

SENATE BILL NO. 97

BY SENATOR LAMBERT

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

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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)

* * *

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

* * *

(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**

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 recovery or the conversion of post-use polymers into fuel shall not be considered
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

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
17 advanced recycling facility:

18 (i) Post-use polymers.

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

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

23 (i) Unprocessed municipal waste.

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

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

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

30 (14) "Depolymerization" means a manufacturing process through which

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 is not limited to hydrolysis, aminolysis, ammonolysis, methanolysis, ethanolysis,
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 §2157. Post-use polymers; management; use

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

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: _____