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S.B. No. 649

A BILL TO BE ENTITLED

AN ACT

relating to promotion of the use of recyclable materials as feedstock for processing and manufacturing.

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

SECTION 1. Subchapter B, Chapter 361, Health and Safety Code, is amended by adding Section 361.0152 to read as follows:

Sec. 361.0152. STIMULATE USE OF RECYCLABLE MATERIAL.

(a) In this section:

(1) "Manufacturer" means a facility that uses postconsumer or postindustrial derived recyclable material to create a finished product for sale or trade.

(2) "Principal processor" means a facility that receives recyclable materials from generators or collection programs and sorts, cleans, screens, bales, densifies, cures, or creates product that is ready for beneficial reuse immediately after processing or is ready to be used as a feedstock by a subsequent processor or manufacturer.

(3) "Recyclable material" includes paper, plastic, metal, glass, vegetative waste, compost, mulch, tires, electronic waste, construction and demolition debris, batteries, and paint.

(b) This section does not apply to ferrous or nonferrous metals recycled by a metal recycling entity as defined by Section 1956.001, Occupations Code.

(c) In cooperation with the Texas Economic Development and

1 Tourism Office, the commission shall produce a plan to stimulate  
2 the use of recyclable materials as feedstock in processing and  
3 manufacturing.

4 (d) The plan must:

5 (1) identify the quantity and type of recyclable  
6 materials that are being recycled from municipal and industrial  
7 sources;

8 (2) identify and estimate the quantity and type of  
9 recyclable materials that are generated but not being recycled;

10 (3) identify and estimate the current economic  
11 benefits of recycling materials and the potential economic benefits  
12 to be gained by recycling materials identified under Subdivision  
13 (2);

14 (4) identify the location, processing capacity, and  
15 consumption capacity of existing principal processors and  
16 manufacturers;

17 (5) identify the barriers to increasing the use of  
18 recyclable materials as feedstock for principal processors and  
19 manufacturers and means to eliminate those barriers;

20 (6) identify and estimate the need and type of  
21 principal processing and manufacturing facilities necessary to  
22 consume the existing and potential volumes of recyclable materials;  
23 and

24 (7) recommend institutional, financial,  
25 administrative, and physical methods, means, and processes that  
26 could be applied by this state and by local governments to:

27 (A) increase the use of recyclable materials;

1           (B) stimulate the use of recyclable materials by  
2 principal processors and manufacturers; and

3           (C) encourage the expansion of existing  
4 principal processors and manufacturers and the development of new  
5 principal processors and manufacturers that use recyclable  
6 materials.

7           (e) The plan may not require a generator, collector, or  
8 processor of recyclable materials to ship to or use a particular  
9 processing or manufacturing facility.

10           (f) To the extent practicable in preparing the plan, the  
11 commission shall use methodologies and information derived from  
12 other recycling economic studies already performed.

13           (g) The commission shall update the plan every four years,  
14 and in a year in which the plan is updated, the plan shall be  
15 included in the annual summary of municipal solid waste management  
16 produced by the municipal solid waste permits section of the  
17 commission and delivered to the governor and legislature.

18           (h) In cooperation with other state agencies, including the  
19 governor's office, the commission shall develop an education  
20 program intended for the public that must include:

21           (1) the economic benefits of recycling, including job  
22 creation, economic impact, percent of total municipal and  
23 industrial solid waste recycled, weight and volume of municipal and  
24 industrial solid waste recycled, and taxes and fees paid by the  
25 recycling industry;

26           (2) a spotlight of collectors and processors of  
27 recyclable materials and manufacturers based in this state that are

1 using recyclable materials as feedstock; and

2 (3) the detrimental effects of contamination in the  
3 recyclable materials stream and the need to reduce those effects.

4 (i) The commission shall update the education program  
5 required by Subsection (h) at least every four years.

6 (j) The commission may enter into contracts with public,  
7 private, and nonprofit organizations to produce the plan required  
8 by Subsection (c) and the education program required by Subsection  
9 (h).

10 SECTION 2. (a) Not later than September 1, 2020, the Texas  
11 Commission on Environmental Quality and the Texas Economic  
12 Development and Tourism Office shall prepare and deliver to the  
13 governor and the Municipal Solid Waste Management and Resource  
14 Recovery Advisory Council a progress report on the initial plan and  
15 education program required under Section 361.0152, Health and  
16 Safety Code, as added by this Act.

17 (b) Not later than September 1, 2021, the Texas Commission  
18 on Environmental Quality and the Texas Economic Development and  
19 Tourism Office shall complete and make publicly available the  
20 initial plan and implement the education program required under  
21 Section 361.0152, Health and Safety Code, as added by this Act.

22 SECTION 3. The Texas Economic Development and Tourism  
23 Office in the office of the governor and the Texas Commission on  
24 Environmental Quality are required to implement Sections  
25 361.0152(c)-(g), Health and Safety Code, as added by this Act, only  
26 if the legislature appropriates money specifically for that  
27 purpose. If the legislature does not appropriate money

1 specifically for that purpose, the Texas Economic Development and  
2 Tourism Office in the office of the governor and the Texas  
3 Commission on Environmental Quality may, but are not required to,  
4 implement those provisions of this Act using other appropriations  
5 available for that purpose.

6         SECTION 4. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2019.