

RÉSUMÉ DIGEST

ACT 460 (SB 97)

2021 Regular Session

Lambert

Prior law required the secretary of the Department of Environmental Quality 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 department.

New law retains prior 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. New law requires notification to the department prior to conducting advanced recycling activities.

New 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.

Prior law defined "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.

New law retains prior 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.

Prior law defined "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.

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

Prior law defined 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".

New law retains prior 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.

Prior law defined 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.

New law retains prior 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.

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

New law requires storage of post-use polymers not exceed reasonable timeframes.

New law provides that where there is an analogous ingredient, the post-use polymers shall be managed in a manner consistent with the analogous ingredient or otherwise be adequately contained to prevent releases into the environment. New law further provides if there is no

analogous ingredient, the post-use polymers shall be adequately contained to prevent releases to the environment.

New law requires post-use polymers provide a useful contribution to the production or manufacturing process or be used to produce a valuable product or intermediate. New law provides a contribution is useful if it contributes a valuable ingredient to the product or intermediate or is an effective substitute for a commercial product.

New law requires the use of post-use polymers result in products that contain contaminants at levels that are comparable in concentration to or lower than those found in traditional products that are manufactured with post-use polymer products.

Effective August 1, 2021.

(Amends R.S. 30:2153(2) - (5); adds R.S. 30:2153(1)(b)(v), (8) - (15), 2154(B)(1)(b)(iii), and 2157)