


North Central Texas
Council of Governments

DATE: January 6, 2021
TO: County Judges; Mayors; City Managers; Solid Waste Managers, NCTCOG Member Governments
FROM: Edith Marvin, P.E., Director, Environment and Development 
SUBJECT: Governmental Entity Recycling and Purchasing of Recycled Materials Rule

The North Central Texas Council of Governments (NCTCOG) would like to notify you of Title 30 Texas Administrative Code (TAC) Part 1 Chapter 328 Subchapter K, which is the state mandated *Governmental Entity Recycling and Purchasing of Recycled Materials* rule. These new regulations are the result of the passage of Senate Bill 1376 of the 86th Texas Legislature and are effective as of July 2, 2020.

According to these new regulations, a government entity shall establish a recycling program for the separation and collection of recyclable materials, provide procedures for collecting and storing recyclable materials, evaluate and modify the program as necessary, and establish education and incentive programs to ensure participation.

For this rule, governmental entities are defined as state agency, state court or judicial agency, university system or institution of higher education, county, municipality, school district, or special district.

Additionally, a government entity shall implement a purchasing program which must give preference to products made with recycled materials, so long as the products meet applicable specifications. This program must comply with [Section §328.204 of the rule](#). Preferences will be applied in accordance with state procurement statutes and rules.

Exemptions are included in the rule based on student population for independent school districts and municipal population for other government entities, along with details as to what constitutes a hardship. Please see [Texas Administrative Code Title 30, Chapter 328, Subchapter K](#) for definitions and exemptions. The Texas Commission on Environmental Quality (TCEQ) has developed a website that provides additional information and links related to the Governmental Entity Recycling Program. This website can be found at: <https://www.tceq.texas.gov/p2/recycle/governmental-entity-recycling-program>.

Furthermore, NCTCOG has developed a Governmental Entity Recycling Program Toolkit that is posted at <https://www.nctcog.org/envir/materials-management/sb-1376-resources>. The Toolkit includes links to a map that will help determine whether your municipality, county, or school district is exempt from the requirements of the Governmental Entity Recycling rule. Additional resources are included that could assist our member governments with development of a recycling program, including links to the regionally available and free *Know What to Throw* Campaign materials and other resources.

For any questions, please contact Cassidy Campbell at ccampbell@nctcog.org or 817-608-2368. Please forward to an appropriate staff member if needed.

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