

Kansas SB 114 – Oral Testimony

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Good morning, Chairwoman Erickson, and Members of the Committee. My name is Marcus Branstad and I am here today on behalf of the American Chemistry Council (ACC). The ACC is a national trade association representing almost 200 global companies representing chemical industry including leading manufacturers of plastic resins. Today I am here today to discuss Senate Bill 114 which appropriately regulates advanced recycling as manufacturing.

Increasing sustainability and driving towards a more circular economy are extremely important for our industry. This includes enabling innovation to drive recycling rates upward. To date, Kansas and much of the United States have been able to mechanically recycle things like soda and water bottles, milk jugs, detergent bottles and some tubs and lids. However, it is challenging to mechanically recycle complexly engineered packaging such as food pouches, films, and tubes. Additionally, economics, market demand, and recent restrictions from China have had a major impact. This is where innovation comes in. Instead of sending these valuable plastics to landfills or burning them for energy, technologies like advanced recycling can take these harder to recycle plastics and convert them into raw materials for new chemicals and plastics. These are truly circular, environmentally friendly solutions that do not combust or burn the plastic material.

Here are some examples of how these technologies have already been implemented in the US:

- Wendy's announced that they were switching from their paper-lined drink cups to an all-plastic cup made with 20% certified recycled plastics thanks to advanced recycling. This cup is manufactured by Berry Plastics one of the leading plastics manufacturers in the country.
- Herbal Essences – one of the highest profile brands of Procter & Gamble has announced a partnership with Eastman to produce five shampoo and conditioner bottles made from 50% certified recycled plastic. And,
- a new line of Nalgene water bottles has been made using advanced recycling by Eastman Chemical based in Kingsport, Tennessee.

If Kansas became a hub for advanced recycling technologies and converted just 50% of the currently landfilled plastic feedstock in the state, it could generate nearly \$150 million in total economic output, 550 jobs, and \$37 Million in payroll.

Lastly, as manufacturing facilities, these technologies are also subject to all applicable federal, state, and local environmental regulations including the Clean Air Act, Clean Water Act and required permits for manufacturers from Kansas Department of Health and Environment. 21 other states, including border state Missouri have enacted very similar laws to ensure that these technologies are regulated as manufacturing. Other midwestern states to pass this legislation include: Ohio, Michigan, Illinois, Wisconsin and Iowa.

Thus, I ask for your support of SB 114 to help bring added investments and jobs to the state of Kansas, while increasing recycling, conserving resources, and reducing plastic waste. With that, Madam Chair, I thank you for your time today and pleased to respond to questions that members of the committee may have. Thank you.

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.

Strikes on lines 33, 34, 36 and 37

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 products

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

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

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

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

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

41 (2) For the purpose of this act and the implementation of any rules
42 and regulations promulgated hereunder, "advanced recycling facilities"
43 shall not be considered solid waste disposal facilities, final disposal