

2021 Regular Session

SENATE BILL NO. 97

BY SENATOR LAMBERT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SOLID WASTE. Provides for advanced recycling facilities and processes for the conversion of certain recovered materials. (8/1/21)

1 AN ACT

2 To amend and reenact R.S. 30:2153(2) through (5) and to enact R.S. 30:2153(1)(b)(v), (8)

3 through (15), and 2154(B)(1)(b)(iii), relative to solid waste; to provide for advanced

4 recycling processes, facilities, and products; to provide for definitions; to provide for

5 exceptions; to provide for the power and duties of the secretary of the Department

6 of Environmental Quality; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:2153(2) through (5) are hereby amended and reenacted and R.S.

9 30:2153(1)(b)(v), (8) through (15), and R.S. 2154(B)(1)(b)(iii) are hereby enacted to read

10 as follows:

11 §2153. Definitions

12 As used in this Chapter, the following terms shall have the meaning ascribed

13 to them in this Section, unless the context clearly indicates otherwise:

14 (1)

15 * * *

16 (b) The definition of solid waste shall not include any of the following:

17 * * *

1 **(v) Post-use polymers or recovered feedstocks that are converted through**
2 **advanced recycling or are held at, or for the purpose of conversion at, an**
3 **advanced recycling facility prior to conversion.**

4 (2) "Resource management" means the process by which solid waste is
5 collected, transported, stored, separated, processed, or disposed of in any other way,
6 according to an orderly, purposeful, and planned program. **The term "resource**
7 **management" shall not include the storage of post-use polymers or recovered**
8 **feedstocks or the conversion of post-use polymers or recovered feedstocks**
9 **through advanced recycling.**

10 (3) "Resource recovery" means the process by which materials, excluding
11 those under control of the Nuclear Regulatory Commission, which still have useful
12 physical or chemical properties after serving a specific purpose are reused or
13 recycled for the same or other purposes, including uses as an energy source. **The**
14 **term "resource recovery" shall not include the conversion of post-use polymers**
15 **or recovered feedstocks through advanced recycling.**

16 (4) "Resource recovery and management facility" means any solid waste
17 disposal area or other facility, the purpose of which is resource recovery or the
18 disposal, recycling, processing, or storage of solid waste, excluding any "processing,
19 treatment, or disposal facility" as defined in R.S. 30:2173. **The term "resource**
20 **recovery and management facility" shall not include a facility that stores**
21 **post-use polymers or recovered feedstocks or converts post-use polymers or**
22 **recovered feedstocks through advanced recycling.**

23 (5) "Solid waste disposal facility" means any land area or structure or
24 combination of land areas and structures, used for storing, salvaging, processing,
25 reducing, incinerating, or disposing of solid wastes, excluding any "processing,
26 treatment, or disposal facility" as defined in R.S. 30:2173 and any facility where
27 solid waste management activities are limited to transferring solid waste from
28 collection vehicles to other vehicles for transport without processing. **The term**
29 **"solid waste disposal facility" shall not include a facility that stores post-use**

1 polymers or recovered feedstocks or converts post-use polymers or recovered
2 feedstocks through advanced recycling.

3 * * *

4 (8) "Advanced recycling" means a manufacturing process for the
5 conversion of post-use polymers and recovered feedstocks into basic
6 hydrocarbon raw materials, feedstocks, chemicals, liquid fuels and other
7 products like waxes and lubricants through processes that include pyrolysis,
8 gasification, depolymerization, catalytic cracking, reforming, hydrogenation,
9 solvolysis, and other similar technologies. The recycled products produced at
10 advanced recycling facilities include but are not limited to monomers,
11 oligomers, plastics, plastic and chemical feedstocks, basic and unfinished
12 chemicals, crude oil, naphtha, liquid transportation fuels, waxes, lubricants,
13 coatings, and other basic hydrocarbons. Advanced recycling shall not be
14 considered solid waste disposal, processing, incineration, combustion, or
15 storage.

16 (9) "Advanced recycling facility" means a facility that receives, stores,
17 and converts post-use polymers and recovered feedstocks it receives using
18 advanced recycling. An advanced recycling facility is subject to applicable
19 department regulations. Advanced recycling facilities shall not be considered
20 solid waste disposal, processing, incineration, combustion, or storage facilities.

21 (10) "Gasification" means a manufacturing process through which
22 recovered feedstocks are heated and converted into a fuel and gas mixture in an
23 oxygen-deficient atmosphere and the mixture is converted into raw,
24 intermediate, and final products, including but not limited to plastic monomers,
25 chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, and
26 diesel and gasoline blendstocks, home heating oil and other fuels, including
27 ethanol and transportation fuel, that are returned to economic utility in the
28 form of raw materials, products, or fuels.

29 (11) "Post-use polymer" means a plastic to which all of the following

1 **apply:**

2 **(a) The plastic is derived from any industrial, commercial, agricultural,**
3 **or domestic activities.**

4 **(b) The plastic is not mixed with solid waste or hazardous waste onsite**
5 **or during processing at the advanced recycling facility.**

6 **(c) The plastics' use or intended use is as a feedstock for the**
7 **manufacturing of crude oil, fuels, feedstocks, blendstocks, raw materials, or**
8 **other intermediate products or final products using advanced recycling.**

9 **(d) The plastic has been sorted from solid waste or other regulated waste**
10 **but may contain residual amounts of solid waste such as organic material and**
11 **incidental contaminants or impurities such as paper labels or metal rings.**

12 **(e) The plastic is processed at an advanced recycling facility or held at**
13 **such facility prior to processing.**

14 **(12) "Pyrolysis" means a manufacturing process through which post-use**
15 **polymers are heated in the absence of oxygen until melted and thermally**
16 **decomposed and are then cooled, condensed, and converted into valuable raw,**
17 **intermediate, and final products, including but not limited to plastic monomers,**
18 **chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, and**
19 **diesel and gasoline blendstocks, home heating oil and other fuels, including**
20 **ethanol and transportation fuel, that are returned to economic utility in the**
21 **form of raw materials, products, or fuels.**

22 **(13)(a) "Recovered feedstock" means one or more of the following**
23 **materials that have been processed so that it may be used as feedstock in an**
24 **advanced recycling facility:**

25 **(i) Post-use polymers.**

26 **(ii) Materials for which the United States Environmental Protection**
27 **Agency has made a nonwaste determination pursuant to 40 C.F.R. 241.3(c) or**
28 **has otherwise determined are feedstocks and not solid waste.**

29 **(b) The term "recovered feedstock" shall not include unprocessed**

1 municipal solid waste or material that is mixed with solid waste or hazardous
2 waste onsite or during processing at an advanced recycling facility.

3 (14) "Depolymerization" means a manufacturing process through which
4 polymers or plastic materials are broken down into smaller molecules without
5 damaging the monomers themselves and then converted into a raw,
6 intermediate, or final product, including monomers, oligomers, plastics, plastic
7 and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha,
8 liquid transportation fuels, waxes, lubricants, coatings, and other basic
9 hydrocarbons.

10 (15) "Solvolysis" means a manufacturing process through which post-use
11 plastics are reacted with the aid of solvents while heated at low temperatures or
12 pressurized to make useful products, while allowing additives and contaminants
13 to be separated. The products of solvolysis include but are not limited to
14 monomers, intermediates, and valuable raw materials. The process includes but
15 is not limited to hydrolysis, aminolysis, ammonolysis, methanolysis, ethanolysis,
16 and glycolysis.

17 §2154. Powers; duties; restrictions; prohibitions; penalties

18 * * *

19 B. The secretary is hereby directed:

20 (1)

21 * * *

22 (b) However, such rules and regulations shall not include any of the
23 following:

24 * * *

25 (iii) Advanced recycling or facilities that store post-use polymers or
26 recovered feedstocks or that convert post-use polymers and recovered
27 feedstocks through advanced recycling.

28 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tyler S. McCloud.

DIGEST

SB 97 Original

2021 Regular Session

Lambert

Present law requires the secretary of the department to adopt and promulgate rules, regulations, and standards for the transportation, processing, resource recovery, and disposal of solid wastes consistent with the general solid waste management plan adopted by the Dept. of Environmental Quality.

Proposed law retains present law except provides that such rules and regulations regulating solid waste not include advanced recycling or facilities that store post-use polymers or recovered feedstocks or that convert post-use polymers and recovered feedstocks through advanced recycling.

Proposed law provides the definition of solid waste does not include post-use polymers or recovered feedstocks that are converted through advanced recycling or are held at, or for the purpose of conversion at, an advanced recycling facility prior to conversion.

Present law defines "resource management" as the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way, according to an orderly, purposeful, and planned program.

Proposed law retains present law and provides that the term "resource management" does not include the storage of post-use polymers or recovered feedstocks or the conversion of post-use polymers or recovered feedstocks through advanced recycling.

Present law defines "resource recovery" as the process by which materials, excluding those under control of the Nuclear Regulatory Commission, which still have useful physical or chemical properties after serving a specific purpose are reused or recycled for the same or other purposes, including uses as an energy source.

Proposed law retains present law and provides that "resource recovery" does not include the conversion of post-use polymers or recovered feedstocks through advanced recycling.

Present law defines a "resource recovery and management facility" as any solid waste disposal area or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste, excluding any "processing, treatment, or disposal facility".

Proposed law retains present law and provides the term "resource recovery and management facility" does not include a facility that stores post-use polymers or recovered feedstocks or converts post-use polymers or recovered feedstocks through advanced recycling.

Present law defines a "solid waste disposal facility" as any land area or structure or combination of land areas and structures, used for storing, salvaging, processing, reducing, incinerating, or disposing of solid wastes, excluding any "processing, treatment, or disposal facility" and any facility where solid waste management activities are limited to transferring solid waste from collection vehicles to other vehicles for transport without processing.

Proposed law retains present law and provides the term "solid waste disposal facility" does not include a facility that stores post-use polymers or recovered feedstocks or converts post-use polymers or recovered feedstocks through advanced recycling.

Proposed law provides definitions for advanced recycling, advanced recycling facility, gasification, post-use polymer, pyrolysis, recovered feedstock, depolymerization, and

solvolysis.

Effective August 1, 2021.

(Amends R.S. 30:2153(2) - (5); adds R.S. 30:2153(1)(b)(v), (8) - (15), and 2154(B)(1)(b)(iii))