

Senate File 534 - Enrolled

Senate File 534

AN ACT

RELATING TO THE USE OF GASIFICATION AND PYROLYSIS FACILITIES FOR
THE CONVERSION OF CERTAIN RECOVERABLE WASTE MATERIALS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 455B.301, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 9A. "*Gasification*" means a process through which recoverable feedstocks are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and the mixture is converted to crude oil, diesel, gasoline, home heating oil, or other fuels; chemicals, waxes, lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials; or intermediate or final products that are returned to the economic mainstream in the form of raw materials, products, or fuels.

NEW SUBSECTION. 9B. "*Gasification facility*" means a facility that receives, separates, stores, and converts post-use polymers and recoverable feedstocks using gasification. A gasification facility is not a sanitary disposal project, solid waste disposal facility, or processing facility.

NEW SUBSECTION. 16A. "*Post-use polymer*" means a plastic polymer to which all of the following apply:

a. The plastic polymer is derived from any industrial, commercial, agricultural, or domestic activities.

b. The plastic polymer is used or is intended to be used

to manufacture crude oil, fuels, feedstocks, blendstocks, raw materials, or other intermediate products or final products using pyrolysis or gasification.

c. The plastic polymer may contain incidental contaminants or impurities, such as paper labels or metal rings.

NEW SUBSECTION. 18A. "*Pyrolysis*" means a process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted to crude oil, diesel, gasoline, home heating oil, or other fuels; chemicals, waxes, lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials; or intermediate or final products that are returned to the economic mainstream in the form of raw materials, products, or fuels.

NEW SUBSECTION. 18B. "*Pyrolysis facility*" means a facility that receives, separates, stores, and converts post-use polymers using pyrolysis. A pyrolysis facility is not a sanitary disposal project, solid waste disposal facility, or processing facility.

NEW SUBSECTION. 18C. "*Recoverable feedstock*" means one or more of the following materials derived from recoverable waste that has been processed so that it may be used as feedstock in a gasification facility:

a. Post-use polymers.

b. Materials for which the United States environmental protection agency has made a nonwaste determination pursuant to 40 C.F.R. 241.3(c), or has otherwise determined are not solid waste.

Sec. 2. Section 455B.301, subsections 21, 23, and 24, Code 2019, are amended to read as follows:

21. "*Sanitary disposal project*" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director. "*Sanitary disposal project*" does not include a pyrolysis or gasification facility.

23. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. "Solid waste" may include vehicles, as defined by section 321.1, subsection 90. This definition does not prohibit the use of rubble at places other than a sanitary disposal project. "Solid waste" does not include any of the following:

a. Hazardous waste regulated under the federal Resource Conservation and Recovery Act, 42 U.S.C. §6921-6934.

b. Hazardous waste as defined in [section 455B.411](#), except to the extent that rules allowing for the disposal of specific wastes have been adopted by the commission.

c. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

d. Petroleum contaminated soil that has been remediated to acceptable state or federal standards.

e. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

f. Material that is legitimately recycled pursuant to section 455D.4A.

g. Post-use polymers or recoverable feedstocks that are any of the following:

(1) Processed at a pyrolysis or gasification facility.

(2) Held at a pyrolysis or gasification facility prior to processing to ensure production is not interrupted.

24. "Waste conversion technologies" means thermal, chemical, mechanical, and biological processes capable of converting waste from which recyclable materials have been substantially diverted or removed into useful products and chemicals, green fuels such as ethanol and biodiesel, and clean, renewable energy. "Waste conversion technologies" includes but is not limited to anaerobic digestion, plasma gasification, and pyrolysis, except the term does not include gasification and pyrolysis facilities that process post-use polymers or recoverable feedstocks.

Sec. 3. NEW SECTION. 455B.305B Pyrolysis or gasification

material ownership.

Preprocessed and postprocessed post-use polymers and recoverable feedstocks stored at a pyrolysis facility or gasification facility are the sole property of the pyrolysis facility or gasification facility. Within sixty days of termination of operations at the facility, all unused preprocessed and postprocessed post-use polymers and recoverable feedstocks must be sold or disposed of by the pyrolysis facility or gasification facility in compliance with applicable laws.

Sec. 4. REPEAL. Section 455D.15A, Code 2019, is repealed.

CHARLES SCHNEIDER
President of the Senate

LINDA UPMEYER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 534, Eighty-eighth General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2019

KIM REYNOLDS
Governor