

**HOUSE BILL NO. 143**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Introduced: 3/27/23

Referred:

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the Department of Environmental Conservation; relating to**  
2 **advanced recycling and advanced recycling facilities; relating to waste; and providing**  
3 **for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 46.03.020 is amended to read:

6 **Sec. 46.03.020. Powers of the department.** The department may

7 (1) enter into contracts and compliance agreements necessary or  
8 convenient to carry out the functions, powers, and duties of the department;

9 (2) review and appraise programs and activities of state departments  
10 and agencies in light of the policy set out in AS 46.03.010 for the purpose of  
11 determining the extent to which the programs and activities are contributing to the  
12 achievement of that policy and to make recommendations to the departments and  
13 agencies, including environmental guidelines;

14 (3) consult with and cooperate with

1 (A) officials and representatives of any nonprofit corporation or  
2 organization in the state;

3 (B) persons, organizations, and groups, public and private,  
4 using, served by, interested in, or concerned with the environment of the state;

5 (4) appear and participate in proceedings before any state or federal  
6 regulatory agency involving or affecting the purposes of the department;

7 (5) undertake studies, inquiries, surveys, or analyses it may consider  
8 essential to the accomplishment of the purposes of the department; these activities  
9 may be carried out by the personnel of the department or in cooperation with public or  
10 private agencies, including educational, civic, and research organizations, colleges,  
11 universities, institutes, and foundations;

12 (6) at reasonable times, enter and inspect with the consent of the owner  
13 or occupier any property or premises to investigate either actual or suspected sources  
14 of pollution or contamination or to ascertain compliance or noncompliance with a  
15 regulation that may be adopted under AS 46.03.020 - 46.03.040; information relating  
16 to secret processes or methods of manufacture discovered during investigation is  
17 confidential;

18 (7) conduct investigations and hold hearings and compel the  
19 attendance of witnesses and the production of accounts, books, and documents by the  
20 issuance of a subpoena;

21 (8) advise and cooperate with municipal, regional, and other local  
22 agencies and officials in the state, to carry out the purposes of this chapter;

23 (9) act as the official agency of the state in all matters affecting the  
24 purposes of the department under federal laws now or hereafter enacted;

25 (10) adopt regulations necessary to carry out the purposes of this  
26 chapter, including regulations providing for

27 (A) control, prevention, and abatement of air, water, or land or  
28 subsurface land pollution;

29 (B) safeguard standards for petroleum and natural gas pipeline  
30 construction, operation, modification, or alteration;

31 (C) protection of public water supplies by establishing

1 minimum drinking water standards, and standards for the construction,  
2 improvement, and maintenance of public water supply systems;

3 (D) collection and disposal of sewage and industrial waste;

4 (E) collection and disposal of garbage, refuse, and other  
5 discarded solid materials from industrial, commercial, agricultural, and  
6 community activities or operations;

7 (F) control of pesticides;

8 (G) other purposes as may be required for the implementation  
9 of the policy declared in AS 46.03.010;

10 (H) handling, transportation, treatment, storage, and disposal of  
11 hazardous wastes;

12 (11) inspect the premises of sellers and suppliers of paint, vessels, and  
13 marine and boating supplies, and take other actions necessary to enforce  
14 AS 46.03.715;

15 (12) notwithstanding any other provision of law, take all actions  
16 necessary to receive authorization from the administrator of the United States  
17 Environmental Protection Agency to administer and enforce a National Pollutant  
18 Discharge Elimination System program in accordance with 33 U.S.C. 1342 (sec. 402,  
19 Clean Water Act), 33 U.S.C. 1345 (sec. 405, Clean Water Act), 40 C.F.R. Part 123,  
20 and 40 C.F.R. Part 403, as amended;

21 (13) require the owner or operator of a facility to undertake  
22 monitoring, sampling, and reporting activities described in 33 U.S.C. 1318 (sec. 308,  
23 Clean Water Act);

24 (14) notwithstanding any other provision of law, take all actions  
25 necessary to receive federal authorization of a state program for the department and  
26 the Department of Natural Resources to administer and enforce a dredge and fill  
27 permitting program allowed under 33 U.S.C. 1344 (sec. 404, Clean Water Act) and to  
28 implement the program, if authorized;

29 **(15) develop manufacturing regulations related to air emissions**  
30 **and water discharges by an advanced recycling facility.**

31 \* **Sec. 2.** AS 46.03.900(11) is amended to read:

1 (11) "industrial waste" means a liquid, gaseous, solid, or other waste  
 2 substance or a combination of them resulting from process of industry, manufacturing  
 3 trade or business, or from the development of natural resources; **"industrial waste"**  
 4 **does not include post-use polymers and recovered feedstocks at an advanced**  
 5 **recycling facility or** [HOWEVER,] gravel, sand, mud, or earth taken from its original  
 6 situs and put through sluice boxes, dredges, or other devices for the washing and  
 7 recovery of the precious metal contained in them and redeposited in the same  
 8 watershed from which it came [IS NOT INDUSTRIAL WASTE];

9 \* **Sec. 3.** AS 46.03.900(17) is amended to read:

10 (17) "other wastes" means garbage, refuse, decayed wood, sawdust,  
 11 shavings, bark, trimmings from logging operations, sand, lime cinders, ashes, offal,  
 12 oil, tar, dyestuffs, acids, chemicals, heat from cooling or other operations, and other  
 13 substances not sewage or industrial waste **that** [WHICH] may cause or tend to cause  
 14 pollution of the waters of the state; **"other wastes" does not include post-use**  
 15 **polymers and recovered feedstocks at an advanced recycling facility;**

16 \* **Sec. 4.** AS 46.03.900(26) is amended to read:

17 (26) "solid waste" means garbage, refuse, **or** abandoned [,] or other  
 18 discarded solid or semi-solid material, regardless of whether subject to decomposition,  
 19 originating from any source; **"solid waste" does not include post-use polymers and**  
 20 **recovered feedstocks at an advanced recycling facility;**

21 \* **Sec. 5.** AS 46.03.900(27) is amended to read:

22 (27) "solid waste disposal facility" means a facility for the discharge,  
 23 deposit, injection, consolidation, or placement of solid waste into or onto the land and  
 24 includes transfer stations and sanitary landfills, **but does not include an advanced**  
 25 **recycling facility;**

26 \* **Sec. 6.** AS 46.03.900(28) is amended to read:

27 (28) "solid waste processing" means extraction of materials from solid  
 28 waste, volume reduction, conversion to energy, or other separation and preparation of  
 29 solid waste for reuse or disposal and includes processing by incinerators, shredders,  
 30 balers, and transfer stations; **"solid waste processing" does not include the**  
 31 **extraction of materials from solid waste through advanced recycling;**

1 \* **Sec. 7.** AS 46.03.900 is amended by adding new paragraphs to read:

2 (38) "advanced recycling" means the manufacturing process of  
3 converting post-use polymers and recovered feedstocks into basic raw materials,  
4 feedstocks, chemicals, and other recycled products through pyrolysis, gasification,  
5 depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis,  
6 chemolysis, or other similar technologies; "advanced recycling" does not include solid  
7 waste management, processing, or recovery, incineration, treatment, waste-to-energy  
8 processes;

9 (39) "advanced recycling facility" means a manufacturing facility that  
10 receives, stores, and converts post-use polymers and recovered feedstocks into basic  
11 raw materials, feedstocks, chemicals, and other recycled products; "advanced  
12 recycling facility" does not include a solid waste disposal, management, processing, or  
13 recovery facility, final disposal facility, incinerating facility, or waste-to-energy  
14 facility;

15 (40) "depolymerization" means a manufacturing process where post-  
16 use polymers are broken into smaller molecules, such as monomers and oligomers, or  
17 raw, intermediate, final, or other recycled products;

18 (41) "gasification" means a manufacturing process through which post-  
19 use polymers or recovered feedstocks are heated in an oxygen-controlled atmosphere  
20 and converted into syngas before being converted into raw, intermediate, or final raw  
21 materials or products;

22 (42) "mass balance attribution" means a chain of custody accounting  
23 methodology with rules defined by a third-party certification system that enables the  
24 attribution of the mass of advanced recycling feedstocks to one or more advanced  
25 recycling products;

26 (43) "other recycled product" includes monomers, oligomers, plastics,  
27 plastic and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants,  
28 coatings, and adhesives;

29 (44) "post-use polymer" means a plastic that

30 (A) is derived from agricultural, commercial, domestic, or  
31 industrial activities, including preconsumer and postconsumer materials;

1 (B) has been sorted from solid waste and other regulated waste  
2 but may contain residual amounts of waste and incidental contaminants or  
3 impurities;

4 (C) is not mixed with solid waste or hazardous waste onsite or  
5 during processing at an advanced recycling facility;

6 (D) is used or intended to be used as a feedstock in advanced  
7 recycling; and

8 (E) is processed at an advanced recycling facility or held at an  
9 advanced recycling facility before processing;

10 (45) "pyrolysis" means a manufacturing process through which post-  
11 use polymers or recovered feedstocks are heated in the absence of oxygen until melted  
12 and thermally decomposed, catalytically or noncatalytically, and then cooled,  
13 condensed, and converted into raw materials and intermediate and final products;

14 (46) "recovered feedstock" means post-use polymers or materials for  
15 which a nonwaste determination or feedstock determination has been made by the  
16 United States Environmental Protection Agency and that has been processed so it may  
17 be used as feedstock by an advanced recycling facility; "recovered feedstock" does not  
18 include unprocessed municipal solid waste or feedstock mixed with solid waste or  
19 hazardous waste onsite or during processing at an advanced recycling facility;

20 (47) "recycled plastics" means products that are produced from

21 (A) the mechanical recycling of preconsumer recovered  
22 feedstocks or plastics and postconsumer plastics; or

23 (B) the advanced recycling of preconsumer recovered  
24 feedstocks or plastics and postconsumer plastics by way of mass balance  
25 attribution;

26 (48) "solvolysis" means hydrolysis, aminolysis, ammonolysis,  
27 methanolysis, glycolysis, or other manufacturing process through which post-use  
28 polymers are purified with the aid of solvents while heated at low temperature,  
29 pressure, or both, that allows additives and contaminants to be removed to make  
30 monomers, intermediates, chemicals, plastic and chemical feedstocks, or raw  
31 materials;

1                   (49) "third-party certification system" means an international and  
2                   multinational certification system that consists of rules for the implementation of mass  
3                   balance attribution approaches for advanced recycling and recycled plastics.

4                   \* **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).