

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1944

5 By: Representative Wing
6

For An Act To Be Entitled

8 AN ACT TO FACILITATE THE CONVERSION OF PLASTICS AND
9 OTHER RECOVERED MATERIALS THROUGH ADVANCED RECYCLING
10 PROCESSES; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO FACILITATE THE CONVERSION OF PLASTICS
13 AND OTHER RECOVERED MATERIALS THROUGH
14 ADVANCED RECYCLING PROCESSES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. DO NOT CODIFY. Legislative intent.

22 It is the intent of the General Assembly to:

23 (1) Work towards eliminating the issue of plastic waste to
24 maintain a healthy and clean environment for the benefit of Arkansans;

25 (2) Provide for definitions of advanced plastic recycling
26 technologies to help facilitate the growth and investment of these facilities
27 that can help play a critical role in providing markets for recycled plastics
28 and that are not processes used for incineration or material combustion but
29 are material recovery processes that will complement existing and well-
30 established recycling efforts in the state; and

31 (3) Recognize that recycling in all forms, in which the goal is
32 material recovery and not energy recovery, including traditional mechanical
33 reclamation and advanced recycling technology, plays a pivotal role in
34 combating the issue of plastic waste and creating a more sustainable future.
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36 SECTION 2. Arkansas Code § 8-6-203(9), concerning the definition of



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

3 (9) "Solid waste" means any garbage or refuse, sludge from a
 4 wastewater treatment plant, water supply treatment plant, or air pollution
 5 control facility, and other discarded material, including solid, liquid,
 6 semisolid, or contained gaseous material resulting from industrial,
 7 commercial, mining, and agricultural operations, and from community
 8 activities, but does not include solid or dissolved materials in domestic
 9 sewage, or solid or dissolved materials in irrigation return flows or
 10 industrial discharges that are point sources subject to permit under 33
 11 U.S.C. § 1342, or source, special nuclear, or by-products material as defined
 12 by the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., or post-use
 13 polymers and recovered feedstocks;

14
 15 SECTION 3. Arkansas Code § 8-6-203, concerning definitions in the
 16 Arkansas Solid Waste Management Act, is amended to add additional
 17 subdivisions to read as follows:

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

- 23 (i) Monomers;
- 24 (ii) Oligomers;
- 25 (iii) Plastics;
- 26 (iv) Plastics and chemical feedstocks;
- 27 (v) Basic and unfinished chemicals;
- 28 (vi) Naphtha;
- 29 (vii) Waxes;
- 30 (viii) Lubricants;
- 31 (ix) Coatings; and
- 32 (x) Other basic hydrocarbons.

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

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

1 (ii) For energy production;

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

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

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

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

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

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

17 (i) Would otherwise qualify as hazardous waste; or

18 (ii) Are determined to be discarded materials;

19 (19) "Pyrolysis" means a manufacturing process through which
20 post-use polymers are heated in the absence of oxygen until melted and
21 thermally decomposed and are then cooled, condensed, and converted into
22 valuable raw materials and intermediate and final products, including without
23 limitation plastic monomers, chemicals, waxes, lubricants, chemical
24 feedstocks, crude oil, diesel, gasoline and diesel and gasoline blendstocks,
25 and home heating oil and other fuels, including ethanol and transportation
26 fuel, that are returned to economic utility in the form of raw materials,
27 products, or fuels;

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

31 (i) Post-use polymer; or

32 (ii) Material for which the United States
33 Environmental Protection Agency or the Division of Environmental Quality has
34 made a nonwaste determination pursuant to 40 C.F.R. 241.3(c), as it existed
35 on January 1, 2021, or has otherwise determined is feedstock for advanced
36 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.