



Illegal Dumping Penalties

Littering and illegal dumping are serious crimes in Texas and violations may take place at both misdemeanor and felony levels. Most of the violations are of provisions of the Texas Health & Safety Code ("H&S") or of the Texas Water Code ("TWC"). See back for definitions of "solid waste," "litter," and "water."

Citation	Violation	Penalty
Non-commercial dumping (i.e., not for economic gain)		
H&S 365.012 (d)	Under 5 pounds or 5 gal. (if liquid)	Fine to \$500
H&S 365.012 (e)	5 to 500 pounds; 5 gal. to 500 cubic feet	Fine to \$2,000 Jail to 6 months
H&S 365.012 (f)	500 to 1,000 pounds; 100 to 200 cubic feet	Fine to \$4,000 Jail to 1 year
H&S 365.012 (g)	Over 1,000 pounds / 200 cubic feet	Fine to \$10,000 State Jail to 2 yrs
Commercial dumping (i.e., for economic gain)		
H&S 365.012 (d)	Under 5 pounds or 5 gal. (if liquid)	Fine to \$500
H&S 365.012 (f)	5 to 200 pounds; 5 gal. to 200 cubic feet	Fine to \$4,000 Jail to 1 year
H&S 365.012 (g)	Over 200 pounds / 200 cubic feet	Fine to \$10,000 State Jail to 2 yrs
Both commercial and non-commercial dumping		
H&S 365.012 (g)	Any waste contained in a closed barrel or drum	Fine to \$10,000 State Jail to 2 yrs
Using someone else's dumpster without permission carries the same penalties as illegally dumping the same amount of solid waste. It can also be prosecuted as theft of services under Texas Penal Code 31.04.		
Dumping into or adjacent to water in the state		
TWC 7.145	Intentional or knowing discharge, <u>into</u> or <u>adjacent</u> to water that causes or threatens to cause pollution without a permit to do so	Fine: \$1,000 to \$100,000 Prison to 5 years
TWC 7.147	Discharge <u>into</u> water that causes or threatens to cause pollution without a permit (no culpable mental state)	Fine: \$1,000 to \$50,000 Jail to 1 year
Illegal Outdoor Burning		
TWC 7.177	Burning in violation of Texas Outdoor Burning Regulations, 30 T.A.C. 111 (b)	Fine: \$1,000 to \$50,000 Jail to 6 months

Information provided courtesy of Keep Texas Beautiful and John Ockels, Ph.D., Texoma Council of Governments. Cards provided courtesy of the Texas Department of Transportation. Call 800-CLEAN-TX for additional information.

– More Information On Back –

- Continued From Front -

Citation	Violation	Penalty
Waste Oil Dumping		
TWC 7.176 (a)(1)	Dumping into sewer or any water	Fine to \$1,000 to \$50,000 Prison to 5 years
TWC 7.176 (a)(2)	Dumping onto ground or placing in trash	
TWC 7.176 (a)(4)	Dumping onto roads or land for dust suppression, weed abatement, ant control, etc.	
Lead-Acid Battery Dumping		
TWC 7.185	Knowing or intentional unauthorized disposal of lead-acid batteries (car, boat, motorcycle or any kind)	Fine to \$4,000 Jail to 1 year
Tire Dumping		
Handle as regular illegal dumping (H&S 365 on front). Penalties based on weight or volume (car tires weigh around 17 pounds each - Class B Misdem.)		

Definition of "Solid Waste" for H&S 365 Violations

"Solid waste" means garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities. The term:

(A) does not include:

- (i) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Chapter 26, Water Code; and,
- (ii) soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements.

Definition of "Litter" for H&S 365 Violations

(A) decayable waste from a public or private establishment, residence, or restaurant, including animal and vegetable waste material from a market or storage facility handling or storing produce or other food products, or the handling, preparation, cooking, or consumption of food, but not including sewage, body wastes, or industrial by-products; or

(B) nondecayable solid waste, except ashes, that consists of:

- (i) combustible waste material, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, or similar materials;
- (ii) noncombustible waste material, including glass, crockery, tin or aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures of 1800 degrees Fahrenheit or less; and
- (iii) discarded or worn-out manufactured materials and machinery, including motor vehicles and parts of motor vehicles, tires, aircraft, farm implements, building or construction materials, appliances, and scrap metal.

Definition of "Water" for TWC Violations

"Water" or "water in the state" means groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.