

**Concepts to Implement HB 2541**  
Revision of MSW Recycling Rules  
Facilities Regulated Under Rule Chapters 328 and 332  
Compost and Mulching Facilities

**Purpose**

- Implement House Bill 2541 to adopt new limitations on material storage at non-permitted and non-registered compost and mulch facilities within certain counties. At present, Bexar County is the only county that satisfies the legislated criteria for population and the presence of the Edwards Aquifer.
- Amend the statewide exemption to allow the executive director to take specific actions when exempt recyclers are found to be noncompliant with their exemption.

**Affected rules in 30 TAC**

- Chapter 328, Waste Minimization and Recycling, specifically §328.4 Limitations on Storage of Recyclable Materials

**Concepts being considered:**

**Bexar County Changes**

- Notice of Intent (NOI) to include a description of operations at the recycling facility; any changes in operations would now include a limit on the maximum amount of all material to be stored, and will require another updated NOI to reflect the changes.
- 90% of total material must leave the recycling facility every 6 months to restrict accumulation of material.
- Establish 50-ft buffer zones along the perimeter of the facility.
- Establish restrictions on the amount of combustible material stored.
- Restrict the height of piled material to 25 feet.
- Set a maximum area of 8000 square feet for each pile.
- Require 50-foot fire lanes between piles of material and between piles and buildings.
- Additional requirements would apply to certain facilities previously exempt from Chapter 328 storage limitations.

**If Facility Located over Edwards Aquifer Recharge or Transition Zones, within Bexar County**

- Require liners and groundwater monitoring as groundwater protection features
- Ask stakeholders for comments on other possible alternative approaches which would provide protection of groundwater, as allowed by statute, such as underdrains or additional recordkeeping.

**Statewide Changes**

- Re-organize §328.4 to clarify relationship of exempt recyclers and the agency's composting rules in 30 TAC Chapter 332; place the requirements of exempt recyclers to comply with applicable rules at the beginning of §328.4.
- Amend §328.4 to state that the executive director can take specific actions when exempt recyclers are found to be noncompliant with their exemption. Previously such actions were limited to non-exempt recyclers.
- Delete the original implementation schedule for §328.4, specified in §328.4(b)(2), since the timeframe has passed.