

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 1392

(SENATE AUTHORS: HOWE)

DATE
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OFFICIAL STATUS
Introduction and first reading
Referred to Environment and Natural Resources Policy and Legacy Finance

1.1 A bill for an act
1.2 relating to environment; defining advanced recycling; amending Minnesota Statutes
1.3 2020, sections 115A.03, subdivisions 25, 25d, 27, 28, 34, 35, 36, by adding
1.4 subdivisions; 116.06, subdivision 22.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 115A.03, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 1a. **Advanced recycling.** "Advanced recycling" means a manufacturing process
1.9 for converting post-use polymers and recovered feedstocks into basic hydrocarbon raw
1.10 materials, feedstocks, chemicals, liquid fuels, and other products like waxes and lubricants
1.11 through processes that include pyrolysis, gasification, depolymerization, catalytic cracking,
1.12 reforming, hydrogenation, solvolysis, and other similar technologies. The recycled products
1.13 produced at advanced recycling facilities include but are not limited to monomers, oligomers,
1.14 plastics, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha,
1.15 liquid transportation fuels, waxes, lubricants, coatings, and other basic hydrocarbons.
1.16 Advanced recycling is not processing, treatment, resource recovery, incineration, or waste
1.17 management.

1.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.19 Sec. 2. Minnesota Statutes 2020, section 115A.03, is amended by adding a subdivision to
1.20 read:

1.21 Subd. 1b. **Advanced recycling facility.** "Advanced recycling facility" means a facility
1.22 that receives, stores, and converts post-use polymers and recovered feedstocks it receives

2.1 using advanced recycling. An advanced recycling facility is a manufacturing facility subject
2.2 to applicable agency manufacturing regulations for air, water, waste, and land use. An
2.3 advanced recycling facility is not a solid waste facility, waste facility, or resource recovery
2.4 facility.

2.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.6 Sec. 3. Minnesota Statutes 2020, section 115A.03, is amended by adding a subdivision to
2.7 read:

2.8 Subd. 7b. **Depolymerization.** "Depolymerization" means a manufacturing process where
2.9 post-use polymers are broken into smaller molecules such as monomers and oligomers or
2.10 raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished
2.11 chemicals, crude oil, naphtha, liquid transportation fuels, waxes, lubricants, coatings, and
2.12 other basic hydrocarbons.

2.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.14 Sec. 4. Minnesota Statutes 2020, section 115A.03, is amended by adding a subdivision to
2.15 read:

2.16 Subd. 10b. **Gasification.** "Gasification" means a manufacturing process through which
2.17 recovered feedstocks are heated and converted into a fuel-gas mixture in an oxygen-deficient
2.18 atmosphere and the mixture is converted into valuable raw materials and intermediate and
2.19 final products, including but not limited to plastic monomers, chemicals, waxes, lubricants,
2.20 chemical feedstocks, crude oil, diesel, gasoline, diesel and gasoline blend stocks, home
2.21 heating oil, and other fuels including ethanol and transportation fuel, that are returned to
2.22 economic utility in the form of raw materials, products, or fuels.

2.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.24 Sec. 5. Minnesota Statutes 2020, section 115A.03, is amended by adding a subdivision to
2.25 read:

2.26 Subd. 24c. **Post-use polymers.** "Post-use polymers" means plastic that:

2.27 (1) is derived from any industrial, commercial, agricultural, or domestic activities;

2.28 (2) is not mixed with solid waste or hazardous waste on site or during processing at the
2.29 advanced recycling facility;

3.1 (3) is used or intended to be used as a feedstock for manufacturing crude oil, fuels,
3.2 feedstocks, blend stocks, raw materials, or other intermediate products or final products
3.3 using advanced recycling;

3.4 (4) has been sorted from solid waste and other regulated waste but may contain residual
3.5 amounts of solid waste such as organic material and incidental contaminants or impurities
3.6 such as paper labels and metal rings; and

3.7 (5) is processed at an advanced recycling facility or held at an advanced recycling facility
3.8 before processing.

3.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.10 Sec. 6. Minnesota Statutes 2020, section 115A.03, is amended by adding a subdivision to
3.11 read:

3.12 **Subd. 24d. Pyrolysis.** "Pyrolysis" means a manufacturing process through which post-use
3.13 polymers are heated in an oxygen-deficient atmosphere until melted and thermally
3.14 decomposed and then cooled, condensed, and converted into valuable raw materials and
3.15 intermediate and final products, including but not limited to plastic monomers, chemicals,
3.16 waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, diesel and gasoline blend
3.17 stocks, home heating oil, and other fuels including ethanol and transportation fuel, that are
3.18 returned to economic utility in the form of raw materials, products, or fuels.

3.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.20 Sec. 7. Minnesota Statutes 2020, section 115A.03, subdivision 25, is amended to read:

3.21 **Subd. 25. Processing.** "Processing" means the treatment of waste after collection and
3.22 before disposal. Processing includes but is not limited to reduction, storage, separation,
3.23 exchange, resource recovery, physical, chemical, or biological modification, and transfer
3.24 from one waste facility to another. Processing does not include advanced recycling.

3.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.26 Sec. 8. Minnesota Statutes 2020, section 115A.03, subdivision 25d, is amended to read:

3.27 **Subd. 25d. Refuse-derived fuel.** "Refuse-derived fuel" means a product resulting from
3.28 the processing of mixed municipal solid waste in a manner that reduces the quantity of
3.29 noncombustible material present in the waste, reduces the size of waste components through
3.30 shredding or other mechanical means, and produces a fuel suitable for combustion in existing

4.1 or new solid fuel-fired boilers. Fuels produced using advanced recycling are not
4.2 refuse-derived fuels.

4.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.4 Sec. 9. Minnesota Statutes 2020, section 115A.03, is amended by adding a subdivision to
4.5 read:

4.6 Subd. 25e. **Recovered feedstock.** "Recovered feedstock" means one or more of the
4.7 following materials that has been processed so that it may be used as feedstock in an advanced
4.8 recycling facility:

4.9 (1) post-use polymers; and

4.10 (2) materials for which the United States Environmental Protection Agency has made
4.11 a nonwaste determination under Code of Federal Regulations, title 40, section 241.3(c), or
4.12 has otherwise determined are feedstocks and not solid waste.

4.13 Recovered feedstock does not include unprocessed municipal solid waste. Recovered
4.14 feedstock is not mixed with solid waste or hazardous waste on site or during processing at
4.15 an advanced recycling facility.

4.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.17 Sec. 10. Minnesota Statutes 2020, section 115A.03, subdivision 27, is amended to read:

4.18 Subd. 27. **Resource recovery.** "Resource recovery" means the reclamation for sale, use,
4.19 or reuse of materials, substances, energy, or other products contained within or derived from
4.20 waste. Resource recovery does not include advanced recycling.

4.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.22 Sec. 11. Minnesota Statutes 2020, section 115A.03, subdivision 28, is amended to read:

4.23 Subd. 28. **Resource recovery facility.** "Resource recovery facility" means a waste
4.24 facility established and used primarily for resource recovery, including related and
4.25 appurtenant facilities such as transmission facilities and transfer stations primarily serving
4.26 the resource recovery facility. An advanced recycling facility is not a resource recovery
4.27 facility.

4.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.1 Sec. 12. Minnesota Statutes 2020, section 115A.03, is amended by adding a subdivision
5.2 to read:

5.3 Subd. 32e. **Solvolysis.** "Solvolysis" means a manufacturing process through which
5.4 post-use polymers are reacted with the aid of solvents while heated at low temperatures or
5.5 pressurized, or both, to make useful products while allowing additives and contaminants to
5.6 be separated. The products of solvolysis include but are not limited to monomers,
5.7 intermediates, and valuable raw materials. The process includes but is not limited to
5.8 hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis.

5.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.10 Sec. 13. Minnesota Statutes 2020, section 115A.03, subdivision 34, is amended to read:

5.11 Subd. 34. **Waste.** "Waste" means solid waste, sewage sludge, and hazardous waste.
5.12 Waste does not include post-use polymers or recovered feedstocks.

5.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.14 Sec. 14. Minnesota Statutes 2020, section 115A.03, subdivision 35, is amended to read:

5.15 Subd. 35. **Waste facility.** "Waste facility" means all property, real or personal, including
5.16 negative and positive easements and water and air rights, which is or may be needed or
5.17 useful for the processing or disposal of waste, except property for the collection of the waste
5.18 and property used primarily for the manufacture of scrap metal or paper. Waste facility
5.19 includes but is not limited to transfer stations, processing facilities, and disposal sites and
5.20 facilities. An advanced recycling facility is not a waste facility.

5.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.22 Sec. 15. Minnesota Statutes 2020, section 115A.03, subdivision 36, is amended to read:

5.23 Subd. 36. **Waste management.** "Waste management" means activities which are intended
5.24 to affect or control the generation of waste and activities which provide for or control the
5.25 collection, processing and disposal of waste. Waste management does not include advanced
5.26 recycling.

5.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.28 Sec. 16. Minnesota Statutes 2020, section 116.06, subdivision 22, is amended to read:

5.29 Subd. 22. **Solid waste.** "Solid waste" means garbage, refuse, sludge from a water supply
5.30 treatment plant or air contaminant treatment facility, and other discarded waste materials

6.1 and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial,
6.2 commercial, mining, and agricultural operations; and from community activities, but does
6.3 not include:

6.4 (1) hazardous waste;

6.5 (2) animal waste used as fertilizer;

6.6 (3) earthen fill, boulders, or rock;

6.7 (4) concrete diamond grinding and saw slurry associated with the construction,
6.8 improvement, or repair of a road when deposited on the road project site in a manner that
6.9 is in compliance with best management practices and rules of the agency;

6.10 (5) sewage sludge;

6.11 (6) solid or dissolved material in domestic sewage or other common pollutants in water
6.12 resources, such as silt, dissolved or suspended solids in industrial wastewater effluents or
6.13 discharges ~~which~~ that are point sources subject to permits under section 402 of the Federal
6.14 Water Pollution Control Act, as amended, or dissolved materials in irrigation return flows;
6.15 ~~or~~

6.16 (7) source, special nuclear, or by-product material as defined by the Atomic Energy Act
6.17 of 1954, as amended; or

6.18 (8) post-use polymers or recovered feedstocks converted at an advanced recycling facility
6.19 or held at an advanced recycling facility before being converted.

6.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.