

Advanced Recycling; SB 114

SB 114 defines advanced recycling and related terms and provides exceptions to the definition of solid waste management systems and similar terms regarding advanced recycling.

Definitions

The bill defines the term “advanced recycling” as 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 bill states “advanced recycling” does not include the incineration of plastics or waste-to-energy processes or products sold as fuel.

The bill defines the following terms:

- “Advanced recycling facility” means a manufacturing facility that:
 - Receives, stores, and converts post-use polymers and recovered feedstocks that are processed using advanced recycling;
 - Is a manufacturing facility subject to applicable Kansas Department of Health and Environment (KDHE) manufacturing regulations; and
 - KDHE could inspect to ensure that post-use polymers are used as a raw material for advanced recycling and are not refuse or solid waste;
- “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;
- “Post-use polymer” means a plastic that:
 - Is derived from any industrial, commercial, agricultural, or domestic activities and includes pre-consumer recovered materials and post-consumer materials;
 - 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;
 - Is not mixed with solid waste or hazardous waste on site or during processing at the advanced recycling facility;
 - Is used or intended to be used as a feedstock for the manufacturing of feedstocks, raw materials, or other immediate products or final products using advanced recycling; and

- Is processed at an advanced recycling facility or held at such facility prior to processing;
- “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:
 - Post-use polymers; or
 - Materials for which the U.S. Environmental Protection Agency has made a non-waste determination or has otherwise determined are feedstocks and not solid waste;
- “Recycled plastics” means products that are produced:
 - From mechanical recycling of pre-consumer recovered feedstocks or plastics and post-consumer plastics; or
 - 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; and
- “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;
 - EcoLoop; and
 - REDcert2.

Exceptions

The bill adds an exception to the definition of solid waste for 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.

The bill exempts advanced recycling facilities from the definitions of solid waste management system, solid waste processing facility, and waste-to-energy facility.