By: Lozano H.B. No. 3224

Substitute the following for H.B. No. 3224:

By: Lozano C.S.H.B. No. 3224

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a defense under the Solid Waste Disposal Act for persons engaged in certain recycling transactions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 361.275(a), Health and Safety Code, is amended to read as follows:

(a) Except as provided by Section 361.2755, a [~~A~~] person responsible for solid waste under Section 361.271 is liable under Section 361.272 or 361.273 unless the person can establish by a preponderance of the evidence that the release or threatened release was caused solely by:

(1) an act of God;

(2) an act of war;

(3) an act or omission of a third person; or

(4) any combination of Subdivisions (1), (2), and (3).

SECTION 2. Subchapter I, Chapter 361, Health and Safety Code, is amended by adding Section 361.2755 to read as follows:

Sec. 361.2755. RECYCLABLE MATERIAL; DEFENSE. (a) In this section, "recyclable material" has the meaning assigned by 42 U.S.C. Section 9627(b), except that the term does not include scrap metal.

(b) A person who arranges for recycling of recyclable material is not responsible for the recyclable material under Section 361.271(a)(3) or (4) if the person can establish by a

preponderance of the evidence that the person would not be liable with respect to the recyclable material under 42 U.S.C. Section 9607(a)(3) or (4) based on the person meeting the criteria established under 42 U.S.C. Section 9627 relating to transactions involving that type of recyclable material.

SECTION 3. This Act takes effect September 1, 2019.