

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), 2154(B)(1)(b)(iii), and 2157, relative to solid waste; to provide for  
4 advanced recycling processes, facilities, and products; to provide for definitions; to  
5 provide for exceptions; to provide for the power and duties of the secretary of the  
6 Department of Environmental Quality; to provide for certain materials; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 30:2153(2) through (5) are hereby amended and reenacted and R.S.  
10 30:2153(1)(b)(v), (8) through (15), R.S. 2154(B)(1)(b)(iii) and 2157 are hereby enacted to  
11 read as follows:

12 §2153. Definitions

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

15 (1)

16 \* \* \*

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

1 \* \* \*

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

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

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

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

24 (5) "Solid waste disposal facility" means any land area or structure or  
25 combination of land areas and structures, used for storing, salvaging, processing,  
26 reducing, incinerating, or disposing of solid wastes, excluding any "processing,  
27 treatment, or disposal facility" as defined in R.S. 30:2173 and any facility where  
28 solid waste management activities are limited to transferring solid waste from  
29 collection vehicles to other vehicles for transport without processing. **The term**

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

4 \* \* \*

5 (8) "Advanced recycling" means a manufacturing process for the  
6 conversion of post-use polymers and recovered feedstocks into basic  
7 hydrocarbon raw materials, feedstocks, chemicals, and other products like  
8 waxes and lubricants through processes that include pyrolysis, gasification,  
9 depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, and  
10 other similar technologies. The recycled products produced at advanced  
11 recycling facilities include but are not limited to monomers, oligomers, plastics,  
12 plastic and chemical feedstocks, basic and unfinished chemicals, crude oil,  
13 naphtha, waxes, lubricants, coatings, and other basic hydrocarbons. Energy  
14 recovery or the conversion of post-use polymers into fuel shall not be considered  
15 recycling as defined in R.S. 30:2412(24). Advanced recycling shall not be  
16 considered solid waste disposal, processing, incineration, combustion, or  
17 storage.

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

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

1 form of raw materials, products, or fuels.

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

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

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

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

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

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

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

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

27 (i) Post-use polymers.

28 (ii) Materials for which the United States Environmental Protection  
29 Agency or the department has made a non-waste determination pursuant to 40

1 CFR 241.3(c), 40 CFR 241.4, or has otherwise determined are feedstocks and  
2 not solid waste.

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

4 (i) Unprocessed municipal waste.

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

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

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

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

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

25 §2154. Powers; duties; restrictions; prohibitions; penalties

26 \* \* \*

27 B. The secretary is hereby directed:

28 (1)

29 \* \* \*

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

3 \* \* \*

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

9 \* \* \*

10 §2157. Post-use polymers; management; use

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

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

15 (2) Where there is an analogous ingredient, the post-use polymers shall  
16 be managed in a manner consistent with the analogous ingredient or otherwise  
17 be adequately contained to prevent releases to the environment.

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

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

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

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

28 C. The use of post-use polymers shall result in products that contain  
29 contaminants at levels that are comparable in concentration to or lower than

1            those found in traditional products that are manufactured with post-use  
 2            polymer products.

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The original instrument was prepared by Tyler McCloud. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl Serrett.

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## DIGEST

SB 97 Reengrossed

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".

##### Senate Floor Amendments to engrossed bill

1. Clarifies definitions of "advanced recycling" and "recovered feedstock".