

## **BILL ANALYSIS**

Senate Research Center  
83R8263 JRR-D

S.B. 762  
By: Carona  
Natural Resources  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2007, the Texas Legislature unanimously passed the Texas Computer TakeBack Law, establishing a recycling program for electronic waste, such as desktop and laptop computers. The Computer TakeBack program has been in operation for a number of years. In 2011, the legislature passed legislation that created a television recycling program in Texas. The Texas Commission on Environmental Quality (TCEQ) is currently working toward implementation of this program.

These programs show progress but they have not resolved the problem of electronic waste (e-waste). The United States Environmental Protection Agency (EPA) estimates that in 2009, Americans generated 3.19 million tons of e-waste but less than 18 percent of that was collected for recycling. The remaining 82 percent went to landfills and incinerators. These numbers do not include the millions of computers, monitors, and televisions residents keep stored in basements, garages, offices, and homes.

It is estimated that 40 percent of heavy metals, including lead, mercury, and cadmium, that are found in landfills originate from electronic equipment being discarded. E-waste additionally represents the fastest-growing portion of the overall waste stream in the United States. Due to the risk that toxic materials from e-waste will leach into groundwater, 17 states have banned this type of waste from landfills, requiring it to be recycled.

S.B. 762 requires public and private landfill and incinerator operators to post signs and inform all contract waste haulers of the legal options for recycling e-waste. Households and other generators of trash will be warned not to put e-waste in the trash and informed of other options by their waste hauler. An individual who places e-waste in the trash would be charged with a Class C misdemeanor and a fine not to exceed \$200.

As proposed, S.B. 762 amends current law relating to a prohibition on the disposal of certain used equipment at a municipal solid waste facility and creates an offense.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTION 2 (Section 361.967, Health and Safety Code) and SECTION 4 (Section 361.993, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 5 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 361.954(a), Health and Safety Code, to provide that the collection, recycling, and reuse provisions of this subchapter apply to computer equipment used and

returned to the manufacturer by a consumer in this state and, except as provided by Section 361.967, do not impose any obligation on an owner or operator of a solid waste facility.

SECTION 2. Amends Subchapter Y, Chapter 361, Health and Safety Code, by adding Section 361.967, as follows:

Sec. 361.967. PROHIBITION ON LAND DISPOSAL OR INCINERATION. (a) Defines, in this section, "used equipment."

(b) Requires the Texas Natural Resource Conservation Commission (TNRCC), by rule, to prohibit a person from intentionally or knowingly disposing of used equipment in a municipal solid waste landfill or incinerator.

(c) Provides that an owner or operator of a municipal solid waste landfill or incinerator is not in violation of this section or a rule adopted under this section if the owner or operator has posted in a conspicuous location a sign stating that used equipment is not accepted at the landfill or incinerator, and has notified in writing any solid waste collector registered to dispose of waste at the landfill or incinerator that used equipment is not accepted.

(d) Provides that a person that violates this section or a rule adopted under this section is liable for a civil penalty not to exceed \$200 for each item of used equipment disposed of or accepted for disposal at a municipal solid waste landfill or incinerator.

SECTION 3. Amends Section 361.973(a), Health and Safety Code, to add Section 361.993 to the exceptions to this subchapter that applies only to certain covered television equipment.

SECTION 4. Amends Subchapter Z, Chapter 361, Health and Safety Code, by adding Section 361.993, as follows:

Sec. 361.993. PROHIBITION ON LAND DISPOSAL OR INCINERATION. (a) Defines, in this section, "used equipment."

(b) Requires TNRCC by rule to prohibit a person from intentionally or knowingly disposing of used equipment in a municipal solid waste landfill or incinerator.

(c) Provides that an owner or operator of a municipal solid waste landfill or incinerator is not in violation of this section or a rule adopted under this section if the owner or operator has posted in a conspicuous location a sign stating that used equipment is not accepted at the landfill or incinerator and has notified in writing any solid waste collector registered to dispose of waste at the landfill or incinerator that used equipment is not accepted.

(d) Provides that a person that violates this section or a rule adopted under this section is liable for a civil penalty not to exceed \$200 for each item of used equipment disposed of or accepted for disposal at a municipal solid waste landfill or incinerator.

SECTION 5. Requires the Texas Commission on Environmental Quality to adopt rules to implement this Act not later than December 31, 2013.

SECTION 6. Effective date: upon passage or September 1, 2013.