



SIERRA CLUB

LONE STAR CHAPTER

April 27, 2026

To: Vanessa Onyskow-Lang, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711- 3087,

From: Cyrus Reed, Legislative and Conservation Director, Sierra Club, Lone Star Chapter

Submitted electronically via

<https://tceq.commentinput.com/comment/search>.

Re: Project Number 2025-031-328-WS. (Chapter 37 – Financial Assurance and Chapter 328 - Waste Minimization and Recycling)

The Sierra Club is pleased to submit very brief comments on the rulemaking which implements House Bill (HB) 3229, 89th Texas Legislature, 2025. The rulemaking would implement reporting, recordkeeping, and financial assurance requirements for renewable energy component recycling facilities.

HB 3229 by Lambert was a bill supported by the Sierra Club, industry and many other stakeholders. As renewable energy and battery storage has increased in Texas, we have unfortunately seen some sites where promised recycling and disposal of the components of these important energy sources have been left, not only creating eyesore locally, but real public health impacts. Leftover components like wind blades can become vectors for mosquitoes, dangerous wild animals and hazards. While most of these components are composed of metals and fiberglass, some components can contain heavy metals, oils or even some toxic materials, and Texas needs to assure these components are recycled or if not disposed of properly before they can impact water resources or local communities.

We have carefully reviewed the proposed rulemaking and support the rules for Chapter 37 and Chapter 328 including financial assurance, reporting, enforcement and penalties. We appreciate the annual reporting requirement by January 15th and we agree with the financial assurance criteria, including estimating the cost of transporting and disposing of components that can not be recycled. We agree with requiring the financial assurance be maintained in current day dollars. We agree with the idea that TCEQ could use this financial assurance as needed.

Our only confusion or clarification is on the website. TCEQ states that the information on recycling facilities will be placed on a website but this does not appear to be in the rule itself. We would suggest putting the requirement to put a list of recycling facilities, and information about who actually reports on the TCEQ website. At the end of the day, the public has an interest in seeing this information and that process should be spelled out in rules.

The Sierra Club appreciates the opportunity to make these brief comments.

Sincerely,

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