

HB36 INTRODUCED



1 HJ9E38-1
2 By Representative Collins
3 RFD: Economic Development and Tourism
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5 PFD: 23-Feb-23



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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 "advanced recycling" as a manufacturing process to convert post-use materials such as plastics into recycled products.

This bill would specify that advanced recycling at an advanced 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 "advanced recycling" and to specify that advanced 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 solid waste.



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29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

32 "§22-27-2

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

36 (1) ADVANCED RECYCLING. A manufacturing process for the
37 conversion of post-use polymers and recovered feedstocks into
38 basic raw materials, feedstocks, chemicals, and other products
39 through processes that include pyrolysis, gasification,
40 depolymerization, catalytic cracking, reforming,
41 hydrogenation, solvolysis, chemolysis, and other similar
42 technologies. The recycled products produced at advanced
43 recycling facilities include, but are not limited to,
44 monomers, oligomers, plastics, and chemical feedstocks, basic
45 and unfinished chemicals, waxes, lubricants, coatings, and
46 adhesives. Advanced recycling does not include incineration of
47 plastics, waste-to-energy processes, and products sold as fuel
48 are not recycled products. Advanced recycling shall be
49 considered recycling as defined in this section. For purposes
50 of this article, advanced recycling shall not be considered
51 solid waste management, solid waste processing, solid waste
52 recovery, incineration, treatment, or waste-to-energy.

53 (2) ADVANCED RECYCLING FACILITY. A manufacturing
54 facility that receives, stores, and converts post-use polymers
55 and recovered feedstocks it receives using advanced recycling.
56 An advanced recycling facility is a manufacturing facility



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57 subject to applicable rules of the department regulating
58 manufacturing for air, water, and land use. For purposes of
59 this article, an advanced recycling facility shall not be
60 considered a solid waste disposal facility, final disposal
61 facility, solid waste management facility, solid waste
62 processing facility, solid waste recovery facility,
63 incinerator, or waste-to-energy facility.

64 ~~(1)~~ (3) AGENCY. Any controlling agency, public or
65 private, elected, appointed, or volunteer utilizing methods
66 approved by the health department or the department for the
67 purpose of controlling and supervising the collection or
68 management of solid wastes or recyclable materials.

69 ~~(2)~~ (4) ALTERNATIVE COVER. Material other than earth
70 used to cover a landfill or sanitary landfill. An alternative
71 cover shall be approved by the Department of Environmental
72 Management in compliance with federal law and United States
73 Environmental Protection Agency rules or guidance to achieve a
74 level of performance equal to or greater than earthen cover
75 material.

76 ~~(3)~~ (5) ASHES. The solid residue from burning of wood,
77 coal, coke, or other combustible material used for heating,
78 from incineration of solid wastes, or for the production of
79 electricity at electric generating plants.

80 ~~(4)~~ (6) COAL COMBUSTION BY-PRODUCTS. Fly ash, bottom
81 ash, boiler slag, or flue gas emission control by-products
82 which result primarily from the combustion of coal or other
83 fossil fuels at electric generating plants.

84 ~~(5)~~ (7) COMPOSTING OR COMPOST PLANT. An officially



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85 controlled method or operation whereby putrescible solid
86 wastes are broken down through microbic action to a material
87 offering no hazard or nuisance factors to public health or
88 well-being.

89 ~~(6)~~ (8) DEPARTMENT. The Alabama Department of
90 Environmental Management.

91 ~~(7)~~ (9) DIRECTOR. The Director of the Alabama Department
92 of Environmental Management or his or her designee.

93 ~~(8)~~ (10) DISCHARGE. The accidental or intentional
94 spilling, leaking, pumping, emitting, emptying, or dumping of
95 solid waste, including leachate, into or on any land or water.

96 ~~(9)~~ (11) DISPOSAL. The discharge, deposit, injection,
97 dumping, spilling, leaking, or placing of any solid waste into
98 or on any land or water so that the waste or any constituent
99 thereof may enter the environment or be emitted into the air
100 or discharged into any waters, including, but not limited to,
101 ground waters.

102 ~~(10)~~ (12) FACILITY. All contiguous land, structures, and
103 other appurtenances used for the processing, treatment,
104 storage, or disposal of solid waste, or the recovery of
105 recyclable materials from solid waste, whether or not
106 authorized or permitted, including, but not limited to, waste
107 disposal areas and waste disposed therein.

108 ~~(11)~~ (13) FINANCIAL ASSURANCE. A financial arrangement
109 by the owner or operator of a municipal solid waste landfill
110 which guarantees the availability of funds which may be used
111 to close, provide post-closure care, or conduct corrective
112 action at that facility if the owner or operator fails to



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113 properly execute his or her responsibilities under this
114 article and any rules adopted by the department for closure,
115 post-closure care, or corrective action and the terms of any
116 permit issued for operation of that facility.

117 ~~(12)~~ (14) GARBAGE. Putrescible animal and vegetable
118 wastes resulting from the handling, preparation, cooking, and
119 consumption of food, including wastes from markets, storage
120 facilities, handling and sale of produce and other food
121 products and excepting such materials that may be serviced by
122 garbage grinders and handled as household sewage.

123 ~~(13)~~ (15) GENERATION. The act or process of producing
124 solid waste. Solid waste shall be considered to be generated
125 at the point that waste materials are first discarded or
126 collected, regardless of any subsequent materials recovery or
127 recycling.

128 ~~(14)~~ (16) HAZARDOUS WASTES. Those wastes defined in, and
129 regulated under, the Alabama Hazardous Waste Management and
130 Minimization Act of 1978, as amended.

131 ~~(15)~~ (17) HEALTH DEPARTMENT. An approved county or
132 district health department, including the Alabama State
133 Department of Public Health and the affected state and county
134 health department.

135 ~~(16)~~ (18) HEALTH OFFICER. The state or affected county
136 health officer or his or her designee.

137 ~~(17)~~ (19) HOUSEHOLD WASTE. Any solid waste, including,
138 but not limited to, garbage, trash, and sanitary waste in
139 septic tanks derived from households, including single and
140 multiple residences, hotels and motels, bunkhouses, ranger



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141 stations, crew quarters, campgrounds, picnic grounds, and
142 day-use recreational areas. Sanitary waste in septic tanks
143 shall be considered as household waste only when it is
144 disposed in a landfill or unauthorized dump and its inclusion
145 as a household waste shall in no way prohibit or supersede the
146 authority of the board or the department to regulate onsite
147 sewage systems or the management of sanitary waste in septic
148 tanks.

149 ~~(18)~~ (20) INCINERATOR. A device designed to burn that
150 portion of garbage and rubbish which will be consumed at
151 temperatures generally ranging 1,600 degrees Fahrenheit or
152 over. The unburned residue from an incinerator, including
153 metal, glass, and the like shall be called ashes.

154 ~~(19)~~ (21) INDUSTRIAL SOLID WASTE. Solid waste generated
155 by manufacturing or industrial processes that is not a
156 hazardous waste regulated under Chapters 22 to 30, inclusive,
157 of this title.

158 ~~(20)~~ (22) INNOCENT LANDOWNER. An owner of real property
159 upon which there is located an unauthorized dump and who meets
160 all of the following conditions:

161 a. The solid waste was disposed of on the property
162 after the owner acquired title to the property or the waste
163 was disposed of before the owner acquired title to the
164 property and the owner lacked actual knowledge of the waste
165 after conducting reasonable due diligence or title was
166 acquired by bequest or devise.

167 b. The owner did not have knowledge that the waste was
168 being disposed of on the property or the owner took steps,



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169 including, but not limited to, posting signs to prevent
170 disposal on the property.

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

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

175 e. Title to the property was not transferred to the
176 owner for the purpose of evading liability for operating an
177 unauthorized dump.

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

181 ~~(21)~~ (23) LANDFILL. A method of compaction and earth or
182 alternative cover of solid wastes other than those containing
183 garbage or other putrescible wastes, including, but not
184 limited to, tree limbs and stumps, demolition materials,
185 incinerator residues, and like materials not constituting a
186 health or nuisance hazard, where cover need not be applied on
187 a per day used basis.

188 (24) MASS BALANCE ATTRIBUTION. A chain of custody
189 accounting methodology with rules defined by a third-party
190 certification system that enables the attribution of the mass
191 of advanced recycling feedstocks to one or more advanced
192 recycling products.

193 ~~(22)~~ (25) MATERIALS RECOVERY FACILITY. A solid waste
194 management facility that provides for the extraction from
195 solid waste of recyclable materials, materials suitable for
196 use as a fuel or soil amendment, or any combination of those



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197 materials. A materials recovery facility shall be deemed to be
198 a solid waste treatment facility.

199 ~~(23)~~ (26) MEDICAL WASTE. A solid waste or combination of
200 solid wastes which because of its infectious characteristics
201 may either:

202 a. Cause, or significantly contribute to, an increase
203 in mortality or an increase in serious irreversible or
204 incapacitating reversible illness.

205 b. Pose a substantial present hazard or potential
206 hazard to human health or the environment when improperly
207 treated, stored, transported, disposed, or otherwise managed.

208 (27) MILL SCALE AND SLAG. Coproducts that are a result
209 of the steel manufacturing process that are managed as items
210 of value in a controlled manner, but does not include
211 by-products that are a result of the steel manufacturing
212 process that would otherwise qualify as hazardous waste or
213 solid waste.

214 ~~(24)~~ (28) MUNICIPAL SOLID WASTE LANDFILL. A discrete
215 area of land or an excavation that receives household waste
216 and that is not a land application unit, surface impoundment,
217 injection well, or waste pile. A municipal solid waste
218 landfill may also receive other types of solid wastes, such as
219 commercial solid waste, nonhazardous sludge, conditionally
220 exempt small quantity generator waste, industrial solid waste,
221 construction/demolition waste, and rubbish. A municipal solid
222 waste landfill is a sanitary landfill.

223 ~~(25)~~ (29) PERSON. An individual, trust, firm, joint
224 stock company, corporation (including a government



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225 corporation), partnership, agent, agency, association, state,
226 municipality, commission, political subdivision of a state, an
227 interstate body, or other private or public legal entity.

228 (30) POST-USE POLYMER. A plastic to which all of the
229 following apply:

230 a. It is derived from any industrial, commercial,
231 agricultural, or domestic activities, and includes
232 pre-consumer recovered materials and post-consumer materials.

233 b. It has been sorted from solid waste and other
234 regulated waste, but may contain residual amounts of waste,
235 such as organic material and incidental contaminants or
236 impurities such as paper labels and metal rings.

237 c. It is not mixed with solid waste or hazardous waste
238 onsite or during processing at the advanced recycling
239 facility.

240 d. Its use or intended use is as a feedstock for the
241 manufacturing of feedstocks, raw materials, or other
242 intermediate products or final products using advanced
243 recycling.

244 e. It is processed at an advanced recycling facility or
245 held at such facility prior to processing.

246 f. The term "post-use polymer" shall be considered
247 recyclable materials as defined in this section.

248 ~~(26)~~ (31) PRIVATE SOLID WASTE MANAGEMENT FACILITY. A
249 solid waste management facility that is operated exclusively
250 by and for a private solid waste generator for the purpose of
251 accepting solid waste generated ~~on-site~~ onsite or by the
252 permittee.



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253 ~~(27)~~ (32) PUBLIC SOLID WASTE MANAGEMENT FACILITY. A
254 solid waste management facility that accepts solid waste from
255 the public generally or for a fee or any solid waste
256 management facility that is not a private solid waste
257 management facility.

258 (33) RECOVERED FEEDSTOCK.

259 a. One or more of the following materials that has been
260 processed so that it may be used as feedstock in an advanced
261 recycling facility:

262 1. Post-use polymers.

263 2. Materials for which the United States Environmental
264 Protection Agency has made a nonwaste determination or has
265 otherwise determined are feedstocks and not solid waste.

266 b. Recovered feedstock does not include unprocessed
267 municipal solid waste.

268 c. Recovered feedstock is not mixed with solid waste or
269 hazardous waste onsite or during processing at an advanced
270 recycling facility.

271 ~~(28)~~ (34) RECOVERED MATERIALS. Those materials which
272 have known recycling potential; which can be feasibly
273 recycled; which have been diverted or removed from the solid
274 waste stream for recycling, whether or not requiring
275 subsequent separation and processing; and which have a
276 substantial portion that is consistently used in the
277 manufacture of products which may otherwise be produced from
278 raw or virgin materials. Recovered materials shall not include
279 solvents or materials, except sawdust, bark, and paper
280 materials that are destined for incineration, energy recovery,



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281 or any use which constitutes disposal. Recovered materials
282 shall only be those materials for which during the calendar
283 year, commencing on January 1, the amount of material recycled
284 or diverted from the solid waste stream for recycling and
285 transferred to a different site for recycling or lawful
286 disposal equals at least 75 percent by weight or volume of the
287 amount of that material accumulated at the beginning of the
288 period.

289 ~~(29)~~ (35) RECOVERED MATERIALS PROCESSING FACILITY. A
290 facility primarily engaged in the storage, processing, and
291 resale or reuse of recovered materials. A recovered materials
292 processing facility is not a solid waste management facility;
293 however, any solid waste resulting from the operation of a
294 facility shall be subject to all applicable laws and
295 regulations relating to solid waste and shall be deemed to be
296 generated for purposes of reporting pursuant to solid waste
297 reduction goals, at the point of collection of the recovered
298 materials from which the solid waste resulted. A recovered
299 material processing facility shall provide notification to the
300 department ~~according to rules adopted by the department.~~
301 Notwithstanding any rules to the contrary, the notification
302 shall be limited to the facility name, address, and the
303 category of recovered materials processed by the facility. The
304 categories of recovered materials shall mean metals, paper,
305 glass, plastic, textiles, rubber, or electronics.

306 ~~(30)~~ (36) RECYCLABLE MATERIALS. Those materials which
307 are capable of being recycled, whether or not the materials
308 have been diverted or removed from the solid waste stream.



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309 (37) RECYCLED PLASTICS or RECYCLED PLASTIC. Products
310 that are produced from one of the following:

311 a. From mechanical recycling using pre-consumer
312 recovered feedstocks or plastics, and post-consumer plastics.

313 b. From advanced recycling of pre-consumer recovered
314 feedstocks or plastics and post-consumer plastics by mass
315 balance attribution under a third-party certification system.

316 ~~(31)~~ (38) RECYCLING. Any process by which materials are
317 collected, separated, stored, recovered, or processed and
318 reused or returned to use in the form of raw materials or
319 products, but does not include the use of materials as a fuel,
320 or for any use which constitutes disposal.

321 ~~(32)~~ (39) RUBBISH. Nonputrescible solid wastes,
322 excluding ashes, consisting of both combustible and
323 noncombustible wastes. Combustible rubbish includes paper,
324 rags, cartons, wood, furniture, rubber, plastics, yard
325 trimmings, leaves, and similar materials. Noncombustible
326 rubbish includes glass, crockery, metal cans, metal furniture,
327 and like materials which will not burn at ordinary incinerator
328 temperatures, not less than 1,600 degrees Fahrenheit.

329 ~~(33)~~ (40) SANITARY LANDFILL. A controlled area of land
330 upon which solid waste is deposited and is compacted and
331 covered with earth or an alternative cover each day as
332 deposited, with no ~~on-site~~ onsite burning of wastes, and so
333 located, contoured, and drained that it will not constitute a
334 source of water pollution as determined by the department.

335 ~~(34)~~ (41) SOLID WASTE. Any garbage, rubbish,
336 construction or demolition debris, ash, or sludge from a waste



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337 treatment facility, water supply plant, or air pollution
338 control facility, and any other discarded materials, including
339 solid, liquid, semisolid, or contained gaseous material
340 resulting from industrial, commercial, mining, or agricultural
341 operations or community activities, or materials intended for
342 or capable of recycling, but which have not been diverted or
343 removed from the solid waste stream. The term "solid waste"
344 does not include post-use polymers and recovered feedstocks
345 converted at an advanced recycling facility or held at an
346 advanced recycling facility prior to conversion through an
347 advanced recycling process, recovered materials, solid or
348 dissolved materials in domestic sewage, solid or dissolved
349 ~~material~~ materials in irrigation return flows, mill scale and
350 slag produced from electric arc furnace operations, or
351 industrial discharges which are point sources subject to the
352 National Pollutant Discharge Elimination System permits under
353 the Federal Water Pollution Control Act, as amended, or the
354 Alabama Waste Pollution Control Act, as amended; or source,
355 special, nuclear, or by-product materials as defined by the
356 Atomic Energy Act of 1954, as amended. Also excluded from this
357 definition are land applications of crop residues, animal
358 manure, and ash resulting exclusively from the combustion of
359 wood during accepted agricultural operations, waste from
360 silvicultural operations, or refuse as defined and regulated
361 pursuant to the Alabama Surface Mining Act of 1969, Article 1,
362 commencing with Section 9-16-1, of Chapter 16 of Title 9.

363 ~~(35)~~ (42) SOLID WASTE DISPOSAL FACILITY. Any landfill or
364 part of a facility where final deposition of solid waste



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365 occurs and at which waste may remain after closure. The term
366 does not include an advanced recycling facility.

367 ~~(36)~~ (43) SOLID WASTE MANAGEMENT. The systematic control
368 of solid waste, including its storage, processing, treatment,
369 recovery of materials from solid waste, or disposal. The term
370 does not include advanced recycling.

371 ~~(37)~~ (44) SOLID WASTE MANAGEMENT FACILITY. Any solid
372 waste volume reduction plant, transfer station, material
373 recovery facility, or other facility, the purpose of which is
374 the storage, treatment, utilization, processing, disposal, or
375 recovery of materials from solid waste, or any combination
376 thereof. The term does not include an advanced recycling
377 facility.

378 (45) THIRD-PARTY CERTIFICATION SYSTEM. An international
379 and multi-national third-party certification system, which
380 consists of a set of rules for implementation of mass balance
381 attribution approaches for advanced recycling of materials.
382 Third-party certification systems include, but are not limited
383 to, International Sustainability and Carbon Certification,
384 Underwriter Laboratories, SCS Recycled Content, Roundtable on
385 Sustainable Biomaterials, Ecoloop, and REDcert2.

386 ~~(38)~~ (46) UNAUTHORIZED DUMP. Any collection of solid
387 wastes either dumped or caused to be dumped or placed on any
388 public or private property, whether or not regularly used, and
389 not having a permit from the department. Abandoned
390 automobiles, large appliances, or similar large items of solid
391 waste shall be considered an unauthorized dump within the
392 meaning of this article. The careless littering of a



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393 relatively few, smaller individual items such as tires,
394 bottles, cans, and the like shall not be considered an
395 unauthorized dump, unless the accumulation of solid waste
396 poses a threat to human health or the environment. An
397 unauthorized dump shall also mean any solid waste disposal
398 site which does not meet the regulatory provisions of this
399 article."

400 Section 2. This act shall become effective immediately
401 following its passage and approval by the Governor, or its
402 otherwise becoming law.

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