

By: Perry

S.B. No. 2659

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to recycling of certain renewable energy components;  
3 authorizing an administrative penalty.

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

5 SECTION 1. Subtitle B, Title 5, Health and Safety Code, is  
6 amended by adding Chapter 376 to read as follows:

## CHAPTER 376. RENEWABLE ENERGY COMPONENT RECYCLING FACILITIES

8                   Sec. 376.001. DEFINITION. In this chapter, "commission"  
9                   means the Texas Commission on Environmental Quality.

10 Sec. 376.002. APPLICABILITY. This chapter applies only to  
11 a recycling facility that accepts, processes, and repurposes  
12 components to recover valuable materials from:

22 Sec. 376.003. REPORT. (a) The owner of a recycling facility  
23 shall submit a report to the commission not later than January 15 of  
24 each year that includes:

1                   (1) an inventory of all components of a wind turbine  
2 generator, solar energy device, or battery energy storage system  
3 accepted by the facility for recycling that have not yet been  
4 recycled, including any components the facility has taken title to  
5 or assumed control of regardless of whether the components are  
6 located at the facility;

7                   (2) an estimated timeline for recycling the components  
8 described by Subdivision (1); and

9                   (3) a cost estimate for recycling the components  
10 described by Subdivision (1) prepared by an independent,  
11 third-party professional engineer licensed in this state.

12                (b) The owner of the recycling facility shall:

13                (1) submit with the facility's first report submitted  
14 under Subsection (a) evidence of financial assurance in an amount  
15 equal to 125 percent of the cost estimated under Subsection (a)(3);  
16 and

17                (2) submit with each subsequent report any additional  
18 financial assurance necessary to ensure that the amount of  
19 financial assurance the owner has on file with the commission for  
20 the facility is at least equal to 125 percent of the cost estimated  
21 under Subsection (a)(3) in the subsequent report.

22                (c) Acceptable forms of financial assurance for purposes of  
23 this section include:

24                (1) a parent company guaranty with a minimum  
25 investment grade credit rating for the parent company issued by a  
26 major domestic credit rating agency;

27                (2) a letter of credit; or

( 3 ) a bond.

2                   (d) The owner of the recycling facility is responsible for  
3 estimating costs under Subsection (a) and for paying the costs  
4 associated with obtaining the financial assurance required by this  
5 section.

6 Sec. 376.004. INTERNET POSTING. The commission shall  
7 maintain on its Internet website a list of recycling facilities in  
8 this state that are in compliance with this chapter.

9           Sec. 376.005. ADMINISTRATIVE PENALTY. (a) A person may not  
10   accept, process, or repurpose components as described by Section  
11   376.002 for compensation unless the person complies with the  
12   requirements of this chapter.

13           (b) The commission may impose an administrative penalty on  
14 an owner or operator of a recycling facility to which this section  
15 applies in accordance with Section 7.052(b-5), Water Code.

16 SECTION 2. Section 5.013(a), Water Code, is amended to read  
17 as follows:

18 (a) The commission has general jurisdiction over:

19 (1) water and water rights including the issuance of  
20 water rights permits, water rights adjudication, cancellation of  
21 water rights, and enforcement of water rights;

22 (2) continuing supervision over districts created  
23 under Article III, Sections 52(b)(1) and (2), and Article XVI,  
24 Section 59, of the Texas Constitution;

25 (3) the state's water quality program including  
26 issuance of permits, enforcement of water quality rules, standards,  
27 orders, and permits, and water quality planning;

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(4) the determination of the feasibility of certain federal projects;

6 (6) conduct of the state's hazardous spill prevention  
7 and control program;

16 (10) the state's responsibilities relating to regional  
17 waste disposal;

21 (12) any other areas assigned to the commission by  
22 this code and other laws of this state.

23 SECTION 3. Section 7.052, Water Code, is amended by adding  
24 Subsection (b-5) to read as follows:

25                   (b-5) The amount of the penalty for a violation of Chapter  
26                   376, Health and Safety Code, may not exceed \$500 a day for each  
27                   violation.

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1 SECTION 4. This Act takes effect September 1, 2025.