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SYNOPSIS:

Under existing law, the Solid Waste and Recyclable Materials Management Act regulates the disposal and recycling of solid waste and recyclable materials.

This bill would define "molecular recycling" as a manufacturing process to convert post-use materials such as plastics into recycled products.

This bill would specify that molecular recycling at an molecular recycling facility would not be considered solid waste disposal or incineration under the solid waste act.

This bill would also define "mill scale and slag" and include the term in the definition of solid waste.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 22-27-2 of the Code of Alabama 1975, the Solid Waste and Recyclable Materials Management Act; to amend the definitions under the act; to define "molecular recycling" and to specify that molecular recycling would not be considered as solid waste disposal, solid waste processing, solid waste management, or incineration; and to define "mill scale and slag" and include the term in the definition of



29 solid waste.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

33 "§22-27-2

34 For the purpose of this article, the following terms
35 ~~shall~~ have the meanings respectively ascribed to them by this
36 section:

37 (1) AGENCY. Any controlling agency, public or private,
38 elected, appointed, or volunteer utilizing methods approved by
39 the health department or the department for the purpose of
40 controlling and supervising the collection or management of
41 solid wastes or recyclable materials.

42 (2) ALTERNATIVE COVER. Material other than earth used
43 to cover a landfill or sanitary landfill. An alternative cover
44 shall be approved by the Department of Environmental
45 Management in compliance with federal law and United States
46 Environmental Protection Agency rules or guidance to achieve a
47 level of performance equal to or greater than earthen cover
48 material.

49 (3) ASHES. The solid residue from burning of wood,
50 coal, coke, or other combustible material used for heating,
51 from incineration of solid wastes, or for the production of
52 electricity at electric generating plants.

53 (4) COAL COMBUSTION BY-PRODUCTS. Fly ash, bottom ash,
54 boiler slag, or flue gas emission control by-products which
55 result primarily from the combustion of coal or other fossil
56 fuels at electric generating plants.



57 (5) COMPOSTING OR COMPOST PLANT. An officially
58 controlled method or operation whereby putrescible solid
59 wastes are broken down through microbic action to a material
60 offering no hazard or nuisance factors to public health or
61 well-being.

62 (6) DEPARTMENT. The Alabama Department of Environmental
63 Management.

64 (7) DIRECTOR. The Director of the Alabama Department of
65 Environmental Management or his or her designee.

66 (8) DISCHARGE. The accidental or intentional spilling,
67 leaking, pumping, emitting, emptying, or dumping of solid
68 waste, including leachate, into or on any land or water.

69 (9) DISPOSAL. The discharge, deposit, injection,
70 dumping, spilling, leaking, or placing of any solid waste into
71 or on any land or water so that the waste or any constituent
72 thereof may enter the environment or be emitted into the air
73 or discharged into any waters, including, but not limited to,
74 ground waters.

75 (10) FACILITY. All contiguous land, structures, and
76 other appurtenances used for the processing, treatment,
77 storage, or disposal of solid waste, or the recovery of
78 recyclable materials from solid waste, whether or not
79 authorized or permitted, including, but not limited to, waste
80 disposal areas and waste disposed therein.

81 (11) FINANCIAL ASSURANCE. A financial arrangement by
82 the owner or operator of a municipal solid waste landfill
83 which guarantees the availability of funds which may be used
84 to close, provide post-closure care, or conduct corrective



85 action at that facility if the owner or operator fails to
86 properly execute his or her responsibilities under this
87 article and any rules adopted by the department for closure,
88 post-closure care, or corrective action and the terms of any
89 permit issued for operation of that facility.

90 (12) GARBAGE. Putrescible animal and vegetable wastes
91 resulting from the handling, preparation, cooking, and
92 consumption of food, including wastes from markets, storage
93 facilities, handling and sale of produce and other food
94 products and excepting such materials that may be serviced by
95 garbage grinders and handled as household sewage.

96 (13) GENERATION. The act or process of producing solid
97 waste. Solid waste shall be considered to be generated at the
98 point that waste materials are first discarded or collected,
99 regardless of any subsequent materials recovery or recycling.

100 (14) HAZARDOUS WASTES. Those wastes defined in, and
101 regulated under, the Alabama Hazardous Waste Management and
102 Minimization Act of 1978, as amended.

103 (15) HEALTH DEPARTMENT. An approved county or district
104 health department, including the Alabama State Department of
105 Public Health and the affected state and county health
106 department.

107 (16) HEALTH OFFICER. The state or affected county
108 health officer or his or her designee.

109 (17) HOUSEHOLD WASTE. Any solid waste, including, but
110 not limited to, garbage, trash, and sanitary waste in septic
111 tanks derived from households, including single and multiple
112 residences, hotels and motels, bunkhouses, ranger stations,



113 crew quarters, campgrounds, picnic grounds, and day-use
114 recreational areas. Sanitary waste in septic tanks shall be
115 considered as household waste only when it is disposed in a
116 landfill or unauthorized dump and its inclusion as a household
117 waste shall in no way prohibit or supersede the authority of
118 the board or the department to regulate onsite sewage systems
119 or the management of sanitary waste in septic tanks.

120 (18) INCINERATOR. A device designed to burn that
121 portion of garbage and rubbish which will be consumed at
122 temperatures generally ranging 1,600 degrees Fahrenheit or
123 over. The unburned residue from an incinerator, including
124 metal, glass, and the like shall be called ashes.

125 (19) INDUSTRIAL SOLID WASTE. Solid waste generated by
126 manufacturing or industrial processes that is not a hazardous
127 waste regulated under Chapters 22 to 30, inclusive, of this
128 title.

129 (20) INNOCENT LANDOWNER. An owner of real property upon
130 which there is located an unauthorized dump and who meets all
131 of the following conditions:

132 a. The solid waste was disposed of on the property
133 after the owner acquired title to the property or the waste
134 was disposed of before the owner acquired title to the
135 property and the owner lacked actual knowledge of the waste
136 after conducting reasonable due diligence or title was
137 acquired by bequest or devise.

138 b. The owner did not have knowledge that the waste was
139 being disposed of on the property or the owner took steps,
140 including, but not limited to, posting signs to prevent



141 disposal on the property.

142 c. The owner did not participate in or consent to the
143 disposal of solid waste on the property.

144 d. The owner did not receive any financial benefit from
145 the disposal of solid waste on the property.

146 e. Title to the property was not transferred to the
147 owner for the purpose of evading liability for operating an
148 unauthorized dump.

149 f. The person or persons responsible for disposing of
150 the solid waste on the property, in doing so, were not acting
151 as an agent for the owner.

152 (21) LANDFILL. A method of compaction and earth or
153 alternative cover of solid wastes other than those containing
154 garbage or other putrescible wastes, including, but not
155 limited to, tree limbs and stumps, demolition materials,
156 incinerator residues, and like materials not constituting a
157 health or nuisance hazard, where cover need not be applied on
158 a per day used basis.

159 (22) MASS BALANCE ATTRIBUTION. A chain of custody
160 accounting methodology with rules defined by a third-party
161 certification system that enables the attribution of the mass
162 of molecular recycling feedstocks to one or more molecular
163 recycling products.

164 ~~(22)~~ (23) MATERIALS RECOVERY FACILITY. A solid waste
165 management facility that provides for the extraction from
166 solid waste of recyclable materials, materials suitable for
167 use as a fuel or soil amendment, or any combination of those
168 materials. A materials recovery facility shall be deemed to be



169 a solid waste treatment facility.

170 ~~(23)~~ (24) MEDICAL WASTE. A solid waste or combination of
171 solid wastes which because of its infectious characteristics
172 may either:

173 a. Cause, or significantly contribute to, an increase
174 in mortality or an increase in serious irreversible or
175 incapacitating reversible illness.

176 b. Pose a substantial present hazard or potential
177 hazard to human health or the environment when improperly
178 treated, stored, transported, disposed, or otherwise managed.

179 ~~(27)~~ (25) MILL SCALE AND SLAG. Co-products that are a
180 result of the steel manufacturing process that are managed as
181 items of value in a controlled manner, but does not include
182 by-products that are a result of the steel manufacturing
183 process that would otherwise qualify as hazardous waste or
184 solid waste.

185 (26) MOLECULAR RECYCLING. A manufacturing process for
186 the conversion of plastic recovered materials into basic raw
187 materials, feedstocks, chemicals, recycled plastics, and other
188 products through processes that include pyrolysis,
189 gasification, depolymerization, catalytic cracking, reforming,
190 hydrogenation, solvolysis, chemolysis, and other similar
191 technologies. Molecular recycling does not include
192 incineration of plastics or waste-to-energy processes, and
193 products sold as fuel are not recycled products. Molecular
194 recycling does not include the conversion of post-use polymers
195 or recovered feedstock into fuels for use in energy
196 production, but the conversion of the materials, components,



197 or commodities into raw materials for new products using
198 pyrolysis, gasification, and solvolysis technologies under a
199 third-party certification system shall be considered recycled.
200 For purposes of this article, molecular recycling shall be
201 considered recycling as defined in this section and a facility
202 conducting molecular recycling shall be considered a recovered
203 materials processing facility.

204 (27) MUNICIPAL SOLID WASTE LANDFILL. A discrete area of
205 land or an excavation that receives household waste and that
206 is not a land application unit, surface impoundment, injection
207 well, or waste pile. A municipal solid waste landfill may also
208 receive other types of solid wastes, such as commercial solid
209 waste, nonhazardous sludge, conditionally exempt small
210 quantity generator waste, industrial solid waste,
211 construction/demolition waste, and rubbish. A municipal solid
212 waste landfill is a sanitary landfill.

213 ~~(25)~~ (28) PERSON. An individual, trust, firm, joint
214 stock company, corporation (including a government
215 corporation), partnership, agent, agency, association, state,
216 municipality, commission, political subdivision of a state, an
217 interstate body, or other private or public legal entity.

218 ~~(31)~~ (29) PRIVATE SOLID WASTE MANAGEMENT FACILITY. A
219 solid waste management facility that is operated exclusively
220 by and for a private solid waste generator for the purpose of
221 accepting solid waste generated ~~on-site~~ onsite or by the
222 permittee.

223 ~~(27)~~ (30) PUBLIC SOLID WASTE MANAGEMENT FACILITY. A
224 solid waste management facility that accepts solid waste from



225 the public generally or for a fee or any solid waste
226 management facility that is not a private solid waste
227 management facility.

228 ~~(28)~~ (31) RECOVERED MATERIALS. Those materials which
229 have known recycling potential; which can be feasibly
230 recycled; which have been diverted or removed from the solid
231 waste stream for recycling, whether or not requiring
232 subsequent separation and processing; ~~and~~ which have a
233 substantial portion that is consistently used in the
234 manufacture of products which may otherwise be produced from
235 raw or virgin materials. Recovered materials shall not include
236 solvents or materials, except sawdust, bark, and paper
237 materials that are destined for incineration, energy recovery,
238 or any use which constitutes disposal. Recovered materials
239 shall only be those materials for which during the calendar
240 year, commencing on January 1, the amount of material recycled
241 or diverted from the solid waste stream for recycling and
242 transferred to a different site for recycling equals at least
243 75 percent by weight or volume of the amount of that material
244 accumulated at the beginning of the period.

245 ~~(29)~~ (32) RECOVERED MATERIALS PROCESSING FACILITY. A
246 facility primarily engaged in the storage, processing, and
247 resale or reuse of recovered materials. A recovered materials
248 processing facility is not a solid waste management facility;
249 however, any solid waste resulting from the operation of a
250 facility shall be subject to all applicable laws and
251 regulations relating to solid waste and shall be deemed to be
252 generated for purposes of reporting pursuant to solid waste



253 reduction goals, at the point of collection of the recovered
254 materials from which the solid waste resulted. A recovered
255 material processing facility shall provide notification to the
256 department ~~according to rules adopted by the department.~~

257 Notwithstanding any rules to the contrary, the notification
258 shall be limited to the facility name and address and the
259 categories of recovered materials shall mean metals, paper,
260 glass, plastic, textiles, rubber, or electronics.

261 ~~(30)~~ (33) RECYCLABLE MATERIALS. Those materials which
262 are capable of being recycled, whether or not the materials
263 have been diverted or removed from the solid waste stream.

264 (34) RECYCLED PLASTICS or RECYCLED PLASTIC. Products
265 that are produced:

266 a. from mechanical recycling using pre-consumer
267 recovered materials or plastics, and post-consumer plastics;
268 or

269 b. from molecular recycling of pre-consumer recovered
270 materials or plastics and post-consumer plastics by mass
271 balance attribution under a third-party certification system.

272 ~~(31)~~ (35) RECYCLING. Any process by which materials are
273 collected, separated, stored, recovered, or processed and
274 reused or returned to use in the form of raw materials or
275 products, but does not include the use of materials as a fuel,
276 or for any use which constitutes disposal.

277 ~~(32)~~ (36) RUBBISH. Nonputrescible solid wastes,
278 excluding ashes, consisting of both combustible and
279 noncombustible wastes. Combustible rubbish includes paper,
280 rags, cartons, wood, furniture, rubber, plastics, yard



281 trimmings, leaves, and similar materials. Noncombustible
282 rubbish includes glass, crockery, metal cans, metal furniture,
283 and like materials which will not burn at ordinary incinerator
284 temperatures, not less than 1,600 degrees Fahrenheit.

285 ~~(33)~~ (37) SANITARY LANDFILL. A controlled area of land
286 upon which solid waste is deposited and is compacted and
287 covered with earth or an alternative cover each day as
288 deposited, with no ~~on-site~~ onsite burning of wastes, and so
289 located, contoured, and drained that it will not constitute a
290 source of water pollution as determined by the department.

291 ~~(34)~~ (38) SOLID WASTE. Any garbage, rubbish,
292 construction or demolition debris, ash, or sludge from a waste
293 treatment facility, water supply plant, or air pollution
294 control facility, and any other discarded materials, including
295 solid, liquid, semisolid, or contained gaseous material
296 resulting from industrial, commercial, mining, or agricultural
297 operations or community activities, or materials intended for
298 or capable of recycling, but which have not been diverted or
299 removed from the solid waste stream. The term "solid waste"
300 does not include recovered materials, solid or dissolved
301 materials in domestic sewage, solid or dissolved ~~material~~
302 materials in irrigation return flows, mill scale and slag
303 produced from electric arc furnace operations, or industrial
304 discharges which are point sources subject to the National
305 Pollutant Discharge Elimination System permits under the
306 Federal Water Pollution Control Act, as amended, or the
307 Alabama Waste Pollution Control Act, as amended; or source,
308 special, nuclear, or by-product materials as defined by the



309 Atomic Energy Act of 1954, as amended. Also excluded from this
310 definition are land applications of crop residues, animal
311 manure, and ash resulting exclusively from the combustion of
312 wood during accepted agricultural operations, waste from
313 silvicultural operations, or refuse as defined and regulated
314 pursuant to the Alabama Surface Mining Act of 1969, Article 1,
315 commencing with Section 9-16-1~~7~~ of Chapter 16 of Title 9.

316 ~~(35)~~ (39) SOLID WASTE DISPOSAL FACILITY. Any landfill or
317 part of a facility where final deposition of solid waste
318 occurs and at which waste may remain after closure.

319 ~~(36)~~ (40) SOLID WASTE MANAGEMENT. The systematic control
320 of solid waste, including its storage, processing, treatment,
321 recovery of materials from solid waste, or disposal.

322 ~~(37)~~ (41) SOLID WASTE MANAGEMENT FACILITY. Any solid
323 waste volume reduction plant, transfer station, material
324 recovery facility, or other facility, the purpose of which is
325 the storage, treatment, utilization, processing, disposal, or
326 recovery of materials from solid waste, or any combination
327 thereof.

328 ~~(38)~~ (42) UNAUTHORIZED DUMP. Any collection of solid
329 wastes either dumped or caused to be dumped or placed on any
330 public or private property, whether or not regularly used, and
331 not having a permit from the department. Abandoned
332 automobiles, large appliances, or similar large items of solid
333 waste shall be considered an unauthorized dump within the
334 meaning of this article. The careless littering of a
335 relatively few, smaller individual items such as tires,
336 bottles, cans, and the like shall not be considered an



337 unauthorized dump, unless the accumulation of solid waste
338 poses a threat to human health or the environment. An
339 unauthorized dump shall also mean any solid waste disposal
340 site which does not meet the regulatory provisions of this
341 article."

342 Section 2. This act shall become effective immediately
343 following its passage and approval by the Governor, or its
344 otherwise becoming law.

345