

- SUBJECT:** Prohibiting waste processing facilities from posing as recycling facilities
- COMMITTEE:** Environmental Regulation — committee substitute recommended
- VOTE:** 7 ayes — Chisum, Bonnen, Kuempel, Uher, Bosse, Howard, Zbranek  
0 nays  
2 absent — Dukes, Geren
- WITNESSES:** For — Sparky Anderson, Clean Water Action; Kyle Cain, Fort Bend County Landfill; Susan Curry; Glen D. Dunbar, Commissioner Andy Meyers, Fort Bend County; Windy Sitton, City of Lubbock; Gary G. Weiss, G.O. Weiss, Inc.; Kim Winton, Fort Bend County Sheriff Department  
Against — None
- BACKGROUND:** The Texas Natural Resource Conservation Commission (TNRCC) regulates and issues permits for the construction, operation, and maintenance of facilities for the disposal of solid waste, such as a landfill or dump. Recycling facilities in Texas, however, are not regulated. Some landfills have posed as recycling facilities in order to avoid regulation as a solid waste facility.
- DIGEST:** CSHB 2271 would require the TNRCC to ensure that a solid waste processing facility was regulated as a solid waste facility and not allowed to operate as an unregulated recycling facility.  
  
The facility would not be subject to regulation if the owner demonstrated that materials processed at the facility could be resold for a profit and that waste generated through processing was disposed of at a proper solid waste facility. Inadvertent or unintentional disposal of small amounts of waste by other means would be permitted. TNRCC would have to adopt rules as needed to implement the provisions of this bill.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

NOTES:

The substitute changed the original version by prohibiting a solid waste processing facility from operating as an unregulated recycling facility and eliminating provisions that allowed abandoned, improperly stored, or disposed recyclable material to be considered solid waste.

The companion bill, SB 1540 by Duncan, has been referred to Senate Natural Resources Committee.