

STATE OF NEW YORK

7891

IN SENATE

January 18, 2022

Introduced by Sen. MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to advanced recycling and advanced recycling facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 1 and 7 of section 27-0303 of the environ-
2 mental conservation law, subdivision 1 as amended by chapter 671 of the
3 laws of 1986, and subdivision 7 as added by chapter 592 of the laws of
4 1981, are amended to read as follows:

5 1. "Disposal" means the abandonment, discharge, deposit, injection,
6 dumping, spilling, leaking or placing of any substance so that such
7 substance or any related constituent thereof may enter the environment.
8 Disposal also means the thermal destruction of waste or hazardous waste
9 and the burning of such wastes as fuel for the purpose of recovering
10 useable energy, but does include the conversion of post-use polymers and
11 recovered feedstocks at an advanced recycling facility as such terms are
12 defined pursuant to section 27-0701 of this article.

13 7. "Waste" means any garbage, refuse, sludge from a waste treatment
14 plant, water supply treatment plant or air pollution control facility,
15 and other discarded material, including solid, liquid, semisolid or
16 contained gaseous material resulting from industrial, commercial, mining
17 and agricultural operations and from community activities, but does not
18 include solid or dissolved material in domestic sewage, or solid or
19 dissolved materials in irrigation return flows or industrial discharges
20 which are point sources subject to permits under article 17 of this
21 chapter, or source, special nuclear or by-product material as defined in
22 the Atomic Energy Act of 1954, as amended (68 Stat. 923) except as may
23 be provided by existing agreements between the state and the federal
24 government, or post-use polymers and recovered feedstocks converted at
25 an advanced recycling facility as such terms are defined pursuant to
26 section 27-0701 of this article, or held at such facility prior to
27 conversion.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 § 2. Subdivisions 1 and 2 of section 27-0701 of the environmental
2 conservation law, subdivision 1 as amended by chapter 425 of the laws of
3 1977 and subdivision 2 as amended by chapter 253 of the laws of 1988,
4 are amended and eight new subdivisions 5, 6, 7, 8, 9, 10, 11 and 12 are
5 added to read as follows:

6 1. "Solid waste" means all putrescible and non-putrescible materials
7 or substances discarded or rejected as being spent, useless, worthless
8 or in excess to the owners at the time of such discard or rejection,
9 except including but not limited to garbage, refuse, industrial and
10 commercial waste, sludges from air or water control facilities, rubbish,
11 ashes, contained gaseous material, incinerator residue, demolition and
12 construction debris, discarded automobiles and offal but not including
13 sewage and other highly diluted water carried materials or substances
14 [~~and~~], those in gaseous form, and post-use polymers and recovered feeds-
15 stocks converted at an advanced recycling facility or held at such facil-
16 ity prior to conversion.

17 2. "Solid waste management facility" means any facility employed
18 beyond the initial solid waste collection process including, but not
19 limited to, transfer stations, baling facilities, rail haul or barge
20 haul facilities, processing systems, including resource recovery facili-
21 ties or other facilities for reducing solid waste volume, sanitary land-
22 fills, facilities for the disposal of construction and demolition
23 debris, plants and facilities for compacting, composting or pyrolization
24 of solid wastes, incinerators and other solid waste disposal, reduction
25 or conversion facilities, but not advanced recycling facilities.

26 5. "Advanced recycling" means a manufacturing process for the conver-
27 sion of post-use polymers and recovered feedstocks into basic hydrocar-
28 bon raw materials, feedstocks, chemicals, waxes, lubricants and other
29 products through processes that include pyrolysis, gasification, depo-
30 lymerization, catalytic cracking, reforming, hydrogenation, solvolysis,
31 and other similar technologies. The recycled products produced at
32 advanced recycling facilities shall include, but are not limited to,
33 monomers, oligomers, plastics, plastics and chemical feedstocks, basic
34 and unfinished chemicals, crude oil, naphtha, waxes, lubricants, coat-
35 ings, other products and basic hydrocarbons. Advanced recycling shall
36 not be considered "solid waste management," "treatment," "processing,"
37 "resource recovery," "disposal," "thermal treatment or processing,"
38 "incineration," or "combustion."

39 6. "Advanced recycling facility" means a facility that receives,
40 stores and converts post-use polymers and recovered feedstocks it
41 receives using advanced recycling. An advanced recycling facility shall
42 be a manufacturing facility subject to applicable department manufactur-
43 ing regulations for air, water, waste, and land use. Advanced recycling
44 facilities shall not be considered "solid waste management facilities,"
45 "solid waste disposal, reduction or conversion facilities," "municipal
46 solid waste processing facilities," "resource recovery facilities,"
47 "material recovery facilities," "thermal treatment facilities,"
48 "combustion facilities," or "incinerators."

49 7. "Depolymerization" means a manufacturing process where post-use
50 polymers are broken into smaller molecules such as monomers and oligom-
51 ers or raw, intermediate, or final products, plastics and chemical
52 feedstocks, basic and unfinished chemicals, crude oil, naphtha, liquid
53 transportation fuels, waxes, lubricants, coatings, and other basic
54 hydrocarbons.

55 8. "Gasification" means a manufacturing process through which recov-
56 ered feedstocks are heated and converted into a fuel and gas mixture in

1 an oxygen-deficient atmosphere and the mixture is converted into valu-
2 able raw materials and intermediate and final products, including but
3 not limited to, plastic monomers, chemicals, waxes, lubricants, chemical
4 feedstocks, crude oil, diesel, gasoline, diesel and gasoline blends-
5 stocks, home heating oil and other fuels including ethanol and transpor-
6 tation fuel, that are returned to economic utility in the form of raw
7 materials, products, or fuels.

8 9. "Post-use polymer" means a plastic to which all of the following
9 apply:

10 (a) the plastic is derived from any industrial, commercial, institu-
11 tional, agricultural, or residential activities;

12 (b) the plastic is not mixed with solid waste or hazardous waste
13 onsite or during processing at the advanced recycling facility;

14 (c) the plastic's use or intended use is as a feedstock for the manu-
15 facturing of crude oil, fuels, feedstocks, blendstocks, raw materials,
16 or other intermediate products or final products using advanced recycl-
17 ing;

18 (d) the plastic has been sorted from solid waste and other regulated
19 waste but may contain residual amounts of solid waste such as organic
20 material and incidental contaminants or impurities, such as paper labels
21 and metal rings; and

22 (e) the plastic is processed at an advanced recycling facility or held
23 at such facility prior to processing.

24 10. "Pyrolysis" means a manufacturing process through which post-use
25 polymers are heated in the absence of oxygen until melted and thermally
26 decomposed and are then cooled, condensed, and converted into valuable
27 raw materials and intermediate and final products, including but not
28 limited to, plastic monomers, chemicals, waxes, lubricants, chemical
29 feedstocks, crude oil, diesel, gasoline and diesel and gasoline blends-
30 stocks, home heating oil and other fuels including ethanol and transpor-
31 tation fuel, that are returned to economic utility in the form of raw
32 materials, products, or fuels.

33 11. (a) "Recovered feedstock" means one or more of the following mate-
34 rials that has been processed so that it may be used as feedstock in an
35 advanced recycling facility:

36 (i) post-use polymers; or

37 (ii) materials for which the United States environmental protection
38 agency has made a non-waste determination pursuant to 40 C.F.R.
39 241.3(c), or has otherwise determined are feedstocks and not solid
40 waste;

41 (b) Recovered feedstock shall not include unprocessed municipal solid
42 waste.

43 (c) Recovered feedstock shall not be mixed with solid waste or hazard-
44 ous waste onsite or during processing at an advanced recycling facility.

45 12. "Solvolysis" means a manufacturing process through which post-use
46 polymers are reacted with the aid of solvents, while heated at low
47 temperatures and/or pressurized to make useful products while allowing
48 additives and contaminants to be separated. The products of solvolysis
49 include but are not limited to monomers, intermediates and valuable raw
50 materials. The process shall include but not be limited to hydrolysis,
51 aminolysis, ammonolysis, methanolysis and glycolysis.

52 § 3. Section 27-0707 of the environmental conservation law is amended
53 by adding a new subdivision 8 to read as follows:

54 8. Advanced recycling facilities shall be exempt from permitting and
55 regulatory requirements applicable to solid waste management facilities
56 under the authority of this article and from regulations under 6 NYCRR

1 Part 360 relating to solid waste management facilities, 6 NYCRR Part 361
2 relating to material recovery facilities, and 6 NYCRR Part 362 relating
3 to combustion, thermal treatment, transfer, and collection facilities.

4 § 4. This act shall take effect immediately.