

RÉSUMÉ DIGEST

ACT 43 (SB 100)

2023 Regular Session

Lambert

Existing law establishes the "Louisiana Solid Waste Management Resource Recovery Law" that requires the Dept. of Environmental Quality to promulgate rules, regulations, and standards for the transportation, processing, resource recovery, and disposal of solid wastes.

Existing law provides that such rules and regulations do 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.

Existing law defines "advanced recycling" as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into certain products. New law retains existing law and provides that adhesives may be a product of advanced recycling.

Prior law provided that hydrocarbon raw materials, waxes, lubricants, crude oil, naphtha, and other basic hydrocarbons were products of advanced recycling. New law removes those substances as products of advanced recycling.

New law adds chemolysis as a process that produces advanced recycling products.

New law provides that incineration of plastics and waste-to-energy processes are not advanced recycling.

New law provides that advanced recycling is "recycling" as defined in existing law.

Existing law provides that advanced recycling does not include certain solid waste processes. New law retains existing law and adds advanced recycling is not considered to be solid waste management, recovery, or treatment.

Existing law defines "advanced recycling facility" as a facility that receives, stores, and converts post-use polymers and recovered feedstocks it receives using advanced recycling. New law retains existing law and provides that an advanced recycling facility is a manufacturing facility, subject to Dept. of Environmental Quality regulations for air, water, waste, and land use.

Existing law provides that advanced recycling facilities are not solid waste disposal, processing, combustion, or storage facilities. New law retains existing law but no longer excludes combustion and storage facilities as advanced recycling facilities. New law provides that advanced recycling facilities are not final disposal, solid waste management and recovery, or waste-to-energy facilities.

Existing law defines "depolymerization" as a manufacturing process. Prior law provided that the process is one through which polymers or plastic materials are broken down into smaller molecules without damaging the monomers themselves and then converted into certain products, including plastics, plastic and chemical feedstocks, basic unfinished chemicals, crude oil, naphtha, liquid transportation fuels, waxes, lubricants, and coatings. New law retains prior law but provides that the polymers are post-use and removes crude oil, naphtha, liquid transportation fuels, and other basic hydrocarbons as potential products of depolymerization.

Prior law defined "gasification" as a manufacturing process through which recovered feedstocks are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and the mixture is converted into raw, intermediate, and final products. New law retains existing law and adds that post-use polymers may be used in the process of gasification.

Prior law provided that gasification took place in an "oxygen-deficient atmosphere". New law provides that gasification takes place in an "oxygen-controlled atmosphere".

New law provides that gasification converts polymers into syngas, a mixture of carbon dioxide and hydrogen.

Prior law provided that gasification can produce final products including plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, and diesel and gasoline blendstocks, home heating oil and other fuels, including ethanol and transportation fuel. New law removes fuels as products of gasification, specifically crude oil, diesel, gasoline, diesel and gasoline blendstocks, home heating oil, and other fuels, including ethanol and transportation fuel.

Existing law defines "post-use polymer" and specifies that it may be sourced from any industrial, commercial, agricultural, or domestic activities. New law retains existing law and adds pre-consumer recovered materials and post-consumer materials as sources for post-use polymers. Prior law provided that post-use polymers could be used as feedstock to manufacture crude oil, fuels, and blendstocks. New law removes the manufacture of crude oil, fuels, and blendstocks as a potential uses for post-use polymers.

Existing law defines "pyrolysis" as a manufacturing process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted into certain products. New law retains existing law and specifies that the process may use recovered feedstocks.

Prior law provided that pyrolysis could be utilized to produce plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, and diesel and gasoline blendstocks, home heating oil and other fuels, including ethanol and transportation fuel. New law removes fuels as products of pyrolysis, specifically crude oil, diesel, gasoline, diesel and gasoline blendstocks, home heating oil, and other fuels, including ethanol and transportation fuel. New law adds that products of pyrolysis may include naphtha and plastic feedstocks.

Existing law defines "recovered feedstock" as materials that have been processed for use as feedstock in an advanced recycling facility and provides exclusions. New law retains existing law and specifies that unprocessed municipal solid waste is not recovered feedstock.

Prior law defined "solvolysis" as a manufacturing process through which post-use plastics are reacted with the aid of solvents while heated at low temperatures or pressurized to make useful products while allowing additives and contaminants to be separated. New law retains prior law except provides that solvolysis uses polymers that are purified and that the polymers may be pressurized to make products. New law provides that products of solvolysis may include chemicals and plastic and chemical feedstocks.

Prior law provided that the process of solvolysis included ethanolysis. New law removes ethanolysis as a solvolysis process.

New law defines "mass balance attribution" as a chain of custody accounting methodology with rules defined by a third party certification system that enables the attribution of the mass of advanced recycling feedstocks to one or more advanced recycling products.

New law defines "recycled plastics" or "recycled plastic" as products that are produced from mechanical recycling of pre-consumer recovered feedstocks or plastics and post-consumer plastics, and products that are produced from advanced recycling of pre-consumer recovered feedstocks or plastics and post-consumer plastics via mass balance attribution under a third party certification system.

New law defines "third-party certification system" as an international and multi-national third-party certification system, which consists of a set of rules for the implementation of mass balance attribution approaches for advanced recycling of materials. New law provides that third-party certification systems include but are not limited to International Sustainability and Carbon Certification, Underwriters Laboratories, SCS Recycled Content Certification, Roundtable on Sustainable Biomaterials, EcoLoop, and REDcert².

Existing law defines "solid waste" as any garbage, refuse, sludge, and other discarded material, including those in a solid, liquid, or semisolid state resulting from residential, community, or commercial activities and provides for certain exclusions.

New law retains existing law and provides that solid waste shall not include post-use polymers and recovered feedstocks that are converted through advanced recycling or held at an advanced recycling facility prior to conversion.

Existing law defines "solid waste management facility" as 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, and provides for certain exclusions.

New law retains existing law and provides that advanced recycling facilities are not solid waste management facilities.

Effective June 1, 2023.

(Amends R.S. 30:2153(1)-(7) and (15) and R.S. 30:2412(28) and (29); adds R.S. 30:2153(16)-(18))