

As Amended by Senate Committee

Session of 2023

SENATE BILL No. 114

By Committee on Commerce

1-26

1 AN ACT concerning solid waste; relating to advanced recycling; creating
2 definitions for "advanced recycling" and related terms; separating
3 advanced recycling from the current solid waste management system;
4 amending K.S.A. 65-3402 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 65-3402 is hereby amended to read as follows: 65-
8 3402. As used in this act, unless the context otherwise requires:

9 (a) (1) "Solid waste" means garbage, refuse, waste tires as defined by
10 K.S.A. 65-3424, and amendments thereto, and other discarded materials,
11 including, but not limited to, solid, semisolid, sludges, liquid and
12 contained gaseous waste materials resulting from industrial, commercial,
13 agricultural and domestic activities.

14 (2) "Solid waste" does not include:

15 (A) Hazardous wastes as defined by ~~subsection (f)~~ of K.S.A. 65-3430,
16 and amendments thereto;;

17 (B) recyclables ~~or~~;

18 (C) the waste of domestic animals as described by ~~subsection (a)(1)~~
19 ~~of~~ K.S.A. 65-3409, and amendments thereto; or

20 (D) *post-use polymers and recovered feedstocks that are converted at*
21 *an advanced recycling facility or held at such a facility prior to*
22 *conversion through an advanced recycling process.*

23 (b) (1) "Solid waste management system" means the entire process of
24 storage, collection, transportation, processing, and disposal of solid wastes
25 by any person engaging in such process as a business, or by any state
26 agency, city, authority, county or any combination thereof.

27 (2) "Solid waste management system" does not include advanced
28 recycling.

29 (c) (1) "Solid waste processing facility" means incinerator,
30 composting facility, household hazardous waste facility, waste-to-energy
31 facility, transfer station, reclamation facility or any other location where
32 solid wastes are consolidated, temporarily stored, salvaged or otherwise
33 processed prior to being transported to a final disposal site. ~~This term~~

34 (2) "Solid waste processing facility" does not include a scrap material
35 recycling and processing facility or an advanced recycling facility.

36 (d) (1) "Solid waste disposal area" means any area used for the

1 disposal of solid waste from more than one residential premises, or one or
2 more commercial, industrial, manufacturing or municipal operations.

3 (2) "Solid waste disposal area" includes all property described or
4 included within any permit issued pursuant to K.S.A. 65-3407, and
5 amendments thereto.

6 (e) "Person" means individual, partnership, firm, trust, company,
7 association, corporation, individual or individuals having controlling or
8 majority interest in a corporation, institution, political subdivision, state
9 agency or federal department or agency.

10 (f) "Waters of the state" means all streams and springs, and all bodies
11 of surface or groundwater, whether natural or artificial, within the
12 boundaries of the state.

13 (g) "Secretary" means the secretary of health and environment.

14 (h) "Department" means the ~~Kansas~~ department of health and
15 environment.

16 (i) "Disposal" means the discharge, deposit, injection, dumping,
17 spilling, leaking or placing of any solid waste into or on any land or water
18 so that such solid waste or any constituent thereof may enter the
19 environment or be emitted into the air or discharged into any water.

20 (j) "Open dumping" means the disposal of solid waste at any solid
21 waste disposal area or facility ~~which~~ *that* is not permitted by the secretary
22 under the authority of K.S.A. 65-3407, and amendments thereto, or the
23 disposal of solid waste contrary to rules and regulations adopted pursuant
24 to K.S.A. 65-3406, and amendments thereto.

25 (k) "Generator" means any person who produces or brings into
26 existence solid waste.

27 (l) "Monitoring" means all procedures used to:

28 (1) Systematically inspect and collect data on the operational
29 parameters of a facility, an area or a transporter; or

30 (2) to systematically collect and analyze data on the quality of the air,
31 groundwater, surface water or soils on or in the vicinity of a solid waste
32 processing facility or solid waste disposal area.

33 (m) "Closure" means the permanent cessation of:

34 ~~(1)~~ active disposal operations, abandonment of the disposal area,
35 revocation of the permit or filling with waste of all areas and volume
36 specified in the permit and preparing the area for the long-term care; ~~or~~

37 ~~(2)~~ *operations at an advanced recycling facility.*

38 (n) "Postclosure" means that period of time subsequent to closure of a
39 solid waste disposal area when actions at the site must be performed.

40 (o) "Reclamation facility" means any location at which material
41 containing a component defined as a hazardous substance pursuant to
42 K.S.A. 65-3452a, and amendments thereto, or as an industrial waste
43 pursuant to this section is processed.

1 (p) "Designated city" means a city or group of cities ~~which~~ *that*,
2 through interlocal agreement with the county in which they are located, is
3 delegated the responsibility for preparation, adoption or implementation of
4 the county solid waste plan.

5 (q) "Nonhazardous special waste" means any solid waste designated
6 by the secretary as requiring extraordinary handling in a solid waste
7 disposal area.

8 (r) (1) "Recyclables" means any materials that will be used or reused,
9 or prepared for use or reuse, as an ingredient in an industrial process to
10 make a product, or as an effective substitute for a commercial product.

11 (2) "Recyclables" includes, but is not limited to, paper, glass, plastic,
12 municipal water treatment residues, as defined by K.S.A. 65-163, and
13 amendments thereto, and metal, ~~but~~.

14 (3) "*Recyclables*" does not include yard waste.

15 (s) "Scrap material processing industry" means any person who
16 accepts, processes and markets recyclables.

17 (t) "Scrap material recycling and processing facility" means a fixed
18 location that utilizes machinery and equipment for processing only
19 recyclables.

20 (u) "Construction and demolition waste" means solid waste resulting
21 from the construction, remodeling, repair and demolition of structures,
22 roads, sidewalks and utilities; untreated wood and untreated sawdust from
23 any source; treated wood from construction or demolition projects; small
24 amounts of municipal solid waste generated by the consumption of food
25 and drinks at construction or demolition sites, including, but not limited to,
26 cups, bags and bottles; furniture and appliances from which ozone
27 depleting chlorofluorocarbons have been removed in accordance with the
28 provisions of the federal clean air act; solid waste consisting of motor
29 vehicle window glass; and solid waste consisting of vegetation from land
30 clearing and grubbing, utility maintenance, and seasonal or storm-related
31 cleanup. Such wastes include, but are not limited to, bricks, concrete and
32 other masonry materials, roofing materials, soil, rock, wood, wood
33 products, wall or floor coverings, plaster, drywall, plumbing fixtures,
34 electrical wiring, electrical components containing no hazardous materials,
35 nonasbestos insulation and construction related packaging. "Construction
36 and demolition waste" shall not include waste material containing friable
37 asbestos, garbage, furniture and appliances from which ozone depleting
38 chlorofluorocarbons have not been removed in accordance with the
39 provisions of the federal clean air act, electrical equipment containing
40 hazardous materials, tires, drums and containers even though such wastes
41 resulted from construction and demolition activities. Clean rubble that is
42 mixed with other construction and demolition waste during demolition or
43 transportation shall be considered to be construction and demolition waste.

1 (v) (1) "Construction and demolition landfill" means a permitted solid
2 waste disposal area used exclusively for the disposal on land of
3 construction and demolition wastes. ~~This term shall~~

4 (2) "*Construction and demolition landfill*" does not include a site that
5 is used exclusively for the disposal of clean rubble.

6 (w) "Clean rubble" means the following types of construction and
7 demolition waste: Concrete and concrete products including reinforcing
8 steel, asphalt pavement, brick, rock and uncontaminated soil as defined in
9 rules and regulations adopted by the secretary.

10 (x) (1) "Industrial waste" means all solid waste resulting from
11 manufacturing, commercial and industrial processes ~~which~~ that is not
12 suitable for discharge to a sanitary sewer or treatment in a community
13 sewage treatment plant or is not beneficially used in a manner that meets
14 the definition of recyclables.

15 (2) "Industrial waste" includes, but is not limited to: Mining wastes
16 from extraction, beneficiation and processing of ores and minerals unless
17 those minerals are returned to the mine site; fly ash, bottom ash, slag and
18 flue gas emission wastes generated primarily from the combustion of coal
19 or other fossil fuels; cement kiln dust; waste oil and sludges; waste oil
20 filters; and fluorescent lamps.

21 (y) "Composting facility" means any facility that composts wastes
22 and has a composting area larger than one-half acre.

23 (z) "Household hazardous waste facility" means a facility established
24 for the purpose of collecting, accumulating and managing household
25 hazardous waste and may also include small quantity generator waste or
26 agricultural pesticide waste, or both. Household hazardous wastes are
27 consumer products that when discarded exhibit hazardous characteristics.

28 (aa) (1) "Waste-to-energy facility" means a facility that processes
29 solid waste to produce energy or fuel.

30 (2) "*Waste-to-energy facility*" does not include any advanced
31 recycling facility.

32 (bb) (1) "Transfer station" means any facility where solid wastes are
33 transferred from one vehicle to another or where solid wastes are stored
34 and consolidated before being transported elsewhere, ~~but shall~~.

35 (2) "*Transfer station*" does not include a collection box provided for
36 public use as a part of a county-operated solid waste management system
37 if the box is not equipped with compaction mechanisms or has a volume
38 smaller than 20 cubic yards.

39 (cc) "Municipal solid waste landfill" means a solid waste disposal
40 area where residential waste is placed for disposal. A municipal solid
41 waste landfill also may receive other nonhazardous wastes, including
42 commercial solid waste, sludge and industrial solid waste.

43 (dd) (1) "Construction related packaging" means small quantities of

1 packaging wastes that are generated in the construction, remodeling or
2 repair of structures and related appurtenances.

3 (2) "Construction related packaging" does not include packaging
4 wastes that are generated at retail establishments selling construction
5 materials, chemical containers generated from any source or packaging
6 wastes generated during maintenance of existing structures.

7 (ee) (1) "Industrial facility" includes all operations, processes and
8 structures involved in the manufacture or production of goods, materials,
9 commodities or other products located on, or adjacent to, an industrial site
10 and is not limited to a single owner or to a single industrial process. ~~For~~
11 ~~purposes of this act, it~~

12 (2) "Industrial facility" includes all industrial processes and
13 applications that may generate industrial waste ~~which~~ that may be
14 disposed at a solid waste disposal area ~~which~~ that is permitted by the
15 secretary and operated for the industrial facility generating the waste and
16 used only for industrial waste.

17 (ff) (1) "Advanced recycling" means a manufacturing process where
18 already sorted post-use polymers and recovered feedstocks are purchased
19 and then converted into basic raw materials, feedstocks, chemicals and
20 other products through processes that include, but are not limited to,
21 pyrolysis, gasification, depolymerization, catalytic cracking, reforming,
22 hydrogenation, solvolysis, chemolysis and other similar technologies. The
23 recycled products produced at advanced recycling facilities include, but
24 are not limited to, monomers, oligomers, plastics, plastics and chemical
25 feedstocks, basic and unfinished chemicals, coatings and adhesives.

26 (2) "Advanced recycling" does not include incineration of plastics or
27 waste-to-energy processes, and products sold as fuel **are not recycled**
28 **products.**

29 (3) For the purpose of this act and the implementation of any rules
30 and regulations promulgated hereunder, recycled products produced at
31 advanced recycling facilities shall be considered "recyclables" as defined
32 in subsection (r).

33 (gg) (1) "Advanced recycling facility" means a manufacturing facility
34 that:

35 (A) Receives, stores and converts post-use polymers and recovered
36 feedstocks that are processed using advanced recycling;

37 (B) is a manufacturing facility subject to applicable department of
38 health and environment manufacturing regulations; and

39 (C) the department may inspect to ensure that post-use polymers are
40 used as raw material for advanced recycling and are not refuse or solid
41 waste.

42 (2) For the purpose of this act and the implementation of any rules
43 and regulations promulgated hereunder, "advanced recycling facilities"

1 shall not be considered solid waste disposal facilities, final disposal
2 facilities, solid waste management facilities, solid waste processing
3 facilities, solid waste recovery facilities, incinerators or waste-to-energy
4 facilities.

5 (3) The owner or operator of an advanced recycling facility shall be
6 responsible for the proper disposal of all recyclable material stored on the
7 facility premises within 60 days of closure.

8 (hh) "Mass balance attribution" means a chain of custody accounting
9 methodology with rules defined by a third-party certification system that
10 enables the attribution of the mass of advanced recycling feedstocks to one
11 or more advanced recycling products.

12 (ii) (1) "Post-use polymer" means a plastic that:

13 (A) Is derived from any industrial, commercial, agricultural or
14 domestic activities and includes pre-consumer recovered materials and
15 post-consumer materials;

16 (B) has been sorted from solid waste and other regulated waste but
17 may contain residual amounts of waste such as organic material and
18 incidental contaminants or impurities, such as paper labels and metal
19 rings;

20 (C) is not mixed with solid waste or hazardous waste on site or
21 during processing at the advanced recycling facility;

22 (D) is used or intended to be used as a feedstock for the
23 manufacturing of feedstocks, raw materials or other intermediate products
24 or final products using advanced recycling; and

25 (E) is processed at an advanced recycling facility or held at such
26 facility prior to processing.

27 (2) The term "post-use polymer" shall be considered "recyclables" as
28 defined in subsection (r).

29 (jj) (1) "Recovered feedstock" means one or more of the following
30 materials that has been processed so that it may be used as feedstock in an
31 advanced recycling facility:

32 (A) Post-use polymers; or

33 (B) materials for which the United States environmental protection
34 agency has made a nonwaste determination or has otherwise determined
35 are feedstocks and not solid waste.

36 (2) "Recovered feedstock" does not include unprocessed municipal
37 solid waste or feedstock that has been mixed with solid waste or
38 hazardous waste on site or during processing at an advanced recycling
39 facility.

40 (kk) "Recycled plastics" or "recycled plastic" means products that are
41 produced:

42 (1) From mechanical recycling of pre-consumer recovered feedstocks
43 or plastics and post-consumer plastics; or

1 (2) *from the advanced recycling of pre-consumer recovered*
2 *feedstocks or plastics and post-consumer plastics through mass balance*
3 *attribution under a third-party certification system.*

4 (1) *"Third-party certification system" means an international and*
5 *multi-national third-party certification system that consists of a set of*
6 *rules for the implementation of mass balance attribution approaches for*
7 *advanced recycling of materials. Third-party certification systems include,*
8 *but are not limited to: International sustainability and carbon*
9 *certification; underwriter laboratories; scs recycled content; roundtable*
10 *on sustainable biomaterials; ecoloop; and redcert2.*

11 Sec. 2. K.S.A. 65-3402 is hereby repealed.

12 Sec. 3. This act shall take effect and be in force from and after its
13 publication in the statute book.