

# Automotive Recyclers and Automotive Salvage Yards

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# Potential Criminal Violations

- Used Oil Act Violations
- Water Pollution Violations
- Hazardous Waste Violations
- Nuisance Violations

# Power to Enter Property

- No specific power to enter property pursuant to the Used Oil Act
- Statutory Authority
  - Water Pollution
  - Hazardous Waste Violations
  - Nuisance Violations

# Power to Enter Property and Examine Records

- Chapter 26.014, Water Code
  - TCEQ and AGENTS of the TCEQ
- Chapter 26.015, Water Code
- Chapter 26.173, Water Code
  - Local Governments

# Inspections; Right of Entry

- Chapter 361.032, Health & Safety Code
  - AGENTS of the TCEQ or Local Governments

# Authority to Enter Premises

- Chapter 343.024, Health & Safety Code
  - County officials, agents or employees

# Once on Property

- Photograph and Inspect Records
- Sample Discharges in Plain View
- Consent to Search or Search Warrant
  - Split Samples

# Potential Offenses

- Used Oil Act Violations (Samples)
  - Discharge into Waterway or Sewer
  - Disposal on Land
  - Storage Drums not Labeled and/or Leaking
- Hazardous Waste Violations (Samples)
  - Storage or Disposal Violations
- Water Pollution Violations (Samples)
  - Discharge Into/Adjacent to Water in the State



# Special Considerations

- Limitations Issue
  - Used Oil Act (Historical Contamination)
  - Hazardous Waste Violations (Sample)
- No issue with Water Pollution Violations
  - Passive Migration is an ongoing offense
- No problem with Jeopardy for Nuisance Citations