

Amendment to SB 367

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Legislative Findings and Purpose. The general court finds that:

4 I. New Hampshire is committed to a clean environment and protection of its natural
5 resources. The United States Environmental Protection Agency has recognized that reusing and
6 recycling post-use materials conserves natural resources, reduces waste, prevents pollution, reduces
7 greenhouse gasses contributing to climate change and serves as an important economic driver,
8 helping to create jobs and tax revenue.

9 II. The purpose of this act is to facilitate recycling of greater amounts and more types of
10 plastics by ensuring that advanced plastic recycling technologies in New Hampshire protect the
11 public health and safety by being appropriately regulated as manufacturers under New Hampshire's
12 applicable statutes and departmental rules relative to air, water, waste, and land use. Furthermore,
13 such facilities will comply with all applicable federal statutes, including but not limited to the Clean
14 Air Act, the Clean Water Act, and Environmental Protection Agency rules governing hazardous
15 waste.

16 2 New Paragraphs; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting
17 after paragraph I the following new paragraphs:

18 I-a. "Advanced recycling" means a manufacturing process for the conversion of post-use
19 polymers and recovered feedstocks into basic raw materials, feedstock chemicals, and other products
20 like waxes and lubricants through processes that include pyrolysis, gasification, depolymerization,
21 catalytic cracking, reforming, hydrogenation, solvolysis, and other similar technologies. The recycled
22 products produced at advanced recycling facilities include monomers, oligomers, plastics, plastics
23 and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings. For the
24 purposes of this chapter, the products of advanced recycling shall not include hydrocarbons which
25 are marketed, sold, or used as fuel for energy. For the purposes of this chapter, "advanced recycling"
26 shall not be considered solid waste management, solid waste processing, waste processing,
27 treatment, incineration, or combustion.

28 I-b. "Advanced recycling facility" means a facility that receives, stores, and converts post-use
29 polymers and recovered feedstock it receives using advanced recycling. An advanced recycling
30 facility shall be considered a manufacturing facility. For the purpose of this chapter, "advanced
31 recycling facility" shall not include a facility, solid waste facility, solid waste management facility,

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1 waste management facility, processing/treatment facility, solid waste collection, storage, and
2 transfer facility, processing facility, treatment facility, or an incinerator.

3 3 Solid Waste Management; Definition of Certified Waste-Derived Product. Amend RSA 149-
4 M:4, II-a to read as follows:

5 II-a. "Certified waste-derived product" means a constituent of solid waste which is no longer
6 regulated as a solid waste when certified by the department to be recyclable for its original use or
7 alternate uses and which poses no greater risk to the environment, public health, and safety than
8 exists by producing, distributing, using, or disposing comparable products which are not waste-
9 derived. ***Products derived from advanced recycling shall not be considered waste-derived***
10 ***products or require certification as waste-derived products.***

11 4 New Paragraph; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting
12 after paragraph V the following new paragraph:

13 V-a. "Depolymerization" means a manufacturing process where post-use polymers are
14 broken into smaller molecules such as monomers, oligomers, plastic or chemical feedstocks, or other
15 basic raw materials.

16 5 New Paragraph; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting
17 after paragraph IX-a the following new paragraph:

18 IX-b. "Gasification" means a manufacturing process through which recovered feedstocks are
19 heated and converted into synthesis gas in an oxygen-deficient atmosphere and the mixture is
20 converted into valuable raw materials.

21 6 New Paragraphs; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting
22 after paragraph XV the following new paragraphs:

23 XV-a. "Post-use polymer" means a plastic to which all of the following apply:

24 (a) The plastic is derived from industrial, commercial, agricultural, or domestic
25 activities.

26 (b) The plastic is not mixed with solid waste or hazardous waste.

27 (c) The plastic's use or intended use is as a feedstock for mechanical or chemical
28 recycling.

29 (d) The plastic has been sorted from solid waste and other regulated waste but may
30 contain residual amounts of solid waste such as organic material and incidental contaminants or
31 impurities such as paper labels and metal rings.

32 XV-b. "Post-use polymer aggregator" means a facility which collects, sorts, and cleans plastic
33 waste suitable for advance recycling and provides the feedstock to mechanical or advanced recycling
34 facilities. The feedstock shall meet the definition of post-use polymer. Recovered feedstock
35 aggregators shall be permitted under rules adopted by the department.

36 7 New Paragraphs; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting
37 after paragraph XVIII the following new paragraphs:

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1 XVIII-a. "Pyrolysis" means a manufacturing process through which synthetic and/or
2 biological polymers are heated in the absence of oxygen, sometimes in the presence of catalysts, until
3 thermally decomposed and are then cooled and condensed. The resulting chemicals, when separated
4 from wastes, can provide raw materials for the production of plastics, lubricants, waxes, and other
5 industrially useful chemicals.

6 XVIII-b. "Recovered feedstock" means one or more of the following materials that has been
7 processed so it may be used as feedstock in an advanced recycling facility:

8 (a) Post-use polymers.

9 (b) Materials which the United States Environmental Protection agency has determined
10 are feedstocks for advanced recycling and not solid waste.

11 (c) Recovered feedstock does not include unprocessed solid waste.

12 8 Solid Waste Management; Definitions. Amend RSA 149-M:4, XXII to read as follows:

13 XXII. "Solid waste" means any matter consisting of putrescible material, refuse, residue
14 from an air pollution control facility, and other discarded or abandoned material. It includes solid,
15 liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and
16 agricultural operations, and from community activities. For purposes of this chapter, it does not
17 include hazardous waste as defined in RSA 147-A:2; solid or dissolved materials in irrigation return
18 flows; cut or uprooted tree stumps buried on-site with local approval if required, provided that such
19 burial locations are not located within 75 feet of any drinking water supply; municipal and industrial
20 discharges which are point sources subject to permits under section 402 of the federal Water
21 Pollution Control Act, as amended; source, special nuclear or by-product material as defined by the
22 Atomic Energy Act of 1954, as amended; [øæ] septage or sludge as defined in RSA 485-A:2, IX-a and
23 XI-a; ***or post-use polymers and recovered feedstocks converted at an advanced recycling***
24 ***facility or held at such facility prior to conversion; or post-use polymers produced by a***
25 ***permitted post-use polymer aggregator.***

26 9 New Paragraph; Solid Waste Management; Definition. Amend RSA 149-M:4 by inserting after
27 paragraph XXII the following new paragraph:

28 XXII-a. "Solvolysis" means a manufacturing process through which post-use polymers are
29 purified with the aid of solvents, while heated at low temperatures and/or pressurized to make
30 useful products, allowing additives and contaminants to be removed. The products of solvolysis
31 include monomers, intermediates, and valuable chemicals and raw materials. The process includes
32 but is not limited to hydrolysis, amylolysis, ammonolysis, methanolysis, and glycolysis.

33 10 New Subdivision; Solid Waste Management; Regulation of Advanced Recycling. Amend RSA
34 149-M by inserting after section 61 the following new subdivision:

35 Regulation of Advanced Recycling

36 149-M:62 Regulation of Advanced Recycling.

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1 I. The department shall regulate advanced recycling facilities as manufacturing facilities.
2 An advanced recycling facility and the products and by-products of advanced recycling shall be
3 subject to applicable statutes and departmental rules relative to air, water, waste, and land use.
4 The department may enter and inspect any advanced recycling facility to determine whether storage
5 of materials prior to advanced recycling is a nuisance or poses a threat to the environment. The
6 department may utilize its enforcement authorities under RSA 149-M:15 to require abatement of the
7 nuisance or threat if found. The department may enter and inspect any advanced recycling facility
8 to ensure compliance with all applicable statutes and departmental rules relative to air, water,
9 waste, and land use and take any enforcement actions necessary.

10 II. Products of advanced recycling shall not be considered “waste-derived products” or
11 “refuse-derived fuel” and shall not be subject to the provisions of this chapter and rules created
12 under its authority relating to waste-derived products and refuse-derived fuel, including but limited
13 to the certification provisions of department of environmental services rule Env-Sw 1500.

14 III. Advanced recycling facilities shall give priority to utilizing post-use polymers and
15 recovered feedstocks generated within the state.

16 IV. Post use polymer used as recovered feedstock shall be received from post-use polymer
17 aggregator permitted by the department.

18 149-M:63 Reporting for Waste Reduction Goals. For the purpose of reporting recycling rates, all
19 advanced recycling facilities shall report the mass of post-use polymer processed, the mass of
20 recycled product, the mass of residual material, and the mass of processed material used for fuel to
21 the department. Recycled product shall not include any residual material, product used for fuel, or
22 non-post-use-polymer feedstock converted to product.

23 149-M:64 Reporting of Wastes. The department shall adopt rules pursuant to RSA 541-A for the
24 reporting of all emissions, hazardous waste, effluent, and solid waste generated by an advanced
25 recycling facility.

26 11 Effective Date. This act shall take effect 60 days after its passage.