

HB460 INTRODUCED



1 OG1DJW-1
2 By Representative Collins
3 RFD: Commerce and Small Business
4 First Read: 11-May-23
5
6 2023 Regular Session



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SYNOPSIS:

Under existing law, the Solid Waste and Recyclable Materials Management Act regulates the disposal and recycling of solid waste and recyclable materials.

This bill would define "advanced recycling" as a manufacturing process to convert post-use materials such as plastics into recycled products.

This bill would specify that advanced recycling at an advanced recycling facility would not be considered solid waste disposal or incineration under the solid waste act.

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

A BILL
TO BE ENTITLED
AN ACT

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



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29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

32 "§22-27-2

33 For the purpose of this article, the following terms
34 ~~shall~~ have the meanings respectively ascribed to them by this
35 section:

36 (1) ADVANCED RECYCLING. A manufacturing process for the
37 conversion of recovered materials into basic raw materials,
38 feedstocks, chemicals, recycled plastics, and other products
39 through processes that include pyrolysis, gasification,
40 depolymerization, catalytic cracking, reforming,
41 hydrogenation, solvolysis, chemolysis, and other similar
42 technologies. Advanced recycling does not include incineration
43 of plastics or waste-to-energy processes, and products sold as
44 fuel are not recycled products. Advanced recycling does not
45 include the conversion of post-use polymers or recovered
46 feedstock into fuels for use in energy production, but the
47 conversion of the materials, components, or commodities into
48 raw materials for new products using pyrolysis, gasification,
49 and solvolysis technologies under a third-party certification
50 system shall be considered recycled. For purposes of this
51 article, advanced recycling shall be considered recycling as
52 defined in this section and a facility conducting advanced
53 recycling shall be considered a recovered materials processing
54 facility.

55 ~~(1)~~ (2) AGENCY. Any controlling agency, public or
56 private, elected, appointed, or volunteer utilizing methods



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57 approved by the health department or the department for the
58 purpose of controlling and supervising the collection or
59 management of solid wastes or recyclable materials.

60 ~~(2)~~ (3) ALTERNATIVE COVER. Material other than earth
61 used to cover a landfill or sanitary landfill. An alternative
62 cover shall be approved by the Department of Environmental
63 Management in compliance with federal law and United States
64 Environmental Protection Agency rules or guidance to achieve a
65 level of performance equal to or greater than earthen cover
66 material.

67 ~~(3)~~ (4) ASHES. The solid residue from burning of wood,
68 coal, coke, or other combustible material used for heating,
69 from incineration of solid wastes, or for the production of
70 electricity at electric generating plants.

71 ~~(4)~~ (5) COAL COMBUSTION BY-PRODUCTS. Fly ash, bottom
72 ash, boiler slag, or flue gas emission control by-products
73 which result primarily from the combustion of coal or other
74 fossil fuels at electric generating plants.

75 ~~(5)~~ (6) COMPOSTING OR COMPOST PLANT. An officially
76 controlled method or operation whereby putrescible solid
77 wastes are broken down through microbic action to a material
78 offering no hazard or nuisance factors to public health or
79 well-being.

80 ~~(6)~~ (7) DEPARTMENT. The Alabama Department of
81 Environmental Management.

82 ~~(7)~~ (8) DIRECTOR. The Director of the Alabama Department
83 of Environmental Management or his or her designee.

84 ~~(8)~~ (9) DISCHARGE. The accidental or intentional



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85 spilling, leaking, pumping, emitting, emptying, or dumping of
86 solid waste, including leachate, into or on any land or water.

87 ~~(9)~~ (10) DISPOSAL. The discharge, deposit, injection,
88 dumping, spilling, leaking, or placing of any solid waste into
89 or on any land or water so that the waste or any constituent
90 thereof may enter the environment or be emitted into the air
91 or discharged into any waters, including, but not limited to,
92 ground waters.

93 ~~(10)~~ (11) FACILITY. All contiguous land, structures, and
94 other appurtenances used for the processing, treatment,
95 storage, or disposal of solid waste, or the recovery of
96 recyclable materials from solid waste, whether or not
97 authorized or permitted, including, but not limited to, waste
98 disposal areas and waste disposed therein.

99 ~~(11)~~ (12) FINANCIAL ASSURANCE. A financial arrangement
100 by the owner or operator of a municipal solid waste landfill
101 which guarantees the availability of funds which may be used
102 to close, provide post-closure care, or conduct corrective
103 action at that facility if the owner or operator fails to
104 properly execute his or her responsibilities under this
105 article and any rules adopted by the department for closure,
106 post-closure care, or corrective action and the terms of any
107 permit issued for operation of that facility.

108 ~~(12)~~ (13) GARBAGE. Putrescible animal and vegetable
109 wastes resulting from the handling, preparation, cooking, and
110 consumption of food, including wastes from markets, storage
111 facilities, handling and sale of produce and other food
112 products and excepting such materials that may be serviced by



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113 garbage grinders and handled as household sewage.

114 ~~(13)~~ (14) GENERATION. The act or process of producing
115 solid waste. Solid waste shall be considered to be generated
116 at the point that waste materials are first discarded or
117 collected, regardless of any subsequent materials recovery or
118 recycling.

119 ~~(14)~~ (15) HAZARDOUS WASTES. Those wastes defined in, and
120 regulated under, the Alabama Hazardous Waste Management and
121 Minimization Act of 1978, as amended.

122 ~~(15)~~ (16) HEALTH DEPARTMENT. An approved county or
123 district health department, including the Alabama State
124 Department of Public Health and the affected state and county
125 health department.

126 ~~(16)~~ (17) HEALTH OFFICER. The state or affected county
127 health officer or his or her designee.

128 ~~(17)~~ (18) HOUSEHOLD WASTE. Any solid waste, including,
129 but not limited to, garbage, trash, and sanitary waste in
130 septic tanks derived from households, including single and
131 multiple residences, hotels and motels, bunkhouses, ranger
132 stations, crew quarters, campgrounds, picnic grounds, and
133 day-use recreational areas. Sanitary waste in septic tanks
134 shall be considered as household waste only when it is
135 disposed in a landfill or unauthorized dump and its inclusion
136 as a household waste shall in no way prohibit or supersede the
137 authority of the board or the department to regulate onsite
138 sewage systems or the management of sanitary waste in septic
139 tanks.

140 ~~(18)~~ (19) INCINERATOR. A device designed to burn that



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141 portion of garbage and rubbish which will be consumed at
142 temperatures generally ranging 1,600 degrees Fahrenheit or
143 over. The unburned residue from an incinerator, including
144 metal, glass, and the like shall be called ashes.

145 ~~(19)~~ (20) INDUSTRIAL SOLID WASTE. Solid waste generated
146 by manufacturing or industrial processes that is not a
147 hazardous waste regulated under Chapters 22 to 30, inclusive,
148 of this title.

149 ~~(20)~~ (21) INNOCENT LANDOWNER. An owner of real property
150 upon which there is located an unauthorized dump and who meets
151 all of the following conditions:

152 a. The solid waste was disposed of on the property
153 after the owner acquired title to the property or the waste
154 was disposed of before the owner acquired title to the
155 property and the owner lacked actual knowledge of the waste
156 after conducting reasonable due diligence or title was
157 acquired by bequest or devise.

158 b. The owner did not have knowledge that the waste was
159 being disposed of on the property or the owner took steps,
160 including, but not limited to, posting signs to prevent
161 disposal on the property.

162 c. The owner did not participate in or consent to the
163 disposal of solid waste on the property.

164 d. The owner did not receive any financial benefit from
165 the disposal of solid waste on the property.

166 e. Title to the property was not transferred to the
167 owner for the purpose of evading liability for operating an
168 unauthorized dump.



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169 f. The person or persons responsible for disposing of
170 the solid waste on the property, in doing so, were not acting
171 as an agent for the owner.

172 ~~(21)~~ (22) LANDFILL. A method of compaction and earth or
173 alternative cover of solid wastes other than those containing
174 garbage or other putrescible wastes, including, but not
175 limited to, tree limbs and stumps, demolition materials,
176 incinerator residues, and like materials not constituting a
177 health or nuisance hazard, where cover need not be applied on
178 a per day used basis.

179 (23) MASS BALANCE ATTRIBUTION. A chain of custody
180 accounting methodology with rules defined by a third-party
181 certification system that enables the attribution of the mass
182 of advanced recycling feedstocks to one or more advanced
183 recycling products.

184 ~~(22)~~ (24) MATERIALS RECOVERY FACILITY. A solid waste
185 management facility that provides for the extraction from
186 solid waste of recyclable materials, materials suitable for
187 use as a fuel or soil amendment, or any combination of those
188 materials. A materials recovery facility shall be deemed to be
189 a solid waste treatment facility.

190 ~~(23)~~ (25) MEDICAL WASTE. A solid waste or combination of
191 solid wastes which because of its infectious characteristics
192 may either:

193 a. Cause, or significantly contribute to, an increase
194 in mortality or an increase in serious irreversible or
195 incapacitating reversible illness.

196 b. Pose a substantial present hazard or potential



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197 hazard to human health or the environment when improperly
198 treated, stored, transported, disposed, or otherwise managed.

199 ~~(27)~~ (26) MILL SCALE AND SLAG. Co-products that are a
200 result of the steel manufacturing process that are managed as
201 items of value in a controlled manner, but does not include
202 by-products that are a result of the steel manufacturing
203 process that would otherwise qualify as hazardous waste or
204 solid waste.

205 (27) MUNICIPAL SOLID WASTE LANDFILL. A discrete area of
206 land or an excavation that receives household waste and that
207 is not a land application unit, surface impoundment, injection
208 well, or waste pile. A municipal solid waste landfill may also
209 receive other types of solid wastes, such as commercial solid
210 waste, nonhazardous sludge, conditionally exempt small
211 quantity generator waste, industrial solid waste,
212 construction/demolition waste, and rubbish. A municipal solid
213 waste landfill is a sanitary landfill.

214 ~~(25)~~ (28) PERSON. An individual, trust, firm, joint
215 stock company, corporation (including a government
216 corporation), partnership, agent, agency, association, state,
217 municipality, commission, political subdivision of a state, an
218 interstate body, or other private or public legal entity.

219 ~~(31)~~ (29) PRIVATE SOLID WASTE MANAGEMENT FACILITY. A
220 solid waste management facility that is operated exclusively
221 by and for a private solid waste generator for the purpose of
222 accepting solid waste generated ~~on-site~~ onsite or by the
223 permittee.

224 ~~(27)~~ (30) PUBLIC SOLID WASTE MANAGEMENT FACILITY. A



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225 solid waste management facility that accepts solid waste from
226 the public generally or for a fee or any solid waste
227 management facility that is not a private solid waste
228 management facility.

229 ~~(28)~~ (31) RECOVERED MATERIALS. Those materials which
230 have known recycling potential; which can be feasibly
231 recycled; which have been diverted or removed from the solid
232 waste stream for recycling, whether or not requiring
233 subsequent separation and processing; ~~and~~ which have a
234 substantial portion that is consistently used in the
235 manufacture of products which may otherwise be produced from
236 raw or virgin materials. Recovered materials shall not include
237 solvents or materials, except sawdust, bark, and paper
238 materials that are destined for incineration, energy recovery,
239 or any use which constitutes disposal. Recovered materials
240 shall only be those materials for which during the calendar
241 year, commencing on January 1, the amount of material recycled
242 or diverted from the solid waste stream for recycling and
243 transferred to a different site for recycling or lawful
244 disposal equals at least 75 percent by weight or volume of the
245 amount of that material accumulated at the beginning of the
246 period.

247 ~~(29)~~ (32) RECOVERED MATERIALS PROCESSING FACILITY. A
248 facility primarily engaged in the storage, processing, and
249 resale or reuse of recovered materials. A recovered materials
250 processing facility is not a solid waste management facility;
251 however, any solid waste resulting from the operation of a
252 facility shall be subject to all applicable laws and



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253 regulations relating to solid waste and shall be deemed to be
254 generated for purposes of reporting pursuant to solid waste
255 reduction goals, at the point of collection of the recovered
256 materials from which the solid waste resulted. A recovered
257 material processing facility shall provide notification to the
258 department ~~according to rules adopted by the department.~~

259 Notwithstanding any rules to the contrary, the notification
260 shall be limited to the facility name and address and the
261 categories of recovered materials shall mean metals, paper,
262 glass, plastic, textiles, rubber, or electronics.

263 ~~(30)~~ (33) RECYCLABLE MATERIALS. Those materials which
264 are capable of being recycled, whether or not the materials
265 have been diverted or removed from the solid waste stream.

266 (34) RECYCLED PLASTICS or RECYCLED PLASTIC. Products
267 that are produced:

268 a. from mechanical recycling using pre-consumer
269 recovered materials or plastics, and post-consumer plastics;
270 or

271 b. from advanced recycling of pre-consumer recovered
272 materials or plastics and post-consumer plastics by mass
273 balance attribution under a third-party certification system.

274 ~~(31)~~ (35) RECYCLING. Any process by which materials are
275 collected, separated, stored, recovered, or processed and
276 reused or returned to use in the form of raw materials or
277 products, but does not include the use of materials as a fuel,
278 or for any use which constitutes disposal.

279 ~~(32)~~ (36) RUBBISH. Nonputrescible solid wastes,
280 excluding ashes, consisting of both combustible and



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281 noncombustible wastes. Combustible rubbish includes paper,
282 rags, cartons, wood, furniture, rubber, plastics, yard
283 trimmings, leaves, and similar materials. Noncombustible
284 rubbish includes glass, crockery, metal cans, metal furniture,
285 and like materials which will not burn at ordinary incinerator
286 temperatures, not less than 1,600 degrees Fahrenheit.

287 ~~(33)~~ (37) SANITARY LANDFILL. A controlled area of land
288 upon which solid waste is deposited and is compacted and
289 covered with earth or an alternative cover each day as
290 deposited, with no ~~on-site~~ onsite burning of wastes, and so
291 located, contoured, and drained that it will not constitute a
292 source of water pollution as determined by the department.

293 ~~(34)~~ (38) SOLID WASTE. Any garbage, rubbish,
294 construction or demolition debris, ash, or sludge from a waste
295 treatment facility, water supply plant, or air pollution
296 control facility, and any other discarded materials, including
297 solid, liquid, semisolid, or contained gaseous material
298 resulting from industrial, commercial, mining, or agricultural
299 operations or community activities, or materials intended for
300 or capable of recycling, but which have not been diverted or
301 removed from the solid waste stream. The term "solid waste"
302 does not include recovered materials, solid or dissolved
303 materials in domestic sewage, solid or dissolved ~~material~~
304 materials in irrigation return flows, mill scale and slag
305 produced from electric arc furnace operations, or industrial
306 discharges which are point sources subject to the National
307 Pollutant Discharge Elimination System permits under the
308 Federal Water Pollution Control Act, as amended, or the



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309 Alabama Waste Pollution Control Act, as amended; or source,
310 special, nuclear, or by-product materials as defined by the
311 Atomic Energy Act of 1954, as amended. Also excluded from this
312 definition are land applications of crop residues, animal
313 manure, and ash resulting exclusively from the combustion of
314 wood during accepted agricultural operations, waste from
315 silvicultural operations, or refuse as defined and regulated
316 pursuant to the Alabama Surface Mining Act of 1969, Article 1,
317 commencing with Section 9-16-1~~7~~ of Chapter 16 of Title 9.

318 ~~(35)~~ (39) SOLID WASTE DISPOSAL FACILITY. Any landfill or
319 part of a facility where final deposition of solid waste
320 occurs and at which waste may remain after closure.

321 ~~(36)~~ (40) SOLID WASTE MANAGEMENT. The systematic control
322 of solid waste, including its storage, processing, treatment,
323 recovery of materials from solid waste, or disposal.

324 ~~(37)~~ (41) SOLID WASTE MANAGEMENT FACILITY. Any solid
325 waste volume reduction plant, transfer station, material
326 recovery facility, or other facility, the purpose of which is
327 the storage, treatment, utilization, processing, disposal, or
328 recovery of materials from solid waste, or any combination
329 thereof.

330 ~~(38)~~ (42) UNAUTHORIZED DUMP. Any collection of solid
331 wastes either dumped or caused to be dumped or placed on any
332 public or private property, whether or not regularly used, and
333 not having a permit from the department. Abandoned
334 automobiles, large appliances, or similar large items of solid
335 waste shall be considered an unauthorized dump within the
336 meaning of this article. The careless littering of a



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337 relatively few, smaller individual items such as tires,
338 bottles, cans, and the like shall not be considered an
339 unauthorized dump, unless the accumulation of solid waste
340 poses a threat to human health or the environment. An
341 unauthorized dump shall also mean any solid waste disposal
342 site which does not meet the regulatory provisions of this
343 article."

344 Section 2. This act shall become effective immediately
345 following its passage and approval by the Governor, or its
346 otherwise becoming law.

347