

1 HB477  
2 218711-1  
3 By Representatives Collins, Baker, Robertson and Moore (P)  
4 RFD: Commerce and Small Business  
5 First Read: 09-MAR-22

8 SYNOPSIS: Under existing law, the Solid Waste and  
9 Recyclable Materials Management Act regulates the  
10 disposal and recycling of solid waste and  
11 recyclable materials.

12 This bill would define advanced recycling as  
13 a manufacturing process to convert post-use  
14 materials such as plastics into basic hydrocarbon  
15 raw materials.

16 This bill would specify that advanced  
17 recycling, which would process the materials,  
18 including processing the materials through the use  
19 of thermal energy, would not be considered solid  
20 waste disposal or incineration under the solid  
21 waste act.

22 This bill would also define mill scale and  
23 slag and include the term in the definition of  
24 solid waste.

26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
3 To amend Section 22-27-2 of the Code of Alabama  
4 1975, the Solid Waste and Recyclable Materials Management Act;  
5 to amend the definitions under the act; to define advanced  
6 recycling and to specify that advanced recycling would not be  
7 considered as solid waste disposal, solid waste processing,  
8 solid waste management, or incineration; and to define mill  
9 scale and slag and include the term in the definition of solid  
10 waste.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 22-27-2 of the Code of Alabama  
13 1975, is amended to read as follows:

14 "§22-27-2.

15 "For the purpose of this article, the following  
16 terms shall have the meanings respectively ascribed to them by  
17 this section:

18 "(1) ADVANCED PLASTIC RECYCLING. A manufacturing  
19 process for the conversion of post-use polymers and recovered  
20 feedstocks into basic hydrocarbon raw materials, feedstocks,  
21 chemicals, and other products like waxes and lubricants  
22 through processes that include pyrolysis, gasification,  
23 depolymerization, catalytic cracking, reforming,  
24 hydrogenation, solvolysis, and other similar technologies. The  
25 recycled products produced at advanced recycling facilities  
26 include, but are not limited to, monomers, oligomers,  
27 plastics, plastics and chemical feedstocks, basic and

1 unfinished chemicals, waxes, lubricants, coatings, and other  
2 basic hydrocarbons, which are returned to economic utility in  
3 the form of raw materials and products.

4 "(2) ADVANCED PLASTIC RECYCLING FACILITY. A facility  
5 that receives, stores, and converts post-use polymers and  
6 recovered feedstocks it receives using advanced plastic  
7 recycling. An advanced plastic recycling facility is not a  
8 solid waste processing facility, solid waste management  
9 facility, materials recovery facility, waste-to-energy  
10 facility, or incinerator, but the facility is subject to  
11 department inspections to ensure compliance. Solid waste  
12 generated at an advanced plastic recycling facility is subject  
13 to all applicable laws and regulations for manufacturers  
14 relating to storage and disposal of solid waste and applicable  
15 regulations for air, water, and land use. At least 75 percent  
16 of the weight or volume of post-use polymers or recovered  
17 feedstocks received during the previous calendar year must be  
18 processed at an advanced plastic recycling facility or  
19 transferred to a different site for processing in order for a  
20 facility to qualify as an advanced plastic recycling facility.  
21 If an advanced plastic recycling facility does not comply with  
22 the requirements of this section, then it is not an advanced  
23 plastic recycling facility and is subject to all applicable  
24 solid waste laws and rules as determined by the department.

25 "~~(1)~~(3) AGENCY. Any controlling agency, public or  
26 private, elected, appointed, or volunteer utilizing methods  
27 approved by the health department or the department for the

1 purpose of controlling and supervising the collection or  
2 management of solid wastes or recyclable materials.

3 "~~(2)~~(4) ALTERNATIVE COVER. Material other than earth  
4 used to cover a landfill or sanitary landfill. An alternative  
5 cover shall be approved by the Department of Environmental  
6 Management in compliance with federal law and United States  
7 Environmental Protection Agency rules or guidance to achieve a  
8 level of performance equal to or greater than earthen cover  
9 material.

10 "~~(3)~~(5) ASHES. The solid residue from burning of  
11 wood, coal, coke, or other combustible material used for  
12 heating, from incineration of solid wastes, or for the  
13 production of electricity at electric generating plants.

14 "~~(4)~~(6) COAL COMBUSTION BY-PRODUCTS. Fly ash, bottom  
15 ash, boiler slag, or flue gas emission control by-products  
16 which result primarily from the combustion of coal or other  
17 fossil fuels at electric generating plants.

18 "~~(5)~~(7) COMPOSTING OR COMPOST PLANT. An officially  
19 controlled method or operation whereby putrescible solid  
20 wastes are broken down through microbic action to a material  
21 offering no hazard or nuisance factors to public health or  
22 well-being.

23 "~~(6)~~(8) DEPARTMENT. The Alabama Department of  
24 Environmental Management.

25 "~~(7)~~(9) DIRECTOR. The Director of the Alabama  
26 Department of Environmental Management or his or her designee.

1           "~~(8)~~(10) DISCHARGE. The accidental or intentional  
2           spilling, leaking, pumping, emitting, emptying, or dumping of  
3           solid waste, including leachate, into or on any land or water.

4           "~~(9)~~(11) DISPOSAL. The discharge, deposit,  
5           injection, dumping, spilling, leaking, or placing of any solid  
6           waste into or on any land or water so that the waste or any  
7           constituent thereof may enter the environment or be emitted  
8           into the air or discharged into any waters, including, but not  
9           limited to, ground waters.

10           "~~(10)~~(12) FACILITY. All contiguous land, structures,  
11           and other appurtenances used for the processing, treatment,  
12           storage, or disposal of solid waste, or the recovery of  
13           recyclable materials from solid waste, whether or not  
14           authorized or permitted, including, but not limited to, waste  
15           disposal areas and waste disposed therein.

16           "~~(11)~~(13) FINANCIAL ASSURANCE. A financial  
17           arrangement by the owner or operator of a municipal solid  
18           waste landfill which guarantees the availability of funds  
19           which may be used to close, provide post-closure care, or  
20           conduct corrective action at that facility if the owner or  
21           operator fails to properly execute his or her responsibilities  
22           under this article and any rules adopted by the department for  
23           closure, post-closure care, or corrective action and the terms  
24           of any permit issued for operation of that facility.

25           "~~(12)~~(14) GARBAGE. Putrescible animal and vegetable  
26           wastes resulting from the handling, preparation, cooking, and  
27           consumption of food, including wastes from markets, storage

1 facilities, handling and sale of produce and other food  
2 products and excepting such materials that may be serviced by  
3 garbage grinders and handled as household sewage.

4 "~~(13)~~ (15) GENERATION. The act or process of  
5 producing solid waste. Solid waste shall be considered to be  
6 generated at the point that waste materials are first  
7 discarded or collected, regardless of any subsequent materials  
8 recovery or recycling.

9 "~~(14)~~ (16) HAZARDOUS WASTES. Those wastes defined in,  
10 and regulated under, the Alabama Hazardous Waste Management  
11 and Minimization Act of 1978, as amended.

12 "~~(15)~~ (17) HEALTH DEPARTMENT. An approved county or  
13 district health department, including the Alabama State  
14 Department of Public Health and the affected state and county  
15 health department.

16 "~~(16)~~ (18) HEALTH OFFICER. The state or affected  
17 county health officer or his or her designee.

18 "~~(17)~~ (19) HOUSEHOLD WASTE. Any solid waste,  
19 including, but not limited to, garbage, trash, and sanitary  
20 waste in septic tanks derived from households, including  
21 single and multiple residences, hotels and motels, bunkhouses,  
22 ranger stations, crew quarters, campgrounds, picnic grounds,  
23 and day-use recreational areas. Sanitary waste in septic tanks  
24 shall be considered as household waste only when it is  
25 disposed in a landfill or unauthorized dump and its inclusion  
26 as a household waste shall in no way prohibit or supersede the  
27 authority of the board or the department to regulate onsite

1 sewage systems or the management of sanitary waste in septic  
2 tanks.

3 "~~(18)~~ (20) INCINERATOR. A device designed to burn  
4 that portion of garbage and rubbish which will be consumed at  
5 temperatures generally ranging 1,600 degrees Fahrenheit or  
6 over. The unburned residue from an incinerator, including  
7 metal, glass, and the like shall be called ashes.

8 "~~(19)~~ (21) INDUSTRIAL SOLID WASTE. Solid waste  
9 generated by manufacturing or industrial processes that is not  
10 a hazardous waste regulated under Chapters 22 to 30,  
11 inclusive, of this title.

12 "~~(20)~~ (22) INNOCENT LANDOWNER. An owner of real  
13 property upon which there is located an unauthorized dump and  
14 who meets all of the following conditions:

15 "a. The solid waste was disposed of on the property  
16 after the owner acquired title to the property or the waste  
17 was disposed of before the owner acquired title to the  
18 property and the owner lacked actual knowledge of the waste  
19 after conducting reasonable due diligence or title was  
20 acquired by bequest or devise.

21 "b. The owner did not have knowledge that the waste  
22 was being disposed of on the property or the owner took steps,  
23 including, but not limited to, posting signs to prevent  
24 disposal on the property.

25 "c. The owner did not participate in or consent to  
26 the disposal of solid waste on the property.



1           "d. The owner did not receive any financial benefit  
2 from the disposal of solid waste on the property.

3           "e. Title to the property was not transferred to the  
4 owner for the purpose of evading liability for operating an  
5 unauthorized dump.

6           "f. The person or persons responsible for disposing  
7 of the solid waste on the property, in doing so, were not  
8 acting as an agent for the owner.

9           "~~(21)~~ (23) LANDFILL. A method of compaction and earth  
10 or alternative cover of solid wastes other than those  
11 containing garbage or other putrescible wastes, including, but  
12 not limited to, tree limbs and stumps, demolition materials,  
13 incinerator residues, and like materials not constituting a  
14 health or nuisance hazard, where cover need not be applied on  
15 a per day used basis.

16           "~~(22)~~ (24) MATERIALS RECOVERY FACILITY. A solid waste  
17 management facility that provides for the extraction from  
18 solid waste of recyclable materials, materials suitable for  
19 use as a fuel or soil amendment, or any combination of those  
20 materials. A materials recovery facility shall be deemed to be  
21 a solid waste treatment facility.

22           "~~(23)~~ (25) MEDICAL WASTE. A solid waste or  
23 combination of solid wastes which because of its infectious  
24 characteristics may either:

25           "a. Cause, or significantly contribute to, an  
26 increase in mortality or an increase in serious irreversible  
27 or incapacitating reversible illness.

1            "b. Pose a substantial present hazard or potential  
2 hazard to human health or the environment when improperly  
3 treated, stored, transported, disposed, or otherwise managed.

4            "(26) MILL SCALE AND SLAG. Co-products that are a  
5 result of the steel manufacturing process that are managed as  
6 items of value in a controlled manner, but does not include  
7 by-products that are a result of the steel manufacturing  
8 process that would otherwise qualify as hazardous waste or  
9 solid waste.

10           "~~(24)~~ (27) MUNICIPAL SOLID WASTE LANDFILL. A discrete  
11 area of land or an excavation that receives household waste  
12 and that is not a land application unit, surface impoundment,  
13 injection well, or waste pile. A municipal solid waste  
14 landfill may also receive other types of solid wastes, such as  
15 commercial solid waste, nonhazardous sludge, conditionally  
16 exempt small quantity generator waste, industrial solid waste,  
17 construction/demolition waste, and rubbish. A municipal solid  
18 waste landfill is a sanitary landfill.

19           "~~(25)~~ (28) PERSON. An individual, trust, firm, joint  
20 stock company, corporation (including a government  
21 corporation), partnership, agent, agency, association, state,  
22 municipality, commission, political subdivision of a state, an  
23 interstate body, or other private or public legal entity.

24           "(29) POST-USE POLYMER. A plastic polymer to which  
25 all of the following apply:

26           "a. It is derived from any industrial, commercial,  
27 agricultural, or household activities.

1           "b. It is not mixed with solid waste or hazardous  
2 waste onsite or during conversion at the advanced plastic  
3 recycling facility.

4           "c. The plastic's use or intended use is as a  
5 feedstock for the manufacturing of feedstocks, other basic  
6 hydrocarbons, raw materials, or other intermediate products or  
7 final products using advanced plastic recycling defined in  
8 Section 22-27-2.

9           "d. The plastic has been sorted from solid waste and  
10 other regulated waste, but may contain residual amounts of  
11 solid waste, such as organic material and incidental  
12 contaminants or impurities such as paper labels and metal  
13 rings.

14           "e. The plastic is converted at an advanced plastic  
15 recycling facility or held at the facility prior to  
16 conversion.

17           "~~(26)~~ (30) PRIVATE SOLID WASTE MANAGEMENT FACILITY. A  
18 solid waste management facility that is operated exclusively  
19 by and for a private solid waste generator for the purpose of  
20 accepting solid waste generated ~~on-site~~ onsite or by the  
21 permittee.

22           "~~(27)~~ (31) PUBLIC SOLID WASTE MANAGEMENT FACILITY. A  
23 solid waste management facility that accepts solid waste from  
24 the public generally or for a fee or any solid waste  
25 management facility that is not a private solid waste  
26 management facility.

1           "(32) RECOVERED FEEDSTOCK. One or more of the  
2 following materials that has been converted so that it may be  
3 used as feedstock in an advanced recycling facility:

4           "a. Post-use polymers.

5           "b. Materials for which the United States  
6 Environmental Protection Agency has made a nonwaste  
7 determination under 40 C.F.R. 241.3(c) or has otherwise  
8 determined are feedstocks and not solid waste.

9           "c. Recoverable feedstock does not include  
10 unprocessed municipal solid waste.

11           "d. Recovered feedstock is not mixed with solid  
12 waste or hazardous waste onsite or during conversion at an  
13 advanced recycling facility.

14           ~~"(28)~~ (33) RECOVERED MATERIALS. Those materials which  
15 have known recycling potential; which can be feasibly  
16 recycled; which have been diverted or removed from the solid  
17 waste stream for recycling, whether or not requiring  
18 subsequent separation and processing; and which have a  
19 substantial portion that is consistently used in the  
20 manufacture of products which may otherwise be produced from  
21 raw or virgin materials. Recovered materials shall not include  
22 solvents or materials, except sawdust, bark, and paper  
23 materials that are destined for incineration, energy recovery,  
24 or any use which constitutes disposal. Recovered materials  
25 shall only be those materials for which during the calendar  
26 year, commencing on January 1, the amount of material recycled  
27 or diverted from the solid waste stream for recycling and

1 transferred to a different site for recycling or lawful  
2 disposal equals at least 75 percent by weight or volume of the  
3 amount of that material accumulated at the beginning of the  
4 period.

5 ~~"(29)~~ (34) RECOVERED MATERIALS PROCESSING FACILITY. A  
6 facility primarily engaged in the storage, processing, and  
7 resale or reuse of recovered materials. A recovered materials  
8 processing facility is not a solid waste management facility;  
9 however, any solid waste resulting from the operation of a  
10 facility shall be subject to all applicable laws and  
11 regulations relating to solid waste and shall be deemed to be  
12 generated for purposes of reporting pursuant to solid waste  
13 reduction goals, at the point of collection of the recovered  
14 materials from which the solid waste resulted. A recovered  
15 material processing facility shall provide notification to the  
16 department ~~according to rules adopted by the department.~~  
17 Notwithstanding any rules to the contrary, the notification  
18 shall be limited to the facility name, address, and the  
19 category of recovered materials processed by the facility.  
20 Categories of recovered materials shall mean metals, paper,  
21 glass, plastic, textiles, rubber, or electronics.

22 ~~"(30)~~ (35) RECYCLABLE MATERIALS. Those materials  
23 which are capable of being recycled, whether or not the  
24 materials have been diverted or removed from the solid waste  
25 stream.

26 ~~"(31)~~ (36) RECYCLING. Any process by which materials  
27 are collected, separated, stored, recovered, or processed and

1 reused or returned to use in the form of raw materials or  
2 products, but does not include the use of materials as a fuel,  
3 or for any use which constitutes disposal.

4 "~~(32)~~ (37) RUBBISH. Nonputrescible solid wastes,  
5 excluding ashes, consisting of both combustible and  
6 noncombustible wastes. Combustible rubbish includes paper,  
7 rags, cartons, wood, furniture, rubber, plastics, yard  
8 trimmings, leaves, and similar materials. Noncombustible  
9 rubbish includes glass, crockery, metal cans, metal furniture,  
10 and like materials which will not burn at ordinary incinerator  
11 temperatures, not less than 1,600 degrees Fahrenheit.

12 "~~(33)~~ (38) SANITARY LANDFILL. A controlled area of  
13 land upon which solid waste is deposited and is compacted and  
14 covered with earth or an alternative cover each day as  
15 deposited, with no ~~on-site~~ onsite burning of wastes, and so  
16 located, contoured, and drained that it will not constitute a  
17 source of water pollution as determined by the department.

18 "~~(34)~~ (39) SOLID WASTE. Any garbage, rubbish,  
19 construction or demolition debris, ash, or sludge from a waste  
20 treatment facility, water supply plant, or air pollution  
21 control facility, and any other discarded materials, including  
22 solid, liquid, semisolid, or contained gaseous material  
23 resulting from industrial, commercial, mining, or agricultural  
24 operations or community activities, or materials intended for  
25 or capable of recycling, but which have not been diverted or  
26 removed from the solid waste stream. The term "solid waste"  
27 does not include post-use polymers, recovered feedstock,

1 recovered materials, solid or dissolved materials in domestic  
2 sewage, solid or dissolved ~~material~~ materials in irrigation  
3 return flows, mill scale and slag produced from electric arc  
4 furnace operations, or industrial discharges which are point  
5 sources subject to the National Pollutant Discharge  
6 Elimination System permits under the Federal Water Pollution  
7 Control Act, as amended, or the Alabama Waste Pollution  
8 Control Act, as amended; or source, special, nuclear, or  
9 by-product materials as defined by the Atomic Energy Act of  
10 1954, as amended. Also excluded from this definition are land  
11 applications of crop residues, animal manure, and ash  
12 resulting exclusively from the combustion of wood during  
13 accepted agricultural operations, waste from silvicultural  
14 operations, or refuse as defined and regulated pursuant to the  
15 Alabama Surface Mining Act of 1969, Article 1, commencing with  
16 Section 9-16-1, of Chapter 16 of Title 9.

17 "~~(35)~~ (40) SOLID WASTE DISPOSAL FACILITY. Any  
18 landfill or part of a facility where final deposition of solid  
19 waste occurs and at which waste may remain after closure.

20 "~~(36)~~ (41) SOLID WASTE MANAGEMENT. The systematic  
21 control of solid waste, including its storage, processing,  
22 treatment, recovery of materials from solid waste, or  
23 disposal.

24 "~~(37)~~ (42) SOLID WASTE MANAGEMENT FACILITY. Any solid  
25 waste volume reduction plant, transfer station, material  
26 recovery facility, or other facility, the purpose of which is  
27 the storage, treatment, utilization, processing, disposal, or

1 recovery of materials from solid waste, or any combination  
2 thereof.

3 "~~(38)~~ (43) UNAUTHORIZED DUMP. Any collection of solid  
4 wastes either dumped or caused to be dumped or placed on any  
5 public or private property, whether or not regularly used, and  
6 not having a permit from the department. Abandoned  
7 automobiles, large appliances, or similar large items of solid  
8 waste shall be considered an unauthorized dump within the  
9 meaning of this article. The careless littering of a  
10 relatively few, smaller individual items such as tires,  
11 bottles, cans, and the like shall not be considered an  
12 unauthorized dump, unless the accumulation of solid waste  
13 poses a threat to human health or the environment. An  
14 unauthorized dump shall also mean any solid waste disposal  
15 site which does not meet the regulatory provisions of this  
16 article."

17 Section 2. This act shall become effective  
18 immediately following its passage and approval by the  
19 Governor, or its otherwise becoming law.