STATE OF NEW YORK

5961

2023-2024 Regular Sessions

IN ASSEMBLY

March 24, 2023

Introduced by M. of A. HYNDMAN -- read once and referred 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:

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

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

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

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

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section 27-0701 of this article, or held at such facility prior to conversion.

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

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

2. "Solid waste management facility" means any facility employed beyond the initial solid waste collection process including, but not limited to, transfer stations, baling facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, facilities for the disposal of construction and demolition debris, plants and facilities for compacting, composting or pyrolization of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities, but not advanced recycling facilities.

5. "Advanced recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, waxes, lubricants and other products through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, and other similar technologies. The recycled products produced at advanced recycling facilities shall include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, waxes, lubricants, coatings, other products and basic hydrocarbons. Advanced recycling shall not be considered "solid waste management," "treatment," "processing," "resource recovery," "disposal," "thermal treatment or processing," "incineration," or "combustion."

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

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

8. "Gasification" means a manufacturing process through which recovered feedstocks are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and the mixture is converted into valuable raw materials and intermediate and final products, including but not limited to, plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, diesel and gasoline blendstocks, home heating oil and other fuels including ethanol and transportation fuel, that are returned to economic utility in the form of raw materials, products, or fuels.

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

(a) the plastic is derived from any industrial, commercial, institutional, agricultural, or residential activities;

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

(c) the plastic's use or intended use is as a feedstock for the manufacturing of crude oil, fuels, feedstocks, blendstocks, raw materials, or other intermediate products or final products using advanced recycling;

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

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

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

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

(i) post-use polymers; or

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

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

(c) Recovered feedstock shall not be mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility.

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

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

8. Advanced recycling facilities shall be exempt from permitting and regulatory requirements applicable to solid waste management facilities under the authority of this article and from regulations under 6 NYCRR Part 360 relating to solid waste management facilities, 6 NYCRR Part 361 relating to material recovery facilities, and 6 NYCRR Part 362 relating to combustion, thermal treatment, transfer, and collection facilities.

§ 4. This act shall take effect immediately.