

SUBJECT: Amending the regulation of recycling and recycled products

COMMITTEE: Environmental Regulation — committee substitute recommended

VOTE: 9 ayes — Landgraf, Guerra, K. Bell, Dean, Kuempel, J. Lopez, Meza, Morales Shaw, Reynolds

0 nays

WITNESSES: For — David Andrew, ExxonMobil; Rebecca Grande, Texas Association of Business; Hector Rivero, Texas Chemical Council (*Registered, but did not testify*: Martha Landwehr, BASF Corporation; Alexa Aragonez, City of Houston, Mayor's Office; Ben Stratmann, Dallas Regional Chamber; Sam Gammage, Dow Chemical; Samantha Omey, ExxonMobil; Christian Bionat, Greater Houston Partnership; Cathy DeWitt, Indorama Ventures; Mindy Ellmer, LyondellBasell; Marc Rodriguez, North Texas Commission; Michael D. Lozano, Permian Basin Petroleum Association; Stephen Minick, Republic Services; Mark Vickery, Texas Association of Manufacturers; Chris Macomb, Waste Management of Texas, Inc)

Against — (*Registered, but did not testify*: Jason Sabo, Environment Texas; Eddie Solis, Frontier Waste Solutions; Eddie Solis, Integrated Waste Solutions)

On — Cyrus Reed, Lone Star Chapter Sierra club (*Registered, but did not testify*: Charly Fritz, TCEQ)

BACKGROUND: Some have suggested that by updating the definitions within recycling regulations to include new advanced recycling technologies, the state could benefit from reduced waste and added economic potential.

DIGEST: CSHB 3060 would add a number of definitions to the Health and Safety Code and revise others to reflect new recycling processes.

Added definitions. The bill would establish the definition of "advanced recycling facility" (ARF) to mean a manufacturing facility that received,

stored, and converted post-use polymers and recoverable feedstocks using advanced recycling technologies and processes including pyrolysis, gasification, solvolysis, and depolymerization. The bill would specify that a solid waste facility, final disposal facility, waste-to-energy facility, or incinerator would not be considered an advanced recycling facility.

Under the bill, "depolymerization" would be defined as a manufacturing process through which post-use polymers were broken down into:

- smaller molecules, such as monomers and oligomers;
- raw materials; or
- various intermediate or final products.

CSHB 3060 would establish the definition of "solvolysis" to mean certain processes by which polymers were purified and made into useful products and raw materials.

The bill would add the definition of "recycled plastics" to mean plastics produced from either mechanical or nonmechanical recycling processes.

Revised definitions. The bill would remove from the definition of "gasification" certain final products into which recoverable feedstock would be converted, including crude oil, diesel, gasoline, diesel and gasoline blend stock, home heating oil, ethanol, or other fuel.

The bill would repeal the current definition of "post-use polymers," instead redefining it as plastics that were:

- derived from any industrial, commercial, agricultural, or domestic activity;
- sorted from solid waste and other regulated waste and could contain incidental amounts of impurities;
- not mixed with solid or hazardous waste onsite or during processing at an ARF;
- used for or intended for use as feedstock or for the production of feedstocks, raw materials, or other intermediate or final products

- using advanced recycling; and
- held or processed at an ARF.

The bill would specify that solvolysis and depolymerization were not included in the meaning of "processing."

CSHB 3060 would remove language from the definition of "pyrolysis" establishing that the process included heating post-use polymers until they were melted, thermally decomposed, cooled, and condensed. The bill would also exclude certain final products into which the polymers could be converted, including crude oil, diesel, gasoline, diesel and gasoline blend stock, home heating oil, ethanol, or other fuel.

The definition of "recoverable feedstock" would be amended to exclude from the materials considered recoverable feedstock any solid waste that contained post-use polymers and include material that the EPA had otherwise determined were feedstocks and not solid waste.

"Recycling" would be redefined as the process by which discarded materials were collected, separated, or processed and returned to use in the form of raw materials in the production of new products.

The bill would specify that post-use polymers or recoverable feedstock processed through solvolysis or depolymerization that did not qualify as hazardous waste were not included within the definition of "solid waste," and that an ARF was not included in the term "solid waste facility."

CSHB 3060 would prohibit Texas Commission on Environmental Quality (TCEQ) from considering polymers or feedstock as solid waste if they were converted into certain valuable raw materials or products using solvolysis or depolymerization.

A facility that used solvolysis or depolymerization to convert recyclable materials into products with beneficial uses would not be subject to the regulations set forth in the bill.

The bill would make conforming changes to the definitions of recyclable material, recycled material, recycled product, and recycling to adhere to the definitions and processes established within the bill. TCEQ, in consultation with the comptroller, would be required to establish eligibility guidelines for recycled products based on certain criteria.

TCEQ would be required to adopt the necessary rules for the implementation of the bill as soon as practicable after the effective date of the bill. This 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, 2023.