

SENATE BILL NO. 100

BY SENATOR LAMBERT

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

1 AN ACT

2 To amend and reenact R.S. 30:2153(1) through (7) and (15) and R.S. 30:2412(28) and (29),
3 and to enact R.S. 30:2153(16) through (18), relative to solid waste; to provide for
4 advanced recycling processes, facilities, and products; to provide for definitions; to
5 provide for exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:2153(1) through (7) and (15) and R.S. 30:2412(28) and (29) are
8 hereby amended and reenacted and R.S. 30:2153(16) through (18) are hereby enacted to read
9 as follows:

10 §2153. Definitions

11 As used in this Chapter, the following terms shall have the meaning ascribed
12 to them in this Section, unless the context clearly indicates otherwise:

13 (1) "Advanced recycling" means a manufacturing process for the conversion
14 of post-use polymers and recovered feedstocks into basic ~~hydrocarbon~~ raw materials,
15 feedstocks, chemicals, and other products ~~like waxes and lubricants~~ through
16 processes that include pyrolysis, gasification, depolymerization, catalytic cracking,
17 reforming, hydrogenation, solvolysis, **chemolysis**, and other similar technologies.

18 The recycled products produced at advanced recycling facilities include but are not
19 limited to monomers, oligomers, plastics, plastic and chemical feedstocks, basic and
20 unfinished chemicals, ~~crude oil, naphtha~~, waxes, lubricants, coatings, and ~~other basic~~
21 ~~hydrocarbons~~ **adhesives**. ~~Energy recovery or the conversion of post-use polymers~~
22 ~~into fuel shall not be considered recycling as defined in R.S. 30:2412. **Advanced**~~
23 ~~**recycling does not include incineration of plastics or waste-to-energy processes.**~~

24 **Products sold as fuel are not recycled products. Advanced recycling shall be**

1 considered "recycling" as defined in R.S. 30:2412. Advanced recycling shall not
 2 be considered solid waste disposal management, solid waste processing, solid
 3 waste recovery, incineration, ~~combustion~~ treatment, or storage waste-to-energy.

4 (2) "Advanced recycling facility" means a manufacturing facility that
 5 receives, stores, and converts post-use polymers and recovered feedstocks it receives
 6 using advanced recycling. An advanced recycling facility is a manufacturing
 7 facility subject to applicable department manufacturing regulations for air, water,
 8 waste, and land use. Advanced recycling facilities shall not be considered solid
 9 waste disposal facilities, final disposal facilities, solid waste management
 10 facilities, solid waste processing facilities, solid waste recovery facilities,
 11 incineration incinerators, ~~combustion~~, or storage waste-to-energy facilities.

12 (3) "Depolymerization" means a manufacturing process through which
 13 post-use polymers ~~or plastic materials~~ are broken down into smaller molecules
 14 ~~without damaging the monomers themselves and then converted into a~~ such as
 15 monomers and oligomers or raw, intermediate, or final product, ~~including~~
 16 ~~monomers, oligomers~~ products, plastics, plastic and chemical feedstocks, basic and
 17 unfinished chemicals, ~~crude oil, naphtha, liquid transportation fuels,~~ waxes,
 18 lubricants, and coatings, ~~and other basic hydrocarbons.~~

19 (4) "Gasification" means a manufacturing process through which post-use
 20 polymers or recovered feedstocks are heated ~~and converted into a fuel and gas~~
 21 mixture in an oxygen-deficient oxygen-controlled atmosphere and ~~the mixture is~~
 22 converted into syngas, which is a mixture of carbon monoxide and hydrogen,
 23 followed by conversion into valuable raw, intermediate, and final products,
 24 including but not limited to plastic monomers, chemicals, waxes, lubricants,
 25 chemical feedstocks, ~~crude oil, diesel, gasoline, and diesel and gasoline blendstocks,~~
 26 ~~home heating oil and other fuels, including ethanol and transportation fuel,~~ that are
 27 returned to economic utility in the form of raw materials, or products, ~~or fuels.~~

28 (5) "Post-use polymer" means a plastic to which all of the following apply:

29 (a) The plastic is derived from any industrial, commercial, agricultural, or
 30 domestic activities, and includes pre-consumer recovered materials or

1 **post-consumer materials.**

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

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

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

10 (e) The plastic is processed at an advanced recycling facility or held at such
11 facility prior to processing.

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

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

24 (i) Post-use polymers.

25 (ii) Materials for which the United States Environmental Protection Agency
26 or the department has made a non-waste determination ~~pursuant to 40 CFR 241.3(c),~~
27 or has otherwise determined are feedstocks and not solid waste.

28 (b) The term "recovered feedstock" shall not include the following:

29 (i) Unprocessed municipal **solid** waste.

30 (ii) Commonly recycled paper that is segregated from solid waste.

1 (iii) Commonly recycled paper that is collected as part of a collection system
 2 that commingles the paper with other solid waste at any point from the time of
 3 collection through the materials recovery.

4 (iv) Material that is mixed with solid waste or hazardous waste onsite or
 5 during processing at an advanced recycling facility.

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

15 **(16) "Mass balance attribution" means a chain of custody accounting**
 16 **methodology with rules defined by a third party certification system that**
 17 **enables the attribution of the mass of advanced recycling feedstocks to one or**
 18 **more advanced recycling products.**

19 **(17) "Recycled plastics" or "recycled plastic" means products that are**
 20 **produced from the following:**

21 **(a) Mechanical recycling of pre-consumer recovered feedstocks or**
 22 **plastics, and post-consumer plastics.**

23 **(b) Advanced recycling of pre-consumer recovered feedstocks or plastics,**
 24 **and post-consumer plastics via mass balance attribution under a third party**
 25 **certification system.**

26 **(18) "Third-party certification system" means an international and**
 27 **multi-national third-party certification system, which consists of a set of rules**
 28 **for the implementation of mass balance attribution approaches for advanced**
 29 **recycling of materials. Third-party certification systems include but are not**
 30 **limited to International Sustainability and Carbon Certification, Underwriters**

Laboratories, SCS Recycled Content Certification, Roundtable on Sustainable Biomaterials, Ecoloop, and REDcert².

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§2412. Definitions

As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

* * *

(28) "Solid waste" means any garbage, refuse, sludge, and other discarded material, including those in a solid, liquid, or semisolid state resulting from residential, community, or commercial activities. As used in this Chapter, the term "solid waste" shall not include mining, agricultural, special and industrial wastes, or hazardous and infectious wastes. It also does not include or mean solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under R.S. 30:2074, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as amended, or hazardous waste subject to permits under R.S. 30:2171 et seq. The definition of solid waste shall not include recovered materials or uncontaminated scrap metal materials which are purchased for resale to be recycled or reused and are not destined for disposal. **It also shall not include post-use polymers or recovered feedstocks as defined in R.S. 30:2153 that are converted through advanced recycling as defined in R.S. 30:2153 or are held at an advanced recycling facility as defined in R.S. 30:2153 prior to conversion.**

(29) "Solid waste management facility" means any solid waste disposal area, volume reduction plant, transfer station, or other facility the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste and which is owned or operated by or receives solid waste from a parish or municipality. This does not include **advanced recycling facilities as defined in R.S. 30:2153 or** those facilities which collect, process, remanufacture, or ship recovered materials unless such facilities are engaged in the management of solid waste.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____