COMMITTEE REPORT

February 18, 2021

**S. 525**

Introduced by Senators Gambrell, Verdin, Massey, Loftis and Garrett

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Read the first time February 4, 2021.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (S. 525) to amend Section 44-96-40 of the 1976 Code, relating to definitions for the South Carolina Solid Waste Policy and Management Act, to define necessary terms related to, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/SECTION 1. Section 44‑96‑40 of the 1976 Code is amended by adding appropriately numbered new items to read:

“( ) ‘Advanced recycling’ means manufacturing processes that convert post‑use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, waxes, lubricants, and other products through processes that include pyrolysis, gasification, depolymerization, solvolysis, catalytic cracking, reforming, hydrogenation, and other similar technologies. The recycled products produced from advanced recycling include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, waxes, lubricants, coatings, and other basic hydrocarbons. Advanced recycling is not incineration, combustion, energy recovery, material recovery, or treatment. For the purpose of advanced recycling:

(a) ‘Depolymerization’ means a manufacturing process at an advanced recycling facility where post‑use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, liquid transportation fuels, waxes, lubricants, coatings, and other basic hydrocarbons.

(b) ‘Gasification’ means a manufacturing process at an advanced recycling facility through which recovered feedstocks are heated and converted into a fuel‑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.

(c) ‘Pyrolysis’ means a manufacturing process at an advanced recycling facility through which post‑use polymers or recovered feedstock 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.

(d) ‘Solvolysis’ means a manufacturing process at an advanced recycling facility through which post‑use plastics are reacted with the aid of solvents while heated at low temperatures or pressurized to make useful products, while allowing additives and contaminants to be separated. The products of solvolysis include, but are not limited to, monomers, intermediates, and valuable raw materials. The process includes, but is not limited to, hydrolysis, aminolysis, ammonoloysis, methanolysis, ethanolysis, and glycolysis.

( ) ‘Advanced recycling facility’ means a manufacturing facility that receives, separates, stores and converts the post‑use polymers and recovered feedstocks it receives using advanced recycling. An advanced recycling facility is not a solid waste processing facility, solid waste management facility, materials recovery facility, waste‑to‑energy facility, or incinerator, but the facility is subject to department inspections to ensure compliance. Solid waste generated by an advanced recycling facility is subject to all applicable laws and regulations for manufacturers relating to storage and disposal of solid waste. Post‑use polymers and recovered feedstock may not be mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility. At least seventy-five percent of the weight or volume of recovered feedstocks or post-use polymers received during the previous calendar year must be processed at an advanced recycling facility or transferred to a different site for processing in order for a facility to qualify as an advanced recycling facility. If an advanced recycling facility does not comply with the requirements of this definition, then it is not an advanced recycling facility and is subject to all applicable solid waste laws and regulations as determined by the department. Within sixty days of the termination of operations at an advanced recycling facility, all unused pre‑converted and post‑converted post‑use polymers or recovered feedstock must be sold or disposed of by the advanced recycling facility in compliance with applicable laws.

( ) ‘Post‑use polymer’ means a plastic polymer that is not solid waste when the following apply:

(a) it is derived from any industrial, commercial, agricultural, or domestic activities;

(b) its use or intended use is to manufacture crude oil, fuels, feedstocks, blendstocks, raw materials, or other intermediate products or final products using advanced recycling;

(c) it may contain incidental contaminants or impurities, such as paper labels or metal rings; and

(d) it is processed at an advanced recycling facility or held at an advanced recycling facility prior to processing.

( )(a) ‘Recovered feedstock’ means one or more of the following materials that has been processed so that it may be used as feedstock in an advanced recycling facility:

(i) post‑use polymers;

(ii) materials for which the United States Environmental Protection Agency has made a nonwaste determination under 40 C.F.R. 241.3(c); or

(iii) materials that the United States Environmental Protection Agency has otherwise determined are feedstocks and not solid waste; or

(b) Recovered feedstock does not include unprocessed municipal solid waste.” /

Amend the bill further, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION \_\_. Section 48-1-50 of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) Review and consider the environmental compliance history of an applicant or person in making a determination to issue, reissue, deny, revoke, modify, or suspend a permit or interim status; prohibit the transfer of a permit or the transfer or achievement of interim status; or prohibit a change in the ownership of or a controlling interest in an existing facility.” /

Renumber sections to conform.

Amend title to conform.

DANIEL B. VERDIN III for Committee.

**A** **BILL**

TO AMEND SECTION 44-96-40 OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA SOLID WASTE POLICY AND MANAGEMENT ACT, TO DEFINE NECESSARY TERMS RELATED TO ADVANCED RECYCLING AND ADVANCED RECYCLING FACILITIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑96‑40 of the 1976 Code is amended by adding appropriately numbered new items to read:

“( ) ‘Advanced recycling’ means manufacturing processes that convert post‑use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, waxes, lubricants, and other products through processes that include pyrolysis, gasification, depolymerization, solvolysis, catalytic cracking, reforming, hydrogenation, and other similar technologies. The recycled products produced from advanced recycling include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, waxes, lubricants, coatings, and other basic hydrocarbons. Advanced recycling is not incineration, combustion, energy recovery, material recovery, or treatment.

( ) ‘Advanced recycling facility’ means a manufacturing facility that receives, separates, stores and converts the post‑use polymers and recovered feedstocks it receives using advanced recycling. An advanced recycling facility is not a solid waste processing facility, solid waste management facility, materials recovery facility, waste‑to‑energy facility, or incinerator, but the facility is subject to department inspections to ensure compliance. At least seventy‑five percent by weight or volume of the recovered feedstocks or post‑use polymers received during the previous calendar year must be processed at an advanced recycling facility or transferred to a different site for processing in order for a facility to qualify as an advanced recycling facility. Solid waste generated by an advanced recycling facility is subject to all applicable laws and regulations for manufacturers relating to storage and disposal of solid waste. Post‑use polymers and recovered feedstock may not be mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility. Within sixty days of the termination of operations at an advanced recycling facility, all unused pre‑converted and post‑converted post‑use polymers or recovered feedstock must be sold or disposed of by the advanced recycling facility in compliance with applicable laws.

( ) ‘Depolymerization’ means a manufacturing process at an advanced recycling facility where post‑use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, liquid transportation fuels, waxes, lubricants, coatings, and other basic hydrocarbons.

( ) ‘Gasification’ means a manufacturing process at an advanced recycling facility through which recovered feedstocks are heated and converted into a fuel‑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.

( ) ‘Post‑use polymer’ means a plastic polymer to which all of the following apply:

(a) it is derived from any industrial, commercial, agricultural, or domestic activities;

(b) its use or intended use is to manufacture crude oil, fuels, feedstocks, blendstocks, raw materials, or other intermediate products or final products using advanced recycling;

(c) it may contain incidental contaminants or impurities, such as paper labels or metal rings; and

(d) it is processed at an advanced recycling facility or held at an advanced recycling facility prior to processing.

( ) ‘Pyrolysis’ means a manufacturing process at an advanced recycling facility through which post‑use polymers or recovered feedstock 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.

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(i) post‑use polymers;

(ii) materials for which the United States Environmental Protection Agency has made a nonwaste determination under 40 C.F.R. 241.3(c); or

(iii) materials that the United States Environmental Protection Agency has otherwise determined are feedstocks and not solid waste; or

(b) Recovered feedstock does not include unprocessed municipal solid waste.

( ) ‘Solvolysis’ means a manufacturing process at an advanced recycling facility through which post‑use plastics are reacted with the aid of solvents while heated at low temperatures or pressurized to make useful products, while allowing additives and contaminants to be separated. The products of solvolysis include, but are not limited to, monomers, intermediates, and valuable raw materials. The process includes, but is not limited to, hydrolysis, aminolysis, ammonoloysis, methanolysis, ethanolysis, and glycolysis.”

SECTION 2. This act takes effect upon approval by the Governor.

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