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Testimony of Brent Bennett, Ph.D.
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Texas Public Policy Foundation
Before the Texas Senate Business and Commerce Committee
In Support of SB 1824

Chairman Schwertner and Members of the Committee:

The Texas Public Policy Foundation supports SB 1824 because it is a needed step to address the environmental and property rights issues that surround the decommissioning and disposal of energy storage facilities. Texas must be prepared to properly handle the large stream of battery waste that will need to be either recycled or disposed of when these facilities reach their end of life.

We require energy companies to pay for most of the environmental costs of producing their energy, and energy storage should not be treated differently. Other electricity generators face numerous regulations involving their waste streams. An entire chapter of Title 30 of the Texas Administrative Code is devoted to [regulating coal combustion waste](#), and extensive regulations exist for [plugging oil and gas wells](#). Most of the steel and other parts of power plants are easily recycled or reused, and the same goes for wires and other electrical components.

These regulations have been promulgated, modified, and implemented for many decades for other energy resources. But regulations are lacking for energy storage because those resources are so new, and we have not decommissioned any of them yet. There are currently [10 GW of energy storage systems](#) in ERCOT, with at least [15 GW more expected](#) in the next 2-3 years. While this bill does not address what has already been installed, at least it will start to address the problem on a going-forward basis.

An October 2024 report by the [Texas Commission on Environmental Quality](#) details the many challenges of dealing with battery waste streams. Although promising methods are being developed to extract lithium from old batteries, most of the other metals and hazardous chemicals cannot be recycled cost-effectively, which means proper disposal is essential. 30 TAC Chapter 335 Subchapter H classifies large format batteries as “universal waste” and thus prohibits their disposal in municipal landfills. The quantity of waste from just one energy storage facility will be large enough to require [registration with the TCEQ](#) and to require transport to special disposal facilities.

The volume of waste coming from retired wind, solar, and energy storage facilities over the next 20 years is startling. The existing 40 GW of wind facilities in ERCOT will produce over [800,000 tons of turbine blades](#) and 4 million tons of steel support columns that will need to be disposed of or recycled. The 30 GW of utility-scale solar facilities currently in place will produce [5 million tons of waste material](#),

mostly glass and steel, when they retire. That is as much waste as the [city of Austin](#) produces in 20 years, so if the solar facilities last 20 years, their retirement will be like adding another Austin worth of waste every year. The 25 GW of energy storage that will be in place by the end of 2027 amounts to about 125,000 tons of mostly hazardous waste that will need to be dealt with.

The importance of this reform is exemplified by the [ongoing situation in Sweetwater](#), where the lack of proper obligations to clean up or recycle wind turbine blades has led to them being piled up on land without any protection for the surrounding property or environment. **Given the costs associated with proper recycling and disposal of batteries and the cumulative societal and environmental benefits of doing so, there is a need to ensure developers are financially responsible for disposal with appropriate flexibility for determining how to do it.**

SB 1824 will accomplish that goal by adding Chapter 303 to the Utilities Code—utilizing the same process as Chapters 301 and 302 covering wind and solar facilities—to ensure that not only decommissioning costs but also disposal and recycling costs are financially secured by the project developer before an energy storage project reaches its end of life. This will ensure that decommissioning and disposal are covered under the same agreement and that the property rights of landowners throughout the state are protected.

We commend Chairman Schwertner for introducing SB 1824, and we encourage the committee to vote favorably for it and support its passage.

Sincerely,

Brent Bennett, PhD
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