

## **BILL ANALYSIS**

C.S.H.B. 1953  
By: Thompson, Ed  
Environmental Regulation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that state sustainability initiatives should be more ambitious and that plastics-to-fuel legislation will help promote sustainability and help create a circular economy for non-recycled plastics by transforming these materials into valuable feedstocks and fuel. C.S.H.B. 1953 seeks to address this issue by encouraging the beneficial conversion of plastics and other recoverable materials into useful products through pyrolysis or gasification.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 5 of this bill.

### **ANALYSIS**

C.S.H.B. 1953 amends the Health and Safety Code to prohibit the Texas Commission on Environmental Quality (TCEQ) from considering post-use polymers or recoverable feedstock to be solid waste if they are converted using pyrolysis or gasification into a valuable raw, intermediate, or final product. The bill subjects the recycling and reuse of post-use polymers and recoverable feedstocks classified as hazardous waste under federal law to the federal hazardous waste recycling requirements. The bill exempts a facility that reuses or converts recyclable materials through pyrolysis or gasification, and the operations conducted and materials handled at the facility, from regulation under rules adopted under Solid Waste Disposal Act provisions relating to the regulation of certain facilities as solid waste facilities if the owner or operator of the facility demonstrates that the facility's primary function is to convert materials that have a resale value greater than the cost of converting the materials for subsequent beneficial use and that all the solid waste generated from converting the materials is disposed of in a hazardous solid waste management facility or a solid waste facility authorized under the act, as appropriate, with the exception of small amounts of solid waste that may be inadvertently and unintentionally disposed of in another manner.

C.S.H.B. 1953 defines, for purposes of the Solid Waste Disposal Act, "gasification," "gasification facility," "post-use polymers," "pyrolysis," "pyrolysis facility," and "recoverable feedstock" and amends definitions of "processing," "solid waste," and "solid waste facility." The bill amends the definitions of "recyclable material," "recycled material," and "recycling" for purposes of provisions relating to waste reduction programs and disposal fees.

C.S.H.B. 1953 requires TCEQ to adopt rules necessary to implement the bill's provisions.

## **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1953 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises language for the definitions added and amended by the bill and includes certain amended definitions for "solid waste," "processing," and "solid waste facility."

The substitute includes a provision subjecting the recycling and reuse of post-use polymers and recoverable feedstocks classified as hazardous waste under federal law to the federal hazardous waste recycling requirements.

The substitute revises the conditions for the exemption of a facility that reuses or converts recyclable materials through pyrolysis or gasification from regulation under certain rules by clarifying that solid waste generated from converting the materials is to be disposed of in a hazardous solid waste management facility instead of a solid waste facility if appropriate.

The substitute does not include provisions requiring TCEQ and the controller to utilize the pollution prevention advisory committee to promote sustainable materials management and the development and use of pyrolysis and gasification processes for certain purposes and providing for a related study.

The substitute includes a requirement for TCEQ to adopt rules necessary to implement the bill's provisions.

The substitute changes the bill's effective date.