

BILL ANALYSIS

Senate Research Center
86R17507 JAM-F

H.B. 1953
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Natural Resources & Economic Development
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. 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.

H.B. 1953 amends current law relating to the conversion of plastics and other recoverable materials through pyrolysis or gasification.

RULEMAKING AUTHORITY

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 361.003, Health and Safety Code, by amending Subdivisions (25), (34), (35), and (36) and adding Subdivisions (10-a), (10-b), (24-a), (25-a), (25-b), and (26-a), as follows:

(10-a) Defines "gasification."

(10-b) Defines "gasification facility."

(24-a) Defines "post-use polymers."

(25) Redefines "processing" to provide that the term does not include pyrolysis or gasification. Makes nonsubstantive changes to this subdivision.

(25-a) Defines "pyrolysis."

(25-b) Defines "pyrolysis facility."

(26-a) Defines "recoverable feedstock."

(34) Provides that this subdivision expires on delegation of the Resource Conservation and Recovery Act of 1976, rather than on delegation of the Resource Conservation and Recovery Act, authority to the Railroad Commission of Texas. Provides that the term "solid waste:"

(A) does not include:

(i) makes no changes to this subparagraph;

(ii) makes a nonsubstantive change to this subparagraph;

(iii) makes a conforming and a nonsubstantive change to this subparagraph; or

(iv) post-use polymers or recoverable feedstocks processed through pyrolysis or gasification that do not qualify as hazardous waste under the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.); and

(B) deletes existing text relating to a provision that the term "solid waste" does include hazardous substances for the purposes of Section 361.280.

(35) Makes conforming changes to this subdivision.

(36) Redefines "solid waste facility" to provide that the term does not include a pyrolysis or gasification facility.

SECTION 2. Amends Subchapter B, Chapter 361, Health and Safety Code, by adding Section 361.041, as follows:

Sec. 361.041. TREATMENT OF POST-USE POLYMERS AND RECOVERABLE FEEDSTOCKS AS SOLID WASTE. (a) Prohibits 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, including a plastic, monomer, chemical, wax, lubricant, or chemical feedstock or crude oil, diesel, gasoline, diesel and gasoline blendstock, home heating oil, ethanol, or another fuel.

(b) Provides that the recycling and reuse of post-use polymers and recoverable feedstocks classified as hazardous waste under federal law are subject to the federal hazardous waste recycling requirements.

SECTION 3. Amends Section 361.119, Health and Safety Code, by adding Subsection (c-1), as follows:

(c-1) Provides that a facility that reuses or converts recyclable materials through pyrolysis or gasification, and the operations conducted and materials handled at the facility, are not subject to regulation under rules adopted under this section (Regulation of Certain Facilities as Solid Waste Facilities) if the owner or operator of the facility demonstrates that:

(1) the primary function of the facility is to convert materials that have a resale value greater than the cost of converting the materials for subsequent beneficial use; and

(2) 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 this chapter (Solid Waste Disposal Act), as appropriate, with the exception of small amounts of solid waste that may be inadvertently and unintentionally disposed of in another manner.

SECTION 4. Amends Sections 361.421(5), (6), and (8), Health and Safety Code, as follows:

(5) Redefines "recyclable material" to provide that the term includes post-use polymers and recoverable feedstocks that are converted through pyrolysis or gasification into valuable raw, intermediate, and final products.

(6) Redefines "recycled material" to provide that the term includes post-use polymers and recoverable feedstocks used in pyrolysis or gasification.

(8) Redefines "recycling" to provide that the term includes the conversion of post-use polymers and recoverable feedstocks through pyrolysis or gasification. Makes nonsubstantive changes to this subdivision.

SECTION 5. Requires TCEQ to adopt rules necessary to implement the changes in law made by this Act as soon as practicable after the effective date of this Act.

SECTION 6. Effective date: upon passage or September 1, 2019.