

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1944

By: Representative Wing

For An Act To Be Entitled

AN ACT TO FACILITATE THE CONVERSION OF PLASTICS AND
OTHER RECOVERED MATERIALS THROUGH ADVANCED RECYCLING
PROCESSES; AND FOR OTHER PURPOSES.

Subtitle

TO FACILITATE THE CONVERSION OF PLASTICS
AND OTHER RECOVERED MATERIALS THROUGH
ADVANCED RECYCLING PROCESSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative intent.

It is the intent of the General Assembly to:

- (1) Work towards eliminating the issue of plastic waste to maintain a healthy and clean environment for the benefit of Arkansans;
- (2) Provide for definitions of advanced plastic recycling technologies to help facilitate the growth and investment of these facilities that can help play a critical role in providing markets for recycled plastics and that are not processes used for incineration or material combustion but are material recovery processes that will complement existing and well-established recycling efforts in the state; and
- (3) Recognize that recycling in all forms, in which the goal is material recovery and not energy recovery, including traditional mechanical reclamation and advanced recycling technology, plays a pivotal role in combating the issue of plastic waste and creating a more sustainable future.

SECTION 2. Arkansas Code § 8-6-203(9), concerning the definition of



"solid waste" within the Arkansas Solid Waste Management Act, is amended to read as follows:

(9) "Solid waste" means any garbage or refuse, sludge from a wastewater 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 materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. § 1342, or source, special nuclear, or by-products material as defined by the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., or post-use polymers and recovered feedstocks;

SECTION 3. Arkansas Code § 8-6-203, concerning definitions in the Arkansas Solid Waste Management Act, is amended to add additional subdivisions to read as follows:

(13)(A) "Advanced plastic recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, and other products, as well as mechanical recycling and not used as a substitute for energy production, including without limitation the following:

- (i) Monomers;
- (ii) Oligomers;
- (iii) Plastics;
- (iv) Plastics and chemical feedstocks;
- (v) Basic and unfinished chemicals;
- (vi) Naphtha;
- (vii) Waxes;
- (viii) Lubricants;
- (ix) Coatings; and
- (x) Other basic hydrocarbons.

(B) "Advanced plastic recycling" includes the use of the following processes:

- (i) Pyrolysis;
- (ii) Gasification;

- (iii) Depolymerization;
- (iv) Catalytic cracking;
- (v) Reforming;
- (vi) Hydrogenation;
- (vii) Solvolysis;
- (viii) Mechanical recycling; and
- (ix) Other similar technologies.

(C) "Advanced plastic recycling" does not include the conversion of post-use polymers and recovered feedstocks into fuel or fuel substitutes for use in energy production;

(14) "Advanced recycling facility" means a manufacturing facility that receives, stores, and converts the post-use polymers and recovered feedstocks that the facility receives using advanced plastic recycling and that is subject to applicable manufacturing regulations for air, water, waste, and land use;

(15) "Depolymerization" means a manufacturing process in which post-use polymers are broken into smaller molecules, including without limitation 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;

(16) "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 without limitation plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, diesel and gasoline blendstocks, and home heating oil and other fuels, including without limitation ethanol and transportation fuel, that are returned to economic utility in the form of raw materials, products, or fuels;

(17)(A) "Mechanical recycling" means the series of activities by which discarded materials are collected, sorted, processed, and converted into raw materials and used in the production of new products.

(B) "Mechanical recycling" does not include the use of discarded materials:

- (i) As a fuel; or

(ii) For energy production;

(18)(A) "Post-use polymer" means a plastic that is managed as an item of value in a controlled manner and used in advanced plastic recycling and is:

(i) Derived from industrial, commercial, agricultural, or domestic activities;

(ii) Not mixed with solid waste or hazardous waste onsite or during processing;

(iii) Used or intended to be used as a feedstock for the manufacturing of crude oil, fuels, feedstocks, blendstocks, raw materials, or other intermediate products or final products; and

(iv) Sorted from solid waste and other regulated waste prior to use that may contain residual amounts of solid waste such as organic material and incidental contaminants or impurities such as paper labels and metal rings.

(B) "Post-use polymer" does not mean materials that:

(i) Would otherwise qualify as hazardous waste; or

(ii) Are determined to be discarded materials;

(19) "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 without limitation plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline and diesel and gasoline blendstocks, and 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;

(20)(A) "Recovered feedstock" means one (1) or more of the following materials that are managed as an item of value in a controlled manner and used in advanced plastic recycling:

(i) Post-use polymer; or

(ii) Material for which the United States Environmental Protection Agency or the Division of Environmental Quality has made a nonwaste determination pursuant to 40 C.F.R. 241.3(c), as it existed on January 1, 2021, or has otherwise determined is feedstock for advanced plastic recycling and not solid waste.

- (B) "Recovered feedstock" does not mean:
- (i) Unprocessed municipal solid waste;
 - (ii) Feedstock materials mixed with solid waste or hazardous waste;
 - (iii) Materials that would otherwise qualify as hazardous waste; or
 - (iv) Materials that are determined to be discarded materials; and

(21)(A) "Solvolysis" means a manufacturing process through which post-use polymers are reacted with the aid of solvents while heated at low temperatures or pressurized to make useful products, including without limitation monomers, intermediates, and valuable raw materials, while allowing additives and contaminants to be separated.

(B) "Solvolysis" includes without limitation hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis.

SECTION 4. Arkansas Code § 8-6-702(13), concerning the definition of "solid waste" within the regional solid waste management districts and boards, is amended to read as follows:

(13) "Solid waste" means all putrescible and nonputrescible wastes in solid, semisolid, or liquid form, including, but not limited to, yard or food waste, waste glass, waste metals, waste plastics, wastepaper, waste paperboard, and all other solid and semisolid wastes resulting from industrial, commercial, agricultural, community, and residential activities, but does not include materials in the recycling process as defined in this section or post-use polymers and recovered feedstocks;

SECTION 5. Arkansas Code § 8-6-702, concerning the definitions within the regional solid waste management districts and boards, is amended to add additional subdivisions to read as follows:

- (17) "Post-use polymer" means the same as defined in § 8-6-203;
and
(18) "Recovered feedstock" means the same as defined in § 8-6-203.

APPROVED: 4/30/21