2021 Regular Session

ACT No. 460

SENATE BILL NO. 97

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(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:
18	* * *
19	(v) Post-use polymers or recovered feedstocks that are converted through
20	advanced recycling or are held at, or for the purpose of conversion at, an
21	advanced recycling facility prior to conversion.
22	(2) "Resource management" means the process by which solid waste is
23	collected, transported, stored, separated, processed, or disposed of in any other way,
24	according to an orderly, purposeful, and planned program. The term "resource

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1 management" shall not include the storage of post-use polymers or recovered 2 feedstocks or the conversion of post-use polymers or recovered feedstocks 3 through advanced recycling. 4 (3) "Resource recovery" means the process by which materials, excluding 5 those under control of the Nuclear Regulatory Commission, which still have useful physical or chemical properties after serving a specific purpose are reused or 6 7 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 8 9 or recovered feedstocks through advanced recycling. 10 (4) "Resource recovery and management facility" means any solid waste 11 disposal area or other facility, the purpose of which is resource recovery or the

12disposal, recycling, processing, or storage of solid waste, excluding any "processing,13treatment, or disposal facility" as defined in R.S. 30:2173. The term "resource14recovery and management facility" shall not include a facility that stores15post-use polymers or recovered feedstocks or converts post-use polymers or16recovered feedstocks through advanced recycling.

(5) "Solid waste disposal facility" means any land area or structure or 17 18 combination of land areas and structures, used for storing, salvaging, processing, 19 reducing, incinerating, or disposing of solid wastes, excluding any "processing, 20 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 21 22 collection vehicles to other vehicles for transport without processing. The term 23 "solid waste disposal facility" shall not include a facility that stores post-use polymers or recovered feedstocks or converts post-use polymers or recovered 24 25 feedstocks through advanced recycling.

27 (8) "Advanced recycling" means a manufacturing process for the
 28 conversion of post-use polymers and recovered feedstocks into basic
 29 hydrocarbon raw materials, feedstocks, chemicals, and other products like
 30 waxes and lubricants through processes that include pyrolysis, gasification,

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1	depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, and
2	other similar technologies. The recycled products produced at advanced
3	recycling facilities include but are not limited to monomers, oligomers, plastics,
4	plastic and chemical feedstocks, basic and unfinished chemicals, crude oil,
5	naphtha, waxes, lubricants, coatings, and other basic hydrocarbons. Energy
6	<u>recovery or the conversion of post-use polymers into fuel shall not be considered</u>
7	recycling as defined in R.S. 30:2412(24). Advanced recycling shall not be
8	considered solid waste disposal, processing, incineration, combustion, or
9	storage.
10	(9) "Advanced recycling facility" means a facility that receives, stores,
11	and converts post-use polymers and recovered feedstocks it receives using
12	advanced recycling. An advanced recycling facility is subject to applicable
13	department regulations. Advanced recycling facilities shall not be considered
14	solid waste disposal, processing, incineration, combustion, or storage facilities.
15	(10) "Gasification" means a manufacturing process through which
16	recovered feedstocks are heated and converted into a fuel and gas mixture in an
17	oxygen-deficient atmosphere and the mixture is converted into raw,
18	intermediate, and final products, including but not limited to plastic monomers,
19	chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, and
20	diesel and gasoline blendstocks, home heating oil and other fuels, including
21	ethanol and transportation fuel, that are returned to economic utility in the
22	form of raw materials, products, or fuels.
23	(11) "Post-use polymer" means a plastic to which all of the following
24	apply:
25	(a) The plastic is derived from any industrial, commercial, agricultural,
26	or domestic activities.
27	(b) The plastic is not mixed with solid waste or hazardous waste onsite
28	or during processing at the advanced recycling facility.
29	(c) The plastics' use or intended use is as a feedstock for the
30	manufacturing of crude oil, fuels, feedstocks, blendstocks, raw materials, or

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1	other intermediate products or final products using advanced recycling.
2	(d) The plastic has been sorted from solid waste or other regulated waste
3	but may contain residual amounts of solid waste such as organic material and
4	incidental contaminants or impurities such as paper labels or metal rings.
5	(e) The plastic is processed at an advanced recycling facility or held at
6	such facility prior to processing.
7	(12) "Pyrolysis" means a manufacturing process through which post-use
8	polymers are heated in the absence of oxygen until melted and thermally
9	decomposed and are then cooled, condensed, and converted into valuable raw,
10	intermediate, and final products, including but not limited to plastic monomers,
11	chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, and
12	diesel and gasoline blendstocks, home heating oil and other fuels, including
13	ethanol and transportation fuel, that are returned to economic utility in the
14	form of raw materials, products, or fuels.
15	(13)(a) "Recovered feedstock" means one or more of the following
16	materials that have been processed so that it may be used as feedstock in an
16 17	<u>materials that have been processed so that it may be used as feedstock in an</u> advanced recycling facility:
17	advanced recycling facility:
17 18	advanced recycling facility: (i) Post-use polymers.
17 18 19	advanced recycling facility: (i) Post-use polymers. (ii) Materials for which the United States Environmental Protection
17 18 19 20	advanced recycling facility: (i) Post-use polymers. (ii) Materials for which the United States Environmental Protection Agency or the department has made a non-waste determination pursuant to 40
17 18 19 20 21	advanced recycling facility: (i) Post-use polymers. (ii) Materials for which the United States Environmental Protection Agency or the department has made a non-waste determination pursuant to 40 CFR 241.3(c), or has otherwise determined are feedstocks and not solid waste.
 17 18 19 20 21 22 	advanced recycling facility: (i) Post-use polymers. (ii) Materials for which the United States Environmental Protection Agency or the department has made a non-waste 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 the following:
 17 18 19 20 21 22 23 	advanced recycling facility: (i) Post-use polymers. (ii) Materials for which the United States Environmental Protection Agency or the department has made a non-waste 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 the following: (i) Unprocessed municipal waste.
 17 18 19 20 21 22 23 24 	advanced recycling facility: (i) Post-use polymers. (ii) Materials for which the United States Environmental Protection Agency or the department has made a non-waste 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 the following: (i) Unprocessed municipal waste. (ii) Commonly recycled paper that is segregated from solid waste.
 17 18 19 20 21 22 23 24 25 	advanced recycling facility: (i) Post-use polymers. (ii) Materials for which the United States Environmental Protection Agency or the department has made a non-waste 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 the following: (i) Unprocessed municipal waste. (ii) Commonly recycled paper that is segregated from solid waste. (iii) Commonly recycled paper that is collected as part of a collection
 17 18 19 20 21 22 23 24 25 26 	advanced recycling facility: (i) Post-use polymers. (ii) Materials for which the United States Environmental Protection Agency or the department has made a non-waste 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 the following: (i) Unprocessed municipal waste. (ii) Commonly recycled paper that is segregated from solid waste. (iii) Commonly recycled paper that is collected as part of a collection system that commingles the paper with other solid waste at any point from the
 17 18 19 20 21 22 23 24 25 26 27 	advanced recycling facility: (i) Post-use polymers. (ii) Materials for which the United States Environmental Protection Agency or the department has made a non-waste 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 the following: (i) Unprocessed municipal waste. (ii) Commonly recycled paper that is segregated from solid waste. (iii) Commonly recycled paper that is collected as part of a collection system that commingles the paper with other solid waste at any point from the time of collection through the materials recovery.

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1	polymers or plastic materials are broken down into smaller molecules without
2	damaging the monomers themselves and then converted into a raw,
3	intermediate, or final product, including monomers, oligomers, plastics, plastic
4	and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha,
5	liquid transportation fuels, waxes, lubricants, coatings, and other basic
6	hydrocarbons.
7	(15) "Solvolysis" means a manufacturing process through which post-use
8	plastics are reacted with the aid of solvents while heated at low temperatures or
9	pressurized to make useful products, while allowing additives and contaminants
10	to be separated. The products of solvolysis include but are not limited to
11	monomers, intermediates, and valuable raw materials. The process includes but
12	<u>is not limited to hydrolysis, aminolysis, ammonolysis, methanolysis, ethanolysis,</u>
13	and glycolysis.
14	§2154. Powers; duties; restrictions; prohibitions; penalties
15	* * *
16	B. The secretary is hereby directed:
17	(1)
18	* * *
19	(b) However, such rules and regulations shall not include any of the
20	following:
21	* * *
22	(iii) Advanced recycling or facilities that store post-use polymers or
23	recovered feedstocks or that convert post-use polymers and recovered
24	feedstocks through advanced recycling. However, prior to conducting any
25	advanced recycling activities as defined by this Chapter, the person conducting
26	such activities shall submit written notification to the department.
27	* * *
28	<u>§2157. Post-use polymers; management; use</u>
29	A. Post-use polymers, as defined in this Chapter, shall be managed as
30	<u>follows:</u>

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1	(1) The storage of the post-use polymers prior to use shall not exceed
2	reasonable time frames.
3	(2) Where there is an analogous ingredient, the post-use polymers shall
4	be managed in a manner consistent with the analogous ingredient or otherwise
5	be adequately contained to prevent releases to the environment.
6	(3) If there is no analogous ingredient, the post-use polymers shall be
7	adequately contained to prevent releases to the environment.
8	B. The post-use polymers shall provide a useful contribution to the
9	production or manufacturing process or be used to produce a valuable product
10	or intermediate. A contribution is useful if it contributes a valuable ingredient
11	to the product or intermediate or is an effective substitute for a commercial
12	product. The product or intermediate is valuable if either:
13	(1) Post-use polymers are sold to a third party.
14	(2) Post-use polymers are used as an effective substitute for a commercial
15	product or as an ingredient or intermediate in an industrial process.
16	C. The use of post-use polymers shall result in products that contain
17	contaminants at levels that are comparable in concentration to or lower than
18	those found in traditional products that are manufactured with post-use
19	polymer products.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____