

CS FOR HOUSE BILL NO. 143(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 4/28/23

Referred:

Sponsor(s): HOUSE RESOURCES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Department of Environmental Conservation; relating to**
2 **advanced recycling and advanced recycling facilities; relating to waste; and providing**
3 **for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 46.03.020 is amended to read:

6 **Sec. 46.03.020. Powers of the department.** The department may

7 (1) enter into contracts and compliance agreements necessary or
8 convenient to carry out the functions, powers, and duties of the department;

9 (2) review and appraise programs and activities of state departments
10 and agencies in light of the policy set out in AS 46.03.010 for the purpose of
11 determining the extent to which the programs and activities are contributing to the
12 achievement of that policy and to make recommendations to the departments and
13 agencies, including environmental guidelines;

14 (3) consult with and cooperate with

1 (A) officials and representatives of any nonprofit corporation or
2 organization in the state;

3 (B) persons, organizations, and groups, public and private,
4 using, served by, interested in, or concerned with the environment of the state;

5 (4) appear and participate in proceedings before any state or federal
6 regulatory agency involving or affecting the purposes of the department;

7 (5) undertake studies, inquiries, surveys, or analyses it may consider
8 essential to the accomplishment of the purposes of the department; these activities
9 may be carried out by the personnel of the department or in cooperation with public or
10 private agencies, including educational, civic, and research organizations, colleges,
11 universities, institutes, and foundations;

12 (6) at reasonable times, enter and inspect with the consent of the owner
13 or occupier any property or premises to investigate either actual or suspected sources
14 of pollution or contamination or to ascertain compliance or noncompliance with a
15 regulation that may be adopted under AS 46.03.020 - 46.03.040; information relating
16 to secret processes or methods of manufacture discovered during investigation is
17 confidential;

18 (7) conduct investigations and hold hearings and compel the
19 attendance of witnesses and the production of accounts, books, and documents by the
20 issuance of a subpoena;

21 (8) advise and cooperate with municipal, regional, and other local
22 agencies and officials in the state, to carry out the purposes of this chapter;

23 (9) act as the official agency of the state in all matters affecting the
24 purposes of the department under federal laws now or hereafter enacted;

25 (10) adopt regulations necessary to carry out the purposes of this
26 chapter, including regulations providing for

27 (A) control, prevention, and abatement of air, water, or land or
28 subsurface land pollution;

29 (B) safeguard standards for petroleum and natural gas pipeline
30 construction, operation, modification, or alteration;

31 (C) protection of public water supplies by establishing

1 minimum drinking water standards, and standards for the construction,
 2 improvement, and maintenance of public water supply systems;

3 (D) collection and disposal of sewage and industrial waste;

4 (E) collection and disposal of garbage, refuse, and other
 5 discarded solid materials from industrial, commercial, agricultural, and
 6 community activities or operations;

7 (F) control of pesticides;

8 (G) other purposes as may be required for the implementation
 9 of the policy declared in AS 46.03.010;

10 (H) handling, transportation, treatment, storage, and disposal of
 11 hazardous wastes;

12 (11) inspect the premises of sellers and suppliers of paint, vessels, and
 13 marine and boating supplies, and take other actions necessary to enforce
 14 AS 46.03.715;

15 (12) notwithstanding any other provision of law, take all actions
 16 necessary to receive authorization from the administrator of the United States
 17 Environmental Protection Agency to administer and enforce a National Pollutant
 18 Discharge Elimination System program in accordance with 33 U.S.C. 1342 (sec. 402,
 19 Clean Water Act), 33 U.S.C. 1345 (sec. 405, Clean Water Act), 40 C.F.R. Part 123,
 20 and 40 C.F.R. Part 403, as amended;

21 (13) require the owner or operator of a facility to undertake
 22 monitoring, sampling, and reporting activities described in 33 U.S.C. 1318 (sec. 308,
 23 Clean Water Act);

24 (14) notwithstanding any other provision of law, take all actions
 25 necessary to receive federal authorization of a state program for the department and
 26 the Department of Natural Resources to administer and enforce a dredge and fill
 27 permitting program allowed under 33 U.S.C. 1344 (sec. 404, Clean Water Act) and to
 28 implement the program, if authorized;

29 **(15) develop manufacturing regulations related to air emissions**
 30 **and water discharges by an advanced recycling facility.**

31 * Sec. 2. AS 46.03.900(11) is amended to read:

(11) "industrial waste" means a liquid, gaseous, solid, or other waste substance or a combination of them resulting from process of industry, manufacturing trade or business, or from the development of natural resources; **"industrial waste" does not include post-use polymers and recovered feedstocks at an advanced recycling facility or** [HOWEVER,] gravel, sand, mud, or earth taken from its original situs and put through sluice boxes, dredges, or other devices for the washing and recovery of the precious metal contained in them and redeposited in the same watershed from which it came [IS NOT INDUSTRIAL WASTE];

* **Sec. 3.** AS 46.03.900(17) is amended to read:

(17) "other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, trimmings from logging operations, sand, lime cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, heat from cooling or other operations, and other substances not sewage or industrial waste **that** [WHICH] may cause or tend to cause pollution of the waters of the state; **"other wastes" does not include post-use polymers and recovered feedstocks at an advanced recycling facility;**

* **Sec. 4.** AS 46.03.900(26) is amended to read:

(26) "solid waste" means garbage, refuse, **or** abandoned [,] or other discarded solid or semi-solid material, regardless of whether subject to decomposition, originating from any source; **"solid waste" does not include post-use polymers and recovered feedstocks at an advanced recycling facility;**

* **Sec. 5.** AS 46.03.900(27) is amended to read:

(27) "solid waste disposal facility" means a facility for the discharge, deposit, injection, consolidation, or placement of solid waste into or onto the land and includes transfer stations and sanitary landfills, **but does not include an advanced recycling facility;**

* **Sec. 6.** AS 46.03.900 is amended by adding new paragraphs to read:

(38) "advanced recycling" means the manufacturing process of converting post-use polymers and recovered feedstocks into basic raw materials, feedstocks, chemicals, and other recycled products through pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, chemolysis, or other similar technologies; "advanced recycling" does not include solid

1 waste management, processing, or recovery, incineration, treatment, waste-to-energy
2 processes;

3 (39) "advanced recycling facility" means a manufacturing facility that
4 receives, stores, and converts post-use polymers and recovered feedstocks into basic
5 raw materials, feedstocks, chemicals, and other recycled products; "advanced
6 recycling facility" does not include a solid waste disposal, management, processing, or
7 recovery facility, final disposal facility, incinerating facility, or waste-to-energy
8 facility;

9 (40) "depolymerization" means a manufacturing process where post-
10 use polymers are broken into smaller molecules, such as monomers and oligomers, or
11 raw, intermediate, final, or other recycled products;

12 (41) "gasification" means a manufacturing process through which post-
13 use polymers or recovered feedstocks are heated in an oxygen-controlled atmosphere
14 and converted into syngas before being converted into raw, intermediate, or final raw
15 materials or products;

16 (42) "mass balance attribution" means a chain of custody accounting
17 methodology with rules defined by a third-party certification system that enables the
18 attribution of the mass of advanced recycling feedstocks to one or more advanced
19 recycling products;

20 (43) "other recycled product" includes monomers, oligomers, plastics,
21 plastic and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants,
22 coatings, and adhesives; "other recycled product" does not include a product sold as
23 fuel;

24 (44) "post-use polymer" means a plastic that

25 (A) is derived from agricultural, commercial, domestic, or
26 industrial activities, including preconsumer and postconsumer materials;

27 (B) has been sorted from solid waste and other regulated waste
28 but may contain residual amounts of waste and incidental contaminants or
29 impurities;

30 (C) is not mixed with solid waste or hazardous waste onsite or
31 during processing at an advanced recycling facility;

(D) is used or intended to be used as a feedstock in advanced recycling; and

(E) is processed at an advanced recycling facility or held at an advanced recycling facility before processing;

(45) "pyrolysis" means a manufacturing process through which post-use polymers or recovered feedstocks are heated in the absence of oxygen until melted and thermally decomposed, catalytically or noncatalytically, and then cooled, condensed, and converted into raw materials and intermediate and final products;

(46) "recovered feedstock" means post-use polymers or materials for which a nonwaste determination or feedstock determination has been made by the United States Environmental Protection Agency and that has been processed so it may be used as feedstock by an advanced recycling facility; "recovered feedstock" does not include unprocessed municipal solid waste or feedstock mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility;

(47) "recycled plastics" means products that are produced from

(A) the mechanical recycling of preconsumer recovered feedstocks or plastics and postconsumer plastics; or

(B) the advanced recycling of preconsumer recovered feedstocks or plastics and postconsumer plastics by way of mass balance attribution;

(48) "solvolysis" means hydrolysis, aminolysis, ammonolysis, methanolysis, glycolysis, or other manufacturing process through which post-use polymers are purified with the aid of solvents while heated at low temperature, pressure, or both, that allows additives and contaminants to be removed to make monomers, intermediates, chemicals, plastic and chemical feedstocks, or raw materials;

(49) "third-party certification system" means an international and multinational certification system that consists of rules for the implementation of mass balance attribution approaches for advanced recycling and recycled plastics.

* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).