

1 SB131
2 216494-2
3 By Senator Allen
4 RFD: Transportation and Energy
5 First Read: 01-FEB-22

8 SYNOPSIS: Under existing law, the Solid Waste and
9 Recyclable Materials Management Act regulates the
10 disposal and recycling of solid waste and
11 recyclable materials.

12 This bill would define advanced recycling as
13 a manufacturing process to convert post-use
14 materials such as plastics into basic hydrocarbon
15 raw materials.

16 This bill would also specify that advanced
17 recycling, which would process the materials,
18 including processing the materials through the use
19 of thermal energy, would not be considered solid
20 waste disposal or incineration under the solid
21 waste act.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 To amend Section 22-27-2 of the Code of Alabama
2 1975, the Solid Waste and Recyclable Materials Management Act;
3 to amend the definitions under the act; to define advanced
4 recycling and to specify that advanced recycling would not be
5 considered as solid waste disposal, solid waste processing,
6 solid waste management, or incineration.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 22-27-2 of the Code of Alabama
9 1975, is amended to read as follows:

10 "§22-27-2.

11 "For the purpose of this article, the following
12 terms shall have the meanings respectively ascribed to them by
13 this section:

14 "(1) ADVANCED RECYCLING. A manufacturing process for
15 the conversion of post-use polymers and recovered feedstocks
16 into basic hydrocarbon raw materials, feedstocks, chemicals,
17 and other products like waxes and lubricants through processes
18 that include pyrolysis, gasification, depolymerization,
19 catalytic cracking, reforming, hydrogenation, solvolysis, and
20 other similar technologies. The recycled products produced at
21 advanced recycling facilities include, but are not limited to,
22 monomers, oligomers, plastics, plastics and chemical
23 feedstocks, basic and unfinished chemicals, waxes, lubricants,
24 coatings, and other basic hydrocarbons, which are returned to
25 economic utility in the form of raw materials and products.

26 "(2) ADVANCED RECYCLING FACILITY. A facility that
27 receives, stores, and converts post-use polymers and recovered

1 feedstocks it receives using advanced recycling. An advanced
2 recycling facility is a manufacturing facility subject to
3 applicable department manufacturing regulations for air,
4 water, waste, and land use.

5 ~~"(1)~~(3) AGENCY. Any controlling agency, public or
6 private, elected, appointed, or volunteer utilizing methods
7 approved by the health department or the department for the
8 purpose of controlling and supervising the collection or
9 management of solid wastes or recyclable materials.

10 ~~"(2)~~(4) ALTERNATIVE COVER. Material other than earth
11 used to cover a landfill or sanitary landfill. An alternative
12 cover shall be approved by the Department of Environmental
13 Management in compliance with federal law and United States
14 Environmental Protection Agency rules or guidance to achieve a
15 level of performance equal to or greater than earthen cover
16 material.

17 ~~"(3)~~(5) ASHES. The solid residue from burning of
18 wood, coal, coke, or other combustible material used for
19 heating, from incineration of solid wastes, or for the
20 production of electricity at electric generating plants.

21 ~~"(4)~~(6) COAL COMBUSTION BY-PRODUCTS. Fly ash, bottom
22 ash, boiler slag, or flue gas emission control by-products
23 which result primarily from the combustion of coal or other
24 fossil fuels at electric generating plants.

25 ~~"(5)~~(7) COMPOSTING OR COMPOST PLANT. An officially
26 controlled method or operation whereby putrescible solid
27 wastes are broken down through microbic action to a material

1 offering no hazard or nuisance factors to public health or
2 well-being.

3 "~~(6)~~(8) DEPARTMENT. The Alabama Department of
4 Environmental Management.

5 "~~(7)~~(9) DIRECTOR. The Director of the Alabama
6 Department of Environmental Management or his or her designee.

7 "~~(8)~~(10) DISCHARGE. The accidental or intentional
8 spilling, leaking, pumping, emitting, emptying, or dumping of
9 solid waste, including leachate, into or on any land or water.

10 "~~(9)~~(11) DISPOSAL. The discharge, deposit,
11 injection, dumping, spilling, leaking, or placing of any solid
12 waste into or on any land or water so that the waste or any
13 constituent thereof may enter the environment or be emitted
14 into the air or discharged into any waters, including, but not
15 limited to, ground waters.

16 "~~(10)~~(12) FACILITY. All contiguous land, structures,
17 and other appurtenances used for the processing, treatment,
18 storage, or disposal of solid waste, or the recovery of
19 recyclable materials from solid waste, whether or not
20 authorized or permitted, including, but not limited to, waste
21 disposal areas and waste disposed therein.

22 "~~(11)~~(13) FINANCIAL ASSURANCE. A financial
23 arrangement by the owner or operator of a municipal solid
24 waste landfill which guarantees the availability of funds
25 which may be used to close, provide post-closure care, or
26 conduct corrective action at that facility if the owner or
27 operator fails to properly execute his or her responsibilities

1 under this article and any rules adopted by the department for
2 closure, post-closure care, or corrective action and the terms
3 of any permit issued for operation of that facility.

4 "~~(12)~~(14) GARBAGE. Putrescible animal and vegetable
5 wastes resulting from the handling, preparation, cooking, and
6 consumption of food, including wastes from markets, storage
7 facilities, handling and sale of produce and other food
8 products and excepting such materials that may be serviced by
9 garbage grinders and handled as household sewage.

10 "~~(13)~~(15) GENERATION. The act or process of
11 producing solid waste. Solid waste shall be considered to be
12 generated at the point that waste materials are first
13 discarded or collected, regardless of any subsequent materials
14 recovery or recycling.

15 "~~(14)~~(16) HAZARDOUS WASTES. Those wastes defined in,
16 and regulated under, the Alabama Hazardous Waste Management
17 and Minimization Act of 1978, as amended.

18 "~~(15)~~(17) HEALTH DEPARTMENT. An approved county or
19 district health department, including the Alabama State
20 Department of Public Health and the affected state and county
21 health department.

22 "~~(16)~~(18) HEALTH OFFICER. The state or affected
23 county health officer or his or her designee.

24 "~~(17)~~(19) HOUSEHOLD WASTE. Any solid waste,
25 including, but not limited to, garbage, trash, and sanitary
26 waste in septic tanks derived from households, including
27 single and multiple residences, hotels and motels, bunkhouses,

1 ranger stations, crew quarters, campgrounds, picnic grounds,
2 and day-use recreational areas. Sanitary waste in septic tanks
3 shall be considered as household waste only when it is
4 disposed in a landfill or unauthorized dump and its inclusion
5 as a household waste shall in no way prohibit or supersede the
6 authority of the board or the department to regulate onsite
7 sewage systems or the management of sanitary waste in septic
8 tanks.

9 "~~(18)~~ (20) INCINERATOR. A device designed to burn
10 that portion of garbage and rubbish which will be consumed at
11 temperatures generally ranging 1,600 degrees Fahrenheit or
12 over. The unburned residue from an incinerator, including
13 metal, glass, and the like shall be called ashes.

14 "~~(19)~~ (21) INDUSTRIAL SOLID WASTE. Solid waste
15 generated by manufacturing or industrial processes that is not
16 a hazardous waste regulated under Chapters 22 to 30,
17 inclusive, of this title.

18 "~~(20)~~ (22) INNOCENT LANDOWNER. An owner of real
19 property upon which there is located an unauthorized dump and
20 who meets all of the following conditions:

21 "a. The solid waste was disposed of on the property
22 after the owner acquired title to the property or the waste
23 was disposed of before the owner acquired title to the
24 property and the owner lacked actual knowledge of the waste
25 after conducting reasonable due diligence or title was
26 acquired by bequest or devise.

1 "b. The owner did not have knowledge that the waste
2 was being disposed of on the property or the owner took steps,
3 including, but not limited to, posting signs to prevent
4 disposal on the property.

5 "c. The owner did not participate in or consent to
6 the disposal of solid waste on the property.

7 "d. The owner did not receive any financial benefit
8 from the disposal of solid waste on the property.

9 "e. Title to the property was not transferred to the
10 owner for the purpose of evading liability for operating an
11 unauthorized dump.

12 "f. The person or persons responsible for disposing
13 of the solid waste on the property, in doing so, were not
14 acting as an agent for the owner.

15 "~~(21)~~ (23) LANDFILL. A method of compaction and earth
16 or alternative cover of solid wastes other than those
17 containing garbage or other putrescible wastes, including, but
18 not limited to, tree limbs and stumps, demolition materials,
19 incinerator residues, and like materials not constituting a
20 health or nuisance hazard, where cover need not be applied on
21 a per day used basis.

22 "~~(22)~~ (24) MATERIALS RECOVERY FACILITY. A solid waste
23 management facility that provides for the extraction from
24 solid waste of recyclable materials, materials suitable for
25 use as a fuel or soil amendment, or any combination of those
26 materials. A materials recovery facility shall be deemed to be
27 a solid waste treatment facility.

1 "~~(23)~~(25) MEDICAL WASTE. A solid waste or
2 combination of solid wastes which because of its infectious
3 characteristics may either:

4 "a. Cause, or significantly contribute to, an
5 increase in mortality or an increase in serious irreversible
6 or incapacitating reversible illness.

7 "b. Pose a substantial present hazard or potential
8 hazard to human health or the environment when improperly
9 treated, stored, transported, disposed, or otherwise managed.

10 "~~(24)~~(26) MUNICIPAL SOLID WASTE LANDFILL. A discrete
11 area of land or an excavation that receives household waste
12 and that is not a land application unit, surface impoundment,
13 injection well, or waste pile. A municipal solid waste
14 landfill may also receive other types of solid wastes, such as
15 commercial solid waste, nonhazardous sludge, conditionally
16 exempt small quantity generator waste, industrial solid waste,
17 construction/demolition waste, and rubbish. A municipal solid
18 waste landfill is a sanitary landfill.

19 "~~(25)~~(27) PERSON. An individual, trust, firm, joint
20 stock company, corporation (including a government
21 corporation), partnership, agent, agency, association, state,
22 municipality, commission, political subdivision of a state, an
23 interstate body, or other private or public legal entity.

24 "(28) POST-USE POLYMER. A plastic polymer to which
25 all of the following apply:

26 "a. It is derived from any industrial, commercial,
27 agricultural, or household activities.

1 "b. It is not mixed with solid waste or hazardous
2 waste onsite or during conversion at the advanced recycling
3 facility.

4 "c. The plastic's use or intended use is as a
5 feedstock for the manufacturing of feedstocks, other basic
6 hydrocarbons, raw materials, or other intermediate products or
7 final products using advanced recycling.

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

13 "e. The plastic is converted at an advanced
14 recycling facility or held at the facility prior to
15 conversion.

16 "~~(26)~~ (29) PRIVATE SOLID WASTE MANAGEMENT FACILITY. A
17 solid waste management facility that is operated exclusively
18 by and for a private solid waste generator for the purpose of
19 accepting solid waste generated ~~on-site~~ onsite or by the
20 permittee.

21 "~~(27)~~ (30) PUBLIC SOLID WASTE MANAGEMENT FACILITY. A
22 solid waste management facility that accepts solid waste from
23 the public generally or for a fee or any solid waste
24 management facility that is not a private solid waste
25 management facility.

1 "(31) RECOVERED FEEDSTOCK. One or more of the
2 following materials that has been converted so that it may be
3 used as feedstock in an advanced recycling facility:

4 "a. Post-use polymers.

5 "b. Materials for which the United States
6 Environmental Protection Agency has made a nonwaste
7 determination under 40 C.F.R. 241.3(c) or has otherwise
8 determined are feedstocks and not solid waste.

9 "c. Recoverable feedstock does not include
10 unprocessed municipal solid waste.

11 "d. Recovered feedstock is not mixed with solid
12 waste or hazardous waste onsite or during conversion at an
13 advanced recycling facility.

14 ~~"(28)~~ (32) RECOVERED MATERIALS. Those materials which
15 have known recycling potential; which can be feasibly
16 recycled; which have been diverted or removed from the solid
17 waste stream for recycling, whether or not requiring
18 subsequent separation and processing; and which have a
19 substantial portion that is consistently used in the
20 manufacture of products which may otherwise be produced from
21 raw or virgin materials. Recovered materials shall not include
22 solvents or materials, except sawdust, bark, and paper
23 materials that are destined for incineration, energy recovery,
24 or any use which constitutes disposal. Recovered materials
25 shall only be those materials for which during the calendar
26 year, commencing on January 1, the amount of material recycled
27 or diverted from the solid waste stream for recycling and

1 transferred to a different site for recycling equals at least
2 75 percent by weight or volume of the amount of that material
3 accumulated at the beginning of the period.

4 "~~(29)~~ (33) RECOVERED MATERIALS PROCESSING FACILITY. A
5 facility primarily engaged in the storage, processing, and
6 resale or reuse of recovered materials. A recovered materials
7 processing facility is not a solid waste management facility;
8 however, any solid waste resulting from the operation of a
9 facility shall be subject to all applicable laws and
10 regulations relating to solid waste and shall be deemed to be
11 generated for purposes of reporting pursuant to solid waste
12 reduction goals, at the point of collection of the recovered
13 materials from which the solid waste resulted. A recovered
14 material processing facility shall provide notification to the
15 department according to rules adopted by the department.

16 "~~(30)~~ (34) RECYCLABLE MATERIALS. Those materials
17 which are capable of being recycled, whether or not the
18 materials have been diverted or removed from the solid waste
19 stream.

20 "~~(31)~~ (35) RECYCLING. Any process by which materials
21 are collected, separated, stored, recovered, or processed and
22 reused or returned to use in the form of raw materials or
23 products, but does not include the use of materials as a fuel,
24 or for any use which constitutes disposal.

25 "~~(32)~~ (36) RUBBISH. Nonputrescible solid wastes,
26 excluding ashes, consisting of both combustible and
27 noncombustible wastes. Combustible rubbish includes paper,

1 rags, cartons, wood, furniture, rubber, plastics, yard
2 trimmings, leaves, and similar materials. Noncombustible
3 rubbish includes glass, crockery, metal cans, metal furniture,
4 and like materials which will not burn at ordinary incinerator
5 temperatures, not less than 1,600 degrees Fahrenheit.

6 "~~(33)~~ (37) SANITARY LANDFILL. A controlled area of
7 land upon which solid waste is deposited and is compacted and
8 covered with earth or an alternative cover each day as
9 deposited, with no ~~on-site~~ onsite burning of wastes, and so
10 located, contoured, and drained that it will not constitute a
11 source of water pollution as determined by the department.

12 "~~(34)~~ (38) SOLID WASTE. Any garbage, rubbish,
13 construction or demolition debris, ash, or sludge from a waste
14 treatment facility, water supply plant, or air pollution
15 control facility, and any other discarded materials, including
16 solid, liquid, semisolid, or contained gaseous material
17 resulting from industrial, commercial, mining, or agricultural
18 operations or community activities, or materials intended for
19 or capable of recycling, but which have not been diverted or
20 removed from the solid waste stream. The term "solid waste"
21 does not include post-use polymers, recovered feedstock,
22 recovered materials, solid or dissolved materials in domestic
23 sewage, solid or dissolved material in irrigation return
24 flows, or industrial discharges which are point sources
25 subject to the National Pollutant Discharge Elimination System
26 permits under the Federal Water Pollution Control Act, as
27 amended, or the Alabama Waste Pollution Control Act, as

1 amended; or source, special, nuclear, or by-product materials
2 as defined by the Atomic Energy Act of 1954, as amended. Also
3 excluded from this definition are land applications of crop
4 residues, animal manure, and ash resulting exclusively from
5 the combustion of wood during accepted agricultural
6 operations, waste from silvicultural operations, or refuse as
7 defined and regulated pursuant to the Alabama Surface Mining
8 Act of 1969, Article 1, commencing with Section 9-16-1, of
9 Chapter 16 of Title 9.

10 "~~(35)~~ (39) SOLID WASTE DISPOSAL FACILITY. Any
11 landfill or part of a facility where final deposition of solid
12 waste occurs and at which waste may remain after closure.

13 "~~(36)~~ (40) SOLID WASTE MANAGEMENT. The systematic
14 control of solid waste, including its storage, processing,
15 treatment, recovery of materials from solid waste, or
16 disposal, but does not include advanced recycling.

17 "~~(37)~~ (41) SOLID WASTE MANAGEMENT FACILITY. Any solid
18 waste volume reduction plant, transfer station, material
19 recovery facility, or other facility, the purpose of which is
20 the storage, treatment, utilization, processing, disposal, or
21 recovery of materials from solid waste, or any combination
22 thereof, but does not include an advanced recycling facility.

23 "~~(38)~~ (42) UNAUTHORIZED DUMP. Any collection of solid
24 wastes either dumped or caused to be dumped or placed on any
25 public or private property, whether or not regularly used, and
26 not having a permit from the department. Abandoned
27 automobiles, large appliances, or similar large items of solid

1 waste shall be considered an unauthorized dump within the
2 meaning of this article. The careless littering of a
3 relatively few, smaller individual items such as tires,
4 bottles, cans, and the like shall not be considered an
5 unauthorized dump, unless the accumulation of solid waste
6 poses a threat to human health or the environment. An
7 unauthorized dump shall also mean any solid waste disposal
8 site which does not meet the regulatory provisions of this
9 article."

10 Section 2. This act shall become effective
11 immediately following its passage and approval by the
12 Governor, or its otherwise becoming law.