

RECYCLING AND WASTE MINIMIZATION PROGRAMS

Enabling Legislation: *Senate Bill 1517, 71st Legislature; Senate Bill 1519, 71st Legislature; Senate Bill 1340, 72nd Legislature; Senate Bill 1051, 73rd Legislature; (All cites from Texas Health & Safety Code, V.A.C.S.)*

Programs to Implement Mandates	Mandate	Description of Mandate
Recycling and Waste Minimization Assistance	§361.0151 (SB 1517) §361.422(a) (SB1340) (SB1051)	Requires the commission to establish and administer a waste minimization and recycling office that provides technical assistance to local governments concerning waste minimization and recycling. It is the state's goal to reduce by January 1, 1994, the amount of municipal solid waste disposed of in this state by at least 40 percent through source reduction and recycling.
Market Development Board	§361.423 (SB1340) (SB1051)	The chairman of the commission shall serve on the Recycling Market Development Board which is directed to provide technical assistance, establish a statewide strategy, identify incentives for market development, analyze potential markets, and a list of other initiatives.
Recycling Market Development	§361.0151(b) (SB1517)	The commission shall work in conjunction with the Texas Department of Commerce to pursue the development of markets for recycled materials, including composting products.
Composting Program	§361.428 (SB1340) (SB1051)	The commission shall put in place incentives for a composting program that is capable of achieving at least 15 percent reduction in the amount of the municipal solid waste stream that is disposed in landfills by January 1, 1994.
Composting Refund	§361.0135(a)-(f) (SB1051)	Plans for compost facilities must be submitted to the commission to be eligible for the compost refund. By September 1, 1999 the commission shall determine if compost markets still need the refund incentive.
TCEQ In-House Recycling <ul style="list-style-type: none"> • Agency P4 Team • P2 Week 	§361.425 (SB1340)	Requires the commission to establish an in-house recycling program, evaluate the materials recycled, and establish educational and incentive programs to encourage maximum employee participation.

	<p>§361.426 (SB1340)</p> <p>§2155.445 - §2155.448</p>	<p>Requires state agencies to give preference to recycled products.</p> <p>State agencies shall give preference to recycled, remanufactured, or environmentally sensitive products, as those terms are defined by rule of the commission, in purchases made under this subtitle if the product meets state specifications regarding quantity and quality.</p> <p>Each state agency shall include in the report required by §2101.0115 (Annual Financial Report), the expenditures made during the preceding state fiscal year of recycled, remanufactured, or environmentally sensitive commodities or services.</p>
Progress toward Reduction Goal (Rules)	§361.422(c) (SB1340)	The commission shall establish rules and reporting requirements through which progress toward achieving the established source reduction and recycling goals can be measured.
Specifications for Recycled Products (Rules)	§361.427 (SB1340)	The commission, in consultation with the State General Services Commission, shall promulgate rules to establish guidelines which specify the percent of the total content of a product which must consist of recycled material for the product to be a "recycled product."
Newsprint Recycling Program (Rules)	§361.430(c) (SB1340)	The commission shall promulgate rules and regulations which establish a newsprint recycling program for the state.
Composting Program (Rules & Standards)	§361.428(b) (SB1051)	The commission shall adopt rules establishing minimum standards and guidelines for the issuance of permits for processes or facilities that produce compost that is the product of material from the typical mixed solid waste stream generated by residential, institutional, commercial or industrial sources.....the minimum standards must include end-product standards and a definition of beneficial reuse.
Recycling by Government Entities (Rules)	§361.425 (SB1340)	The commission shall adopt rules to administer mandated recycling programs by state agencies and governmental entities, including schools.

		<p>The commission shall exempt small school districts and cities from the requirement to establish an in-house recycling program if the commission finds that compliance is an economic hardship.</p>
<p>State Solid Waste Plans</p>	<p>§361.020 (SB1519) (SB1051)</p>	<p>The commission shall develop a strategic state solid waste plan for all solid waste under its jurisdiction. The commission shall develop a strategic plan for the reduction of solid waste. Recycling related requirements include:</p> <ul style="list-style-type: none"> • The plan shall reflect the state's preferred waste management methods as stated in Section 361.022 or 361.023. (1. Source reduction and waste minimization; 2. Reuse or recycling of waste). • The commission in developing a comprehensive statewide strategic plan shall consult with: <ul style="list-style-type: none"> (A) the agency's waste minimization, recycling, or reduction division; (B) the municipal solid waste management and resource recovery advisory council; (C) the pollution prevention advisory committee (SBEA coordinates PPAC)... <p>The strategic plan shall be updated every four years beginning in 2000. The commission shall submit the comprehensive statewide strategic plan to the legislature on December 1 of each year.</p>

Comprehensive MSW Management Strategic Plan	§361.0201 (SB1051)	<p>The commission shall prepare a MSW Strategic Plan with the following recycling related requirements:</p> <ul style="list-style-type: none"> • estimated amount of the total municipal solid waste to be recycled annually, according to previous rates and projected increases; • a goal for overall reduction in the amount of MSW consistent with Section 361.422 (related to the State Source Reduction and Recycling Goal); • the plan shall ensure that source reduction, reuse, recycling, composting, and resource recovery are all addressed; • the plan shall include a program of public education developed under Section 361.0202 (related to the development of education programs).
Office of Waste Exchange (Annual Report)	§361.0219(c) (SB1051)	Annually the office of waste exchange shall report to the legislature on progress (incorporated into OPPR Legislative Report).