicle with a TCEQ permit to transport brush or C&D waste on designated dates

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.162(a)(1) Violations relating to hazardous waste
(transportation)

Penalty:

Individual: \$1,000 to \$50,000, and 10 years confinement

Corporation: \$1,000 to \$250,000 fine

Enhancements:

If previously convicted of an offense under this section

Individual: \$1,000 to \$100,000, and 10 years confinement

Corporation: \$2,000 to \$500,000

Elements:

1. A person
2. Acting intentionally or knowingly with respect to the person's conduct:
3. Transports, or causes or allows to be transported, for storage, processing, or disposal
4. Any hazardous waste
5. To any location that does not have all required permits.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.162(a)(2)

Violation relating to hazardous waste
(Storage)

Penalty:

Individual: \$1,000 to \$50,000 fine, 10 years confinement

Corporation: \$1,000 to \$250,000 fine

Enhancements:

If previously convicted of an offense under this section

Individual: \$1,000 to \$100,000, and 10 years confinement

Corporation: \$2,000 to \$500,000

Elements:

1. A person
2. Acting intentionally or knowingly with respect to the person's conduct:
3. Stores, processes, exports, or disposes of; OR causes to be stored, processed, exported, or disposed of
4. Any hazardous waste
5. Without all permits required by the appropriate regulatory agency, OR
In knowing violation of any material condition or requirement of a permit or of an applicable interim status rule or standard.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.162(a)(3) Violations relating to hazardous waste:
(Misrepresentation/False Statements)

Penalty:

Individual: \$1,000 to \$50,000, and 2 years confinement

Corporation: \$1,000 to \$250,000

Enhancements:

If previously convicted of an offense under this section

Individual: \$1,000 to \$100,000 5 years confinement

Corporation: \$2,000 to \$500,000

Elements:

1. A person
2. Acting intentionally or knowingly with respect to the person's conduct:
3. Omits or causes to be omitted material information OR makes or causes to be made any false material statement or representation in any
4. Application, label, manifest, record, permit, plan, or other document filed, maintained, or used to comply with Chapter 361, Health and Safety Code, applicable to hazardous waste

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.162(a)(4)

Violation relating to hazardous waste
(tampering with documents related to
hazardous waste)

Penalty:

Individual: \$1,000 to \$50,000 fine, and 2 years confinement

Corporation: \$1,000 to \$250,000 fine

Enhancements:

If previously convicted of an offense under this section

Individual: \$1,000 to \$100,000, and 5 years confinement

Corporation: \$2,000 to \$500,000 fine

Elements:

1. A person
2. Acting intentionally or knowingly with respect to the person's conduct:
3. Generates, transports, stores, processes, disposes of, or otherwise handles or causes to be generated, transported, stores, processed, disposed of, or otherwise handled Hazardous Waste, and
4. Knowingly destroys, alters, conceals, or does not file, or causes to be destroyed, alters, conceals, or not filed
5. Any record, application, manifest, report, or other document required to be maintained or filed to comply with the rules of the appropriate regulatory agency adopted under Chapter 361, TH&SC.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.162(a)(5) Violations relating to Hazardous Waste
(Transportation without a Manifest)

Penalty:

Individual: \$1,000 to \$50,000 fine, and 2 years confinement

Corporation: \$1,000 to \$250,000

Enhancements:

If previously convicted of an offense under this section

Individual: \$1,000 to \$100,000 fine, and 5 years confinement

Corporation: \$2,000 to \$500,000

Elements:

1. A person
2. Acting intentionally or knowingly with respect to the person's conduct:
3. Transports without a manifest OR causes to be transported without a manifest
4. Any hazardous waste that is required by TCEQ rules to be accompanied by a manifest

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.162(a)(6) Violations relating to hazardous waste (tampering with pollution control devices)

Penalty:

Individual: \$1,000 to \$100,000 fine, and 1 year confinement

Corporation: \$1,000 to \$250,000 fine

Enhancements: None

Elements:

1. A person
2. Acting intentionally or knowingly with respect to the person's conduct
3. Tamper with, modifies, disables, or fails to use a required pollution control or monitoring devices, systems, methods, or practices
4. Unless done in strict compliance with Chapter 361 Health and Safety Code, or with an order, rule, or permit of the appropriate regulatory agency.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.162(a)(7) Violations relating to hazardous waste (Release)

Penalty:

Individual: \$1,000 to \$100,000 fine, and 1 year confinement

Corporation: \$1,000 to \$250,000

Enhancements: None

Elements:

1. A person
2. Acting intentionally or knowingly with respect to the person's conduct
3. Releases, causes, or allows the release of a hazardous waste,
4. The release causes or threatens to cause pollution
5. The release was not made in strict compliance with all required permits or an order, rule, or permit of the appropriate regulatory agency.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.162(a)(8) Violations relating to hazardous waste (failure to notify or report)

Penalty:

Individual: \$1,000 to \$100,000 fine, and 1 year confinement

Corporation: \$1,000 to \$250,000

Enhancements: None

Elements:

1. A person
2. Acting intentionally or knowingly with respect to the person's conduct
3. Does not notify or report to the appropriate regulatory agency as required by TH&SC ch. 361, or by a rule adopted or an order or a permit issued under ch. 361

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.163(a)(1) Violations relating to hazardous waste and endangerment: (Intentional or knowing transportation, processing, storage, exportation, or disposal)

Penalty:

Individual: \$2,000 to \$500,000 fine, and 15 years confinement

Corporation: \$5,000 to \$1,000,000

Enhancements:

If offense results in death or serious bodily injury to another:

Individual: \$5,000 to \$1,000,000 fine, and 30 years confinement

Corporation: \$10,000 to \$1,500,000 fine

Elements:

1. A person
2. Acting intentionally or knowingly,
3. Transports, processes, stores, exports, or disposes of, OR causes to be transported, processed, stored, exported, or disposed of hazardous waste
4. In violation of Chapter 361, Health and Safety Code
5. And knowingly places another person in imminent danger of death or serious bodily injury.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.163 (a)(2) Violations relating to hazardous waste and endangerment

Penalty:

Individual: \$1,000 to \$250,000, and 5 years confinement

Corporation: \$1,000 to \$500,000 fine

Enhancements:

If offense results in death or serious bodily injury:

Individual: \$2,000 to \$500,000 fine, and 10 years confinement

Corporation: \$5,000 to \$1,000,000

Elements:

1. A person
2. Acting intentionally or knowingly ***with respect to the person's conduct,***
3. Transports, processes, stores, exports, or disposes of, OR causes to be transported, processed, stored, exported, or disposed of hazardous waste in violation of Chapter 361, Health and Safety Code, and
4. By that action places another person in imminent danger of death or serious bodily injury, and
5. The conduct charged is not done in strict compliance with all required permits or with an order issued or with an order issued or a rule adopted by the appropriate regulatory agency.

Note:

- Do not have to prove that the defendant intended to place someone in danger of death or serious bodily injury

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.163(a)(4) Violations relating to hazardous waste and endangerment (Reckless Release)

Penalty:

Individual: \$1,000 to \$100,000, and 1 year confinement

Corporation: \$2,000 to \$500,000

Enhancements:

If offense results in death or serious bodily injury:

Individual: \$2,000 to \$500,000 fine, and 2 years confinement

Corporation: \$5,000 to \$1,000,000

Elements:

1. A person
2. Acting recklessly with respect to the person's conduct,
3. Releases or causes or allows the release of Hazardous waste into the environment
4. And by that action places another person in imminent danger of death or serious bodily injury,
5. The release was not made in strict compliance with all required permits or an order issued or a rule adopted by the appropriate regulatory agency.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.164(a)(1) Violations relating to Medical Waste: Large
Generator (permit violations)

Penalty:

Individual: \$1000 to \$50,000 fine, and 10 year confinement

Corporation: \$1,000 to \$50,000 fine

Enhancements:

If the person has been previously convicted of an offense under this section

Individual: \$1,000 to \$100,000 fine, and 20 years confinement

Corporation: \$1,000 to \$100,000

Elements:

1. A person
2. Is a large quantity generator, and
3. Acting intentionally or knowingly with respect to the person's conduct,
4. Generates, collects, stores, processes, exports, or disposes of, OR causes or allows to be generated, collected, stored, processed, exported, or disposed of any medical waste, and
5. The person does not have all permits required by the appropriate regulatory agency or in knowing violation of a material condition or requirement of a permit or of an applicable interim status rule or standard

Note:

- A "large quality generator" of medical waste is a person who generates more than 50 pounds of medical waste per month (TWC § 7.141(3))

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.164(a)(2) Violations relating to Medical Waste: Large
Generator (Paperwork)

Penalty:

Individual: \$1,000 to \$50,000 fine, and 10 years confinement

Corporation: \$1,000 to \$50,000 fine

Enhancements:

If the person has been previously convicted of an offense under this section

Individual: \$1,000 to \$100,000 fine, and 20 years confinement

Corporation: \$1,000 to \$100,000 fine

Elements:

1. A person
2. Is a large quantity generator, and
3. Acting intentionally or knowingly with respect to the person's conduct,
4. Generates, collects, stores, treats, transport, or disposes of, OR causes or allows to be generated, collected, stored, treated, transported, or disposed of, or otherwise handles, any medical waste, and
5. Knowingly destroys, alters, conceals, or does not file a record, report, manifest, or other document required to be maintained or filed under rules adopted by the appropriate regulatory agency.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.165(a)(1) Violations relating to Medical Waste: Small Generator

Penalty:

Individual: Up to \$1,000 fine

Corporation: \$1,000 to \$50,000 fine

Enhancements:

If the person has been previously convicted of an offense under this section

Individual: \$1,000 to \$50,000 fine, and 180 days confinement

Corporation: \$1,000 to \$100,000 fine

Elements:

1. A person
2. Is a small quantity generator
3. And the person, acting intentionally or knowingly with respect to the person's conduct,
4. Generates, collects, stores, processes, exports, or disposes of, or causes or allows to be generated, collected, stored, processed, exported, or disposed of any medical waste
5. Without all permits required by the appropriate regulatory agency or
7. In knowing violation of a material condition or requirement of a permit or of an applicable interim status rule or standard.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.165(a)(2) Violations relating to Medical Waste: Small
Generator (Paperwork)

Penalty:

Individual: Up to \$1,000 fine

Corporation: \$1,000 to \$50,000 fine

Enhancements:

If the person has been previously convicted of an offense under this section

Individual: \$1,000 to \$50,000 fine, and 180 days confinement

Corporation: \$1,000 to \$100,000 fine

Elements:

1. A person
2. Is a small quantity generator
3. Acting intentionally or knowingly with respect to the person's conduct,
4. Generates, collects, stores, treats, transports, or disposes of, OR causes or allows to be generated, collected, stored, treated, transported, or disposed of, or otherwise handles any medical waste
5. And knowingly destroys, alters, conceals, or does not file a record, report, manifest, or other document required to be maintained or filed under rules adopted by the appropriate regulatory agency.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.166(a)(1) Violations relating to Transportation of Medical Waste (transportation without a permit)

Penalty:

Individual: \$1,000 to \$50,000 fine, and 1 year confinement

Corporation: \$2,000 to \$500,000 fine

Enhancements:

If the person has been previously convicted of an offense under this section

Individual: \$1,000 to \$100,000 fine, and 2 years confinement

Corporation: \$5,000 to \$1,000,000 fine

Elements:

1. A person
2. Acting intentionally or knowingly with respect to the person's conduct,
3. Transports, or causes or allows to be transported for storage, processing or disposal any medical waste
4. To a location that does not have all the required permits.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.166(a)(2) Violations relating to Transportation of Medical Waste
(Transportation without a manifest)

Penalty:

Individual: \$1,000 to \$50,000 fine, and 1 year confinement

Corporation: \$2,000 to \$500,000 fine

Enhancements:

If the person has been previously convicted of an offense under this section

Individual: \$1,000 to \$100,000 fine, and 2 years confinement

Corporation: \$5,000 to \$1,000,000 fine

Elements:

1. A person,
2. Acting intentionally or knowingly with respect to the person's conduct,
3. Transports without a manifest, OR causes or allows to be transported without a manifest, any medical waste, and
4. The medical waste is required to be accompanied by a manifest under the rules adopted by the appropriate regulatory agency.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.166(a)(3) Violations relating to Transportation of Medical Waste (operation of transportation vehicle in violation of rules)

Penalty:

Individual: \$1,000 to \$50,000 fine, and 1 year confinement

Corporation: \$2,000 to \$500,000 fine

Enhancements:

If the person has been previously convicted of an offense under this section

Individual: \$1,000 to \$100,000 fine, and 2 years confinement

Corporation: \$5,000 to \$1,000,000 fine

Elements:

1. A person
2. Acting intentionally or knowingly with respect to the person's conduct,
3. Operates a vehicle that is transporting medical waste, or is authorized to transport medical waste
4. The operation of the vehicle is in violation of a rule adopted by the appropriate regulatory agency, including cleaning and safety regulations, that specifically relates to the transportation of medical waste.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.167(a)(1) False Statements relating to Medical Waste (false statement)

Penalty:

Individual: \$1,000 to \$50,000 fine, and 1 year confinement

Corporation: \$1,000 to \$50,000 fine

Enhancements:

If the person has been previously convicted of an offense under this section

Individual: \$1,000 to \$100,000, and 2 years confinement

Corporation: \$5,000 to \$100,000

Elements:

1. A person
2. Knowingly,
3. Makes a false material statement, or causes or allows to be made a false material statement,
4. To a person who prepares a regulated medical waste label, manifest, application, permit, plan, registration, record, report, or other document required by an order or a rule of the appropriate regulatory agency.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.167(a)(2) False Statements relating to Medical Waste
(omission)

Penalty:

Individual: \$1,000 to \$50,000 fine, and 1 year confinement

Corporation: \$1,000 to \$50,000

Enhancements:

If the person has been previously convicted of an offense under this section

Individual: \$1,000 to \$100,000 fine, and 2 years confinement

Corporation: \$5,000 to \$100,000 fine

Elements:

1. A person
2. Knowingly,
3. Omits material information OR causes or allows material information to be omitted,
4. From a regulated medical waste label, manifest, application, permit, plan, registration, record, report, or other document required by an order or a rule of the appropriate regulatory agency.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.168(a) Intentional or Knowing Violation Relating to Medical Waste and Knowing Endangerment

Penalty:

Individual: \$2,000 to \$500,000 fine, and 15 years confinement

Corporation: \$5,000 to \$1,000,000 fine

Enhancements:

If offense results in death or serious bodily injury:

Individual: \$5,000 to \$1,000,000 fine, and 30 years confinement

Corporation: \$10,000 to \$1,500,000 fine

Elements:

1. A person,
2. Acting intentionally or knowingly,
3. Transports, processes, stores, exports, or disposes of, OR causes to be transported, processed, stored, exported, or disposed of, medical waste
4. In violation of Chapter 361, Health and Safety Code,
5. And by that action knowingly places another person in imminent danger of death or serious bodily injury.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.169(a) Intentional or knowing violation relating to medical waste and endangerment

Penalty:

Individual: \$1,000 to \$250,000 fine, and 5 years confinement

Corporation: \$2,000 to \$500,000 fine

Enhancements:

If offense results in death or serious bodily injury:

Individual: \$2,000 to \$500,000 fine, and 10 years confinement

Corporation: \$5,000 to \$1,000,000 fine

Elements:

1. A person
2. Acting intentionally or knowingly with respect to the person's conduct,
3. Transport, processes, stores, exports, or disposes of medical waste, in violation of Chapter 361, Health and Safety Code,
4. And by that action places another person in imminent danger of death or serious bodily injury,
5. The conduct charged is not done in strict compliance with all required permits or with an order issued or rule adopted by the appropriate regulatory agency.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.170(a) Intentional or Knowing Release of Medical Waste Into Environment and Endangerment

Penalty:

Individual: \$1,000 to \$250,000 fine, and 10 years confinement

Corporation: \$2,000 to \$500,000 fine

Enhancements:

If offense results in death or serious bodily injury:

Individual: \$2,000 to \$500,000 fine, and 10 years confinement

Corporation: \$5,000 to \$1,000,000 fine

Elements:

1. A person
2. Acting intentionally or knowingly with respect to the person's conduct,
3. Releases or causes or allows the release of medical waste into the environment, and
4. By that action places another person in imminent danger of death or serious bodily injury, and
5. The release is not done in strict compliance with all required permits or an order issued or adopted by the appropriate regulatory agency.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.171(a) Reckless Release of Medical Waste Into the Environment
and Endangerment

Penalty:

Individual: \$1,000 to \$250,000 fine, and 1 years confinement

Corporation: \$2,000 to \$500,000 fine

Enhancements:

If offense results in death or serious bodily injury:

Individual: \$2,000 to \$500,000 fine, and 2 years confinement

Corporation: \$5,000 to \$1,000,000 fine

Elements:

1. A person,
2. Acting recklessly with respect to the person's conduct,
3. Releases or causes or allows the release of medical waste into the environment, and
4. By that action places another person in imminent danger of death or serious bodily injury,
5. The release is not done in strict compliance with all required permits or an order issued or adopted by the appropriate regulatory agency.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code 7.172(a) Failure of Sewage System Installer to Register

Penalty:

Class C Misdemeanor

Enhancements:

If previously convicted under this section

Up to \$1,000 fine, and 30 days confinement

Elements:

1. A person
2. (Recklessly)
3. Violates Section 366.071, Health and Safety Code (requires occupational license for people who install, maintain, repair, service, etc. OSSF systems)

Note:

- Emergency repair is not an offense (see TWC § 7.175)

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.173 Violation Relating to Sewage Disposal

Penalty:

Class C Misdemeanor

Enhancements:

Up to \$1,000 fine, and 30 days confinement

Elements:

1. A person
2. (Recklessly)
3. Violates a rule adopted by the commission under TH&SC Ch. 366 (30 TAC ch. 285),
OR an order or resolution adopted by an authorized agent under Subchapter C,
Chapter 366, Health and Safety Code,

Note:

- Emergency repair is not an offense, but TCEQ or the authorized agent must be notified within 72 hours (see TWC § 7.175)

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.1735 Violation Relating to Maintenance of Sewage Disposal System

Penalty:

Class C Misdemeanor

Elements:

1. A person
2. Knowingly
3. Violates an order or resolution adopted by an authorized agent under TH&SC § 366.0515 (inspection and reporting requirements for aerobic treatment systems)

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.174 Violation of Sewage Disposal System Permit Provisions

Penalty:

Class C Misdemeanor

Enhancements:

If previously convicted of an offense under this section

Up to \$1,000 fine, and 30 days confinement

Elements:

1. A person
2. (Recklessly)
3. Begins to construct, alter, repair, or extend an on-site sewage disposal system
4. The system is owned by another person, and
5. The owner of the system has not obtained a permit to construct, alter, repair, or extend the on-site sewage disposal system, as required by Subchapter D, Chapter 366, Health and Safety Code

Note: Emergency repair is not an offense, but TCEQ or the authorized agent must be notified within 72 hours (see TWC § 7.175)

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.176(a)(1) Violation relating to the handling of used oil (intentional discharge)

Penalty:

Individual: \$1,000 to \$50,000, and 5 years confinement

Corporation: \$1,000 to \$50,000

Enhancements:

If previously convicted of an offense under this section

Individual: \$1,000 to \$100,000 fine, and 15 years confinement

Corporation: \$1,000 to \$100,000 fine

Elements:

1. A person
2. Intentionally
3. Discharges used oil
4. Into a sewer or septic tank

OR

Into a drainage system, surface water or groundwater, a watercourse or a marine water, unless the concentration of used oil is less than 15 ppm and the person is authorized to discharge storm water under a general permit

Note:

- It is an exception to the application of this section that a person unknowingly disposed into the environment any used oil that has not been properly segregated by the generator from other solid wastes.

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.176(a)(2) Violation relating to the handling of used oil
(disposal in landfills)

Penalty:

Individual: \$1,000 to \$50,000, and 5 years confinement

Corporation: \$1,000 to \$50,000

Enhancements:

If previously convicted of an offense under this section

Individual: \$1,000 to \$100,000 fine, and 15 years confinement

Corporation: \$1,000 to \$100,000 fine

Elements:

1. A person
2. Knowingly
3. Mixes or commingles used oil with solid waste that is to be disposed of in landfills OR directly disposes of used oil on land or in landfills, and
4. The mixing or commingling of used oil with solid waste that is to be disposed of in landfills is not incident to and the unavoidable result of the mechanical shredding of motor vehicles, appliances, or other items of scrap, used, or obsolete metals.

Note:

- It is an exception to the application of this section that a person unknowingly disposed into the environment any used oil that has not been properly segregated by the generator from other solid wastes.

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.176(a)(3) Violation relating to the handling of used oil
(transportation)

Penalty:

Individual: \$1,000 to \$50,000, and 5 years confinement

Corporation: \$1,000 to \$50,000

Enhancements:

If previously convicted of an offense under this section

Individual: \$1,000 to \$100,000 fine, and 15 years confinement

Corporation: \$1,000 to \$100,000 fine

Elements:

1. A person
2. Knowingly
3. Transports, treats, stores, disposes of, recycles, causes to be transported, or otherwise handles any used oil within the state
4. In violation of standards or rules for the management of used oil; or without first complying with the registration requirements of Chapter 371, Health and Safety Code, and rules adopted under that chapter.

Note:

- It is an exception to the application of this section that a person unknowingly disposed into the environment any used oil that has not been properly segregated by the generator from other solid wastes.

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.176(a)(4) Violation relating to the handling of used oil
(applying used oil to roads or land)

Penalty:

Individual: \$1,000 to \$50,000, and 5 years confinement

Corporation: \$1,000 to \$50,000

Enhancements:

If previously convicted of an offense under this section

Individual: \$1,000 to \$100,000 fine, and 15 years confinement

Corporation: \$1,000 to \$100,000 fine

Elements:

1. A person
2. Intentionally
3. Applies used oil to roads or land
4. For dust suppression, weed abatement, or other similar uses that introduce used oil into the environment.

Note:

- It is an exception to the application of this section that a person unknowingly disposed into the environment any used oil that has not been properly segregated by the generator from other solid wastes.

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.176(a)(5) Violation relating to the handling of used oil

Penalty:

Individual: \$1,000 to \$50,000, and 5 years confinement

Corporation: \$1,000 to \$50,000

Enhancements:

If previously convicted of an offense under this section

Individual: \$1,000 to \$100,000 fine, and 15 years confinement

Corporation: \$1,000 to \$100,000 fine

Elements:

1. A person
2. (Recklessly)
3. Violates an order of the commission to cease and desist an activity prohibited by this section OR a rule applicable to a prohibited activity.

Note:

- It is an exception to the application of this section that a person unknowingly disposed into the environment any used oil that has not been properly segregated by the generator from other solid wastes.

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.176(a)(6) Violation relating to the handling of used oil (false statement)

Penalty:

Individual: \$1,000 to \$50,000, and 5 years confinement

Corporation: \$1,000 to \$50,000

Enhancements:

If previously convicted of an offense under this section

Individual: \$1,000 to \$100,000 fine, and 15 years confinement

Corporation: \$1,000 to \$100,000 fine

Elements:

1. A person
2. Intentionally
3. Makes a false statement or representation in an application, label, manifest, record, report, permit, or other document filed, maintained, or used for purposes of program compliance.

Note:

- It is an exception to the application of this section that a person unknowingly disposed into the environment any used oil that has not been properly segregated by the generator from other solid wastes.

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.177(a) Violations of Clean Air Act

Penalty:

Individual: \$1,000 to \$50,000 fine, and 180 days confinement

Corporation: \$1,000 to \$50,000 fine

Elements:

1. A person
2. Intentionally or knowingly, with respect to the person's conduct,
3. Violates

TH&SC § 382.0518(a) [preconstruction permit required],

TH&SC § 382.054 [federal operating permit required],

TH&SC § 382.056(a) [notice of intent to obtain a permit]

TH&SC § 382.058(a), [concrete plants], OR

An order, permit, or exemption issued or a rule adopted under Chapter 382, Health and Safety Code.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.178(a) Failure to pay fees under Clean Air Act

Penalty:

Individual:

Not more than twice the amount of the fee, and 90 days confinement

Corporation:

Not more than twice the amount of the fee

Elements:

1. A person
2. Intentionally or knowingly
3. Does not pay a fee required by Chapter 382, Health and Safety Code, or by a rule adopted or an order issued under that chapter.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.179(a) False representation under Clean Air Act

Penalty:

Individuals: \$1,000 to \$100,000 fine, 1 year confinement

Corporation: \$1,000 to \$250,000 fine

Elements:

1. A person
2. Intentionally or knowingly
3. Makes or causes to be made a false material statement, representation, or certification in, or omits material information from or knowingly alters, conceals, or does not file or maintain a notice, application, record, report, plan, or other document required to be filed or maintained by Chapter 382, Health and Safety Code, or by a rule adopted or a permit or order issued under that chapter.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.180(a) Failure to notify under clean Air Act

Penalty:

Individuals: \$1,000 to \$100,000 fine, and 1 year confinement

Corporation: \$1,000 to \$250,000 fine

Elements:

1. A person
2. Intentionally or knowingly
3. Does not notify or report to the commission as required by chapter 382 Health and Safety Code or by a rule or a permit or order issued under that chapter.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.181(a) Improper Use of Monitoring Device

Penalty:

Individuals: \$1,000 to \$100,000 fine, and 1 year confinement

Corporation: \$1,000 to \$250,000 fine

Elements:

1. A person
2. Intentionally or knowingly
3. Tamper with, modifies, disables, or fails to use a required monitoring device, or
Tamper with, modifies, or disables a monitoring device; or
Falsifies, fabricates, or omits data from a monitoring device, and
4. The act is not done in strict compliance with Chapter 382, Health and Safety Code or a permit, variance, or order issued or a rule adopted by the commission.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.182(a) Reckless emission of air contaminant and endangerment

Penalty:

Individual: \$1,000 to \$250,000 fine, and 5 years confinement

Corporation: \$2,000 to \$500,000 fine

Elements:

1. A person
2. Recklessly, with respect to the person's conduct,
3. Emits an air contaminant
4. The emission of the air contaminant places another person in imminent danger of death or serious bodily injury, and
5. The emission is not made in strict compliance with Chapter 382, Health and Safety Code, or a permit, variance, or order issued or rule adopted by the commission.

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.183(a) Intentional or Knowing Emission of Air Contaminant and
Knowing Endangerment

Penalty:

Individuals: \$1,000 to \$500,000 fine, and 5 years confinement

Corporation: \$2,000 to \$500,000 fine

Elements:

1. A person
2. Intentionally or knowingly, with respect to the person's conduct,
3. Emits an air contaminant
4. With the knowledge that the person is placing another person in imminent danger of death or serious bodily injury, and
5. The emission is not made in strict compliance with Chapter 382, Health and Safety Code, or a permit, variance, or order issued or rule adopted by the commission.

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.184(a)(1) Violations Relating to Low-Level Radioactive
Waste (violation of TH&SC ch. 401)

Penalty:

Class B Misdemeanor

Enhancements:

If the person has been previously convicted of an offense under subsection (a)(1)

Class A Misdemeanor

Elements:

1. A person
2. Intentionally or knowingly:
3. Violates a provision of Chapter 401, Health and Safety Code

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.184(a)(2) Violations Relating to Low-Level Radioactive Waste (receiving, processing, concentrating, storing, transporting, or disposing)

Penalty:

Class A Misdemeanor

Enhancements:

If the person has been previously convicted of an offense under subsection (a)(2) \$1,000 to \$250,000 fine, and 1 year confinement

Elements:

1. A person commits an offense if the person
2. Intentionally or knowingly
3. Receives, processes, concentrates, stores, transports, or disposes of radioactive waste without a license issued under Chapter 401, Health and Safety Code

Note:

Tex. Water Code Chapter 7
Subchapter E: Criminal Penalty

Citation:

Tex. Water Code § 7.185 Knowing or Intentional unauthorized disposal of lead-acid batteries

Penalty:

Class A Misdemeanor

Enhancements: None

Elements: Cite as 7.185(a)

1. A person
2. Intentionally or knowingly:
3. Disposes of a lead-acid battery other than as provided by TH&SC § 361.451.

Note:

- The only acceptable means of disposing a lead-acid battery under TH&SC § 361.451 are at a battery retailer or wholesaler, a secondary lead smelter, or an authorized collection or recycling facility.

Texas Agriculture Code
Chapter 76: Pesticide and Herbicide Regulation

Citation:

Texas Agriculture Code § 76.201(e) Offenses

Penalty:

Class A Misdemeanor

Enhancements:

If previously convicted of an offense under subsection (e):

3rd Degree Felony

Elements:

1. A person
2. knowingly or intentionally
3. Uses, causes to be used, handles, stores, or disposes of a pesticide
In a manner that causes injury to man, vegetation, crops, livestock, wildlife, or pollinating insects.

Notes:

- The penalty is found in 76.202(b)
- Venue is proper in county where the offense occurred or in the county where the defendant resides.

Texas Health and Safety Code
Chapter 501: Hazardous Substances

Citation:

Tex. Health & Safety Code § 501.035 Offenses; Exceptions

Penalty:

Class A Misdemeanor

Elements:

1. A person
2. If the person intentionally, knowingly, or recklessly
3. Violates this chapter or a rule adopted under this chapter.

Note:

- Section 501.034 describes six classes of actions prohibited under this code, including:
 - Introducing a misbranded hazardous substance into commerce;
 - Violations of hazardous substance labeling laws;
 - Receiving a banned or misbranded hazardous substance commercially;
 - Blocking an inspection for hazardous substances;
 - Revealing trade secrets obtained in searches under this law; and,
 - Illegally removing or disposing of hazardous substance (501.035).
- "Hazardous substance" is defined at 501.002, Health and Safety Code.

Texas Health and Safety Code
Chapter 502: Hazard Communications Act

Citation:

Texas Health & Safety Code § 502.016 Criminal Penalty (failure to disclose hazard information)

Penalty:

\$10,000 fine

Elements:

1. A person
2. who is an employer required to disclose hazard information under TH&SC ch. 502, and
3. proximately causes an occupational disease or injury to an individual
4. By knowingly
5. Disclosing false hazard information provided on an MSDS, or
By knowingly failing to disclose hazard information

Note:

Texas Health and Safety Code

Chapter 505: Manufacturing Facility Community Right-to-Know Act

Citation:

505.014 Criminal Penalty

Penalty:

All entities:

\$25,000 fine

Enhancements: None

Elements: Cite as 505.014, Health and Safety Code

1. A person who
2. Proximately causes an occupational disease or injury to an individual
3. By knowingly disclosing false information or
4. Knowingly failing to disclose hazardous information as required by this chapter
5. Commits an offense punishable by a fine of not more than \$25,000

Note:

- This section does not affect any other rights of a person to receive compensation under other law.

Texas Health and Safety Code

Chapter 505: Manufacturing Facility Community Right-to-Know Act

Citation:

506.016 Criminal Penalty

Penalty:

All entities:

\$25,000 fine

Enhancements: None

Elements: Cite as 506.016, Health and Safety Code

1. A person who
2. Proximately causes an occupational disease or injury to an individual
3. By knowingly disclosing false information or
4. Knowingly failing to disclose hazard information as required by this chapter
5. Commits an offense punishable by a fine of not more than \$25,000.

Note:

- This section does not affect any other right of a person to receive compensation under other law.