

SENATE BILL No. 114

AN ACT concerning solid waste; relating to advanced recycling; creating definitions for "advanced recycling" and related terms; separating advanced recycling from the current solid waste management system; amending K.S.A. 65-3402 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 65-3402 is hereby amended to read as follows: 65-3402. As used in this act, unless the context otherwise requires:

(a) (1) "Solid waste" means garbage, refuse, waste tires as defined by K.S.A. 65-3424, and amendments thereto, and other discarded materials, including, but not limited to, solid, semisolid, sludges, liquid and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities.

(2) "Solid waste" does not include:

(A) Hazardous wastes as defined by ~~subsection (f) of~~ K.S.A. 65-3430, and amendments thereto;;

(B) recyclables ~~or~~;

(C) the waste of domestic animals as described by ~~subsection (a)(1) of~~ K.S.A. 65-3409, and amendments thereto; *or*

(D) *post-use polymers and recovered feedstocks that are converted at an advanced recycling facility or held at such a facility prior to conversion through an advanced recycling process.*

(b) (1) "Solid waste management system" means the entire process of storage, collection, transportation, processing, and disposal of solid wastes by any person engaging in such process as a business, or by any state agency, city, authority, county or any combination thereof.

(2) "Solid waste management system" *does not include advanced recycling.*

(c) (1) "Solid waste processing facility" means incinerator, composting facility, household hazardous waste facility, waste-to-energy facility, transfer station, reclamation facility or any other location where solid wastes are consolidated, temporarily stored, salvaged or otherwise processed prior to being transported to a final disposal site. ~~This term~~

(2) "Solid waste processing facility" *does not include a scrap material recycling and processing facility or an advanced recycling facility.*

(d) (1) "Solid waste disposal area" means any area used for the disposal of solid waste from more than one residential premises, or one or more commercial, industrial, manufacturing or municipal operations.

(2) "Solid waste disposal area" includes all property described or included within any permit issued pursuant to K.S.A. 65-3407, and amendments thereto.

(e) "Person" means individual, partnership, firm, trust, company, association, corporation, individual or individuals having controlling or majority interest in a corporation, institution, political subdivision, state agency or federal department or agency.

(f) "Waters of the state" means all streams and springs, and all bodies of surface or groundwater, whether natural or artificial, within the boundaries of the state.

(g) "Secretary" means the secretary of health and environment.

(h) "Department" means the ~~Kansas~~ department of health and environment.

(i) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water.

(j) "Open dumping" means the disposal of solid waste at any solid waste disposal area or facility ~~which~~ *that* is not permitted by the secretary under the authority of K.S.A. 65-3407, and amendments thereto, or the

disposal of solid waste contrary to rules and regulations adopted pursuant to K.S.A. 65-3406, and amendments thereto.

(k) "Generator" means any person who produces or brings into existence solid waste.

(l) "Monitoring" means all procedures used to:

(1) Systematically inspect and collect data on the operational parameters of a facility, an area or a transporter; or

(2) to systematically collect and analyze data on the quality of the air, groundwater, surface water or soils on or in the vicinity of a solid waste processing facility or solid waste disposal area.

(m) "Closure" means the permanent cessation of active disposal operations, abandonment of the disposal area, revocation of the permit or filling with waste of all areas and volume specified in the permit and preparing the area for the long-term care.

(n) "Postclosure" means that period of time subsequent to closure of a solid waste disposal area when actions at the site must be performed.

(o) "Reclamation facility" means any location at which material containing a component defined as a hazardous substance pursuant to K.S.A. 65-3452a, and amendments thereto, or as an industrial waste pursuant to this section is processed.

(p) "Designated city" means a city or group of cities ~~which~~ *that*, through interlocal agreement with the county in which they are located, is delegated the responsibility for preparation, adoption or implementation of the county solid waste plan.

(q) "Nonhazardous special waste" means any solid waste designated by the secretary as requiring extraordinary handling in a solid waste disposal area.

(r) (1) "Recyclables" means any materials that will be used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product.

(2) "Recyclables" includes, but is not limited to, paper, glass, plastic, municipal water treatment residues, as defined by K.S.A. 65-163, and amendments thereto, and metal, ~~but~~.

(3) "*Recyclables*" does not include yard waste.

(s) "Scrap material processing industry" means any person who accepts, processes and markets recyclables.

(t) "Scrap material recycling and processing facility" means a fixed location that utilizes machinery and equipment for processing only recyclables.

(u) "Construction and demolition waste" means solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities; untreated wood and untreated sawdust from any source; treated wood from construction or demolition projects; small amounts of municipal solid waste generated by the consumption of food and drinks at construction or demolition sites, including, but not limited to, cups, bags and bottles; furniture and appliances from which ozone depleting chlorofluorocarbons have been removed in accordance with the provisions of the federal clean air act; solid waste consisting of motor vehicle window glass; and solid waste consisting of vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm-related cleanup. Such wastes include, but are not limited to, bricks, concrete and other masonry materials, roofing materials, soil, rock, wood, wood products, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials, nonasbestos insulation and construction related packaging. "Construction and demolition waste" shall not include waste material containing friable

asbestos, garbage, furniture and appliances from which ozone depleting chlorofluorocarbons have not been removed in accordance with the provisions of the federal clean air act, electrical equipment containing hazardous materials, tires, drums and containers even though such wastes resulted from construction and demolition activities. Clean rubble that is mixed with other construction and demolition waste during demolition or transportation shall be considered to be construction and demolition waste.

(v) (1) "Construction and demolition landfill" means a permitted solid waste disposal area used exclusively for the disposal on land of construction and demolition wastes. ~~This term shall~~

(2) "*Construction and demolition landfill*" does not include a site that is used exclusively for the disposal of clean rubble.

(w) "Clean rubble" means the following types of construction and demolition waste: Concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary.

(x) (1) "Industrial waste" means all solid waste resulting from manufacturing, commercial and industrial processes ~~which~~ that is not suitable for discharge to a sanitary sewer or treatment in a community sewage treatment plant or is not beneficially used in a manner that meets the definition of recyclables.

(2) "Industrial waste" includes, but is not limited to: Mining wastes from extraction, beneficiation and processing of ores and minerals unless those minerals are returned to the mine site; fly ash, bottom ash, slag and flue gas emission wastes generated primarily from the combustion of coal or other fossil fuels; cement kiln dust; waste oil and sludges; waste oil filters; and fluorescent lamps.

(y) "Composting facility" means any facility that composts wastes and has a composting area larger than one-half acre.

(z) "Household hazardous waste facility" means a facility established for the purpose of collecting, accumulating and managing household hazardous waste and may also include small quantity generator waste or agricultural pesticide waste, or both. Household hazardous wastes are consumer products that when discarded exhibit hazardous characteristics.

(aa) (1) "Waste-to-energy facility" means a facility that processes solid waste to produce energy or fuel.

(2) "*Waste-to-energy facility*" does not include any advanced recycling facility.

(bb) (1) "Transfer station" means any facility where solid wastes are transferred from one vehicle to another or where solid wastes are stored and consolidated before being transported elsewhere, ~~but shall~~.

(2) "*Transfer station*" does not include a collection box provided for public use as a part of a county-operated solid waste management system if the box is not equipped with compaction mechanisms or has a volume smaller than 20 cubic yards.

(cc) "Municipal solid waste landfill" means a solid waste disposal area where residential waste is placed for disposal. A municipal solid waste landfill also may receive other nonhazardous wastes, including commercial solid waste, sludge and industrial solid waste.

(dd) (1) "Construction related packaging" means small quantities of packaging wastes that are generated in the construction, remodeling or repair of structures and related appurtenances.

(2) "Construction related packaging" does not include packaging wastes that are generated at retail establishments selling construction materials, chemical containers generated from any source or packaging wastes generated during maintenance of existing structures.

(ee) (1) "Industrial facility" includes all operations, processes and

structures involved in the manufacture or production of goods, materials, commodities or other products located on, or adjacent to, an industrial site and is not limited to a single owner or to a single industrial process. ~~For purposes of this act, it~~

(2) *"Industrial facility"* includes all industrial processes and applications that may generate industrial waste—~~which that~~ may be disposed at a solid waste disposal area—~~which that~~ is permitted by the secretary and operated for the industrial facility generating the waste and used only for industrial waste.

(ff) (1) *"Advanced recycling"* means a manufacturing process where already sorted post-use polymers and recovered feedstocks are purchased and then converted into basic raw materials, feedstocks, chemicals and other products through processes that include, but are not limited to, pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, chemolysis and other similar technologies. The recycled products produced at advanced recycling facilities include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, coatings and adhesives.

(2) *"Advanced recycling"* does not include incineration of plastics or waste-to-energy processes, and products sold as fuel are not recycled products.

(3) For the purpose of this act and the implementation of any rules and regulations promulgated hereunder, recycled products produced at advanced recycling facilities shall be considered "recyclables" as defined in subsection (r).

(gg) (1) *"Advanced recycling facility"* means a manufacturing facility that:

(A) Receives, stores and converts post-use polymers and recovered feedstocks that are processed using advanced recycling;

(B) is a manufacturing facility subject to applicable department of health and environment manufacturing regulations; and

(C) the department may inspect to ensure that post-use polymers are used as raw material for advanced recycling and are not refuse or solid waste.

(2) For the purpose of this act and the implementation of any rules and regulations promulgated hereunder, "advanced recycling facilities" shall not be considered solid waste disposal facilities, final disposal facilities, solid waste management facilities, solid waste processing facilities, solid waste recovery facilities, incinerators or waste-to-energy facilities.

(3) The owner or operator of an advanced recycling facility shall be responsible for the proper disposal of all recyclable material stored on the facility premises within 60 days of closure.

(hh) *"Mass balance attribution"* means a chain of custody accounting methodology with rules defined by a third-party certification system that enables the attribution of the mass of advanced recycling feedstocks to one or more advanced recycling products.

(ii) (1) *"Post-use polymer"* means a plastic that:

(A) Is derived from any industrial, commercial, agricultural or domestic activities and includes pre-consumer recovered materials and post-consumer materials;

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

(C) is not mixed with solid waste or hazardous waste on site or during processing at the advanced recycling facility;

*(D) is used or intended to be used as a feedstock for the manufacturing of feedstocks, raw materials or other intermediate products or final products using advanced recycling; and*

*(E) is processed at an advanced recycling facility or held at such facility prior to processing.*

*(2) The term "post-use polymer" shall be considered "recyclables" as defined in subsection (r).*

*(jj) (1) "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:*

*(A) Post-use polymers; or*

*(B) materials for which the United States environmental protection agency has made a nonwaste determination or has otherwise determined are feedstocks and not solid waste.*

*(2) "Recovered feedstock" does not include unprocessed municipal solid waste or feedstock that has been mixed with solid waste or hazardous waste on site or during processing at an advanced recycling facility.*

*(kk) "Recycled plastics" or "recycled plastic" means products that are produced:*

*(1) From mechanical recycling of pre-consumer recovered feedstocks or plastics and post-consumer plastics; or*

*(2) from the advanced recycling of pre-consumer recovered feedstocks or plastics and post-consumer plastics through mass balance attribution under a third-party certification system.*

*(ll) "Third-party certification system" means an international and multi-national third-party certification system that consists of a set of rules for the implementation of mass balance attribution approaches for advanced recycling of materials. Third-party certification systems include, but are not limited to: International sustainability and carbon certification; underwriter laboratories; scs recycled content; roundtable on sustainable biomaterials; ecooop; and redcert2.*

Sec. 2. K.S.A. 65-3402 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

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\_\_\_\_\_  
*President of the Senate.*

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*Secretary of the Senate.*

Passed the HOUSE \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*