SLS 21RS-225 **ENGROSSED**

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)

AN ACT

To amend and reenact R.S. 30:2153(2) through (5) and to enact R.S. 30:2153(1)(b)(v), (8) through (15), 2154(B)(1)(b)(iii), and 2157, relative to solid waste; to provide for advanced recycling processes, facilities, and products; to provide for definitions; to provide for exceptions; to provide for the power and duties of the secretary of the Department of Environmental Quality; to provide for certain materials; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2153(2) through (5) are hereby amended and reenacted and R.S. 30:2153(1)(b)(v), (8) through (15), R.S. 2154(B)(1)(b)(iii) and 2157 are hereby enacted to read as follows:

§2153. 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:

(1)

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

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(v) 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.

(2) "Resource management" means 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. **The term "resource management" shall not include the storage of post-use polymers or recovered feedstocks or the conversion of post-use polymers or recovered feedstocks through advanced recycling.**

(3) "Resource recovery" means 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. **The term "resource recovery" shall not include the conversion of post-use polymers or recovered feedstocks through advanced recycling.**

(4) "Resource recovery and management facility" means 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" as defined in R.S. 30:2173. **The term "resource recovery and management facility" shall not include a facility that stores post-use polymers or recovered feedstocks or converts post-use polymers or recovered feedstocks through advanced recycling.**

(5) "Solid waste disposal facility" means 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" as defined in R.S. 30:2173 and any facility where solid waste management activities are limited to transferring solid waste from collection vehicles to other vehicles for transport without processing. **The term**

"solid waste disposal facility" shall not include a facility that stores post-use polymers or recovered feedstocks or converts post-use polymers or recovered feedstocks through advanced recycling.

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

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

(10) "Gasification" means 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, including but not limited to 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, that are returned to economic utility in the form of raw materials, products, or fuels.

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

apply:

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

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

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

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

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

(12) "Pyrolysis" means 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 valuable raw, intermediate, and final products, including but not limited to 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, that are returned to economic utility in the form of raw materials, products, or fuels.

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

(i) Post-use polymers.

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

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

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

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

(15) "Solvolysis" means 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. The products of solvolysis include but are not limited to monomers, intermediates, and valuable raw materials. The process includes but is not limited to hydrolysis, aminolysis, ammonolysis, methanolysis, ethanolysis, and glycolysis.

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

* * *

B. The secretary is hereby directed:

(1)

* * *

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

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(iii) Advanced recycling or facilities that store post-use polymers or recovered feedstocks or that convert post-use polymers and recovered feedstocks through advanced recycling. However, prior to conducting any advanced recycling activities as defined by this Chapter, the person conducting such activities shall submit written notification to the department.

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§2157. Post-use polymers; management; use

A. Post-use polymers, as defined in this Chapter, shall be managed as follows:

(1) The storage of the post-use polymers prior to use shall not exceed reasonable time frames.

(2) 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 to the environment.

(3) If there is no analogous ingredient, the post-use polymers shall be adequately contained to prevent releases to the environment.

B. The post-use polymers shall provide a useful contribution to the production or manufacturing process or be used to produce a valuable product or intermediate. A contribution is useful if it contributes a valuable ingredient to the product or intermediate or is an effective substitute for a commercial product. The product or intermediate is valuable if either:

(1) Post-use polymers are sold to a third party.

(2) Post-use polymers are used as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.

C. The use of post-use polymers shall 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.

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

DIGEST

SB 97 Engrossed 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 requires notification to the department prior to conducting advanced recycling activities.

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.

Proposed law requires storage of post-use polymers not exceed reasonable time frames.

Proposed 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 to the environment. Proposed law further provides if there is no analogous ingredient, the post-use polymers shall be adequately contained to prevent releases to the environment.

Proposed 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. Proposed 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.

Proposed 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)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill

1. Adds provisions for the management and use of post-use polymers.

2. Requires notification to the department prior to conducting advanced recycling activities.

3. Adds to the definition of "recovered stock" materials for which the department has made a nonwaste determination.

4. Removes certain fuels from the definition of "advanced recycling".