

Senate File 534 - Introduced

SENATE FILE 534
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1194)

A BILL FOR

1 An Act relating to the use of gasification and pyrolysis
2 facilities for the conversion of certain recoverable waste
3 materials.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

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

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

22 b. The plastic polymer is used or is intended to be used
23 to manufacture crude oil, fuels, feedstocks, blendstocks, raw
24 materials, or other intermediate products or final products
25 using pyrolysis or gasification.

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

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

1 materials, products, or fuels.

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

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

11 a. Post-use polymers.

12 b. Materials for which the United States environmental
13 protection agency has made a nonwaste determination pursuant to
14 40 C.F.R. 241.3(c), or has otherwise determined are not solid
15 waste.

16 Sec. 2. Section 455B.301, subsections 21, 23, and 24, Code
17 2019, are amended to read as follows:

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

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

35 a. Hazardous waste regulated under the federal Resource

1 Conservation and Recovery Act, 42 U.S.C. §6921-6934.

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

5 *c.* Source, special nuclear, or by-product material as
6 defined in the Atomic Energy Act of 1954, as amended to January
7 1, 1979.

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

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

13 *f.* Material that is legitimately recycled pursuant to
14 [section 455D.4A](#).

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

17 (1) Processed at a pyrolysis or gasification facility.

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

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

30 Sec. 3. NEW SECTION. 455B.305B **Pyrolysis or gasification**
31 **material ownership.**

32 Preprocessed and postprocessed post-use polymers and
33 recoverable feedstocks stored at a pyrolysis facility
34 or gasification facility are the sole property of the
35 pyrolysis facility or gasification facility. Within sixty

1 days of termination of operations at the facility, all
2 unused preprocessed and postprocessed post-use polymers and
3 recoverable feedstocks must be sold or disposed of by the
4 pyrolysis facility or gasification facility in compliance with
5 applicable laws.

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

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill relates to the use of gasification and pyrolysis
11 facilities for the conversion of certain recoverable waste
12 materials.

13 The bill creates definitions for the processes of
14 gasification and pyrolysis, the facilities where those
15 processes take place ("gasification facility" and "pyrolysis
16 facility"), and the materials used in those processes
17 ("post-use polymer" and "recoverable feedstock"). The
18 bill excludes pyrolysis and gasification facilities from
19 the definition of "sanitary disposal project", certain
20 post-use polymers and recoverable feedstocks from the
21 definition of "solid waste", and certain gasification and
22 pyrolysis facilities from the definition of "waste conversion
23 technologies". As such, certain post-use polymers and
24 recoverable feedstocks and certain gasification and pyrolysis
25 facilities are not subject to solid waste procedures and
26 requirements set forth in Code chapter 455B.

27 The bill also provides that preprocessed and postprocessed
28 post-use polymers and recoverable feedstocks are the sole
29 property of the pyrolysis or gasification facility at which
30 those materials are stored. Under the bill, those materials
31 shall be sold or lawfully disposed of within 60 days of the
32 termination of operations of a pyrolysis or gasification
33 facility. The bill also repeals permit and fee requirements
34 for facilities using waste conversion technologies.