



2017 ASSEMBLY BILL 789

December 27, 2017 - Introduced by Representatives TITTL, BALLWEG, BRANDTJEN, E. BROOKS, HORLACHER, KITCHENS, KNODL, KULP, MURPHY, MURSAU, NEYLON, NOVAK, TAUCHEN, VANDERMEER and LOUDENBECK, cosponsored by Senators COWLES, OLSEN, PETROWSKI and STROEBEL. Referred to Committee on Environment and Forestry.

1 **AN ACT to amend** 287.07 (4) (c), 287.07 (4) (i), 289.01 (33), 289.01 (35), 289.01 (38)
2 and 289.01 (39); and **to create** 289.01 (8m), 289.01 (9m), 289.01 (24g), 289.01
3 (24m) and 289.01 (27m) of the statutes; **relating to:** exempting certain
4 facilities from solid waste facility regulations.

Analysis by the Legislative Reference Bureau

This bill exempts pyrolysis and gasification facilities from certain laws relating to solid waste facilities.

A solid waste facility is a facility for the treatment, storage, or disposal of solid waste. Under current law and rules promulgated by the Department of Natural Resources, no person may operate a solid waste facility without an operating license from DNR. In addition, most solid waste facilities must undergo a pre-construction or pre-expansion site inspection, obtain DNR approval of a plan of operation for the facility, comply with certain performance standards to avoid or minimize adverse environmental impacts, and provide proof of financial responsibility for the closure of the facility and the post-closure, long-term care of the facility.

This bill exempts pyrolysis and gasification facilities from the definition under current law of “solid waste facility.” The bill defines a pyrolysis facility as a facility where post-use plastics are heated until decomposed and then converted into other materials such as liquid fuel. Under the bill, a gasification facility is a facility where post-use plastics and certain other materials are heated and ultimately converted only into fuel or other chemical feedstock.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 287.07 (4) (c) of the statutes is amended to read:

2 287.07 (4) (c) Foam polystyrene packaging, unless the packaging is processed
3 at a pyrolysis facility, as defined in s. 289.01 (27m), or a gasification facility, as
4 defined in s. 289.01 (9m).

5 **SECTION 2.** 287.07 (4) (i) of the statutes is amended to read:

6 287.07 (4) (i) A plastic container, unless the container is processed at a
7 pyrolysis facility, as defined in s. 289.01 (27m), or a gasification facility, as defined
8 in s. 289.01 (9m).

9 **SECTION 3.** 289.01 (8m) of the statutes is created to read:

10 289.01 (8m) “Feedstock” means raw material that is used in a machine or
11 industrial process.

12 **SECTION 4.** 289.01 (9m) of the statutes is created to read:

13 289.01 (9m) “Gasification facility” means a facility that processes nonrecycled
14 feedstock by heating and converting the feedstock only into a fuel-gas mixture in an
15 oxygen-deficient, noncombustible atmosphere and converting the mixture only into
16 fuel, including ethanol and transportation fuel, chemicals, or other chemical
17 feedstock.

18 **SECTION 5.** 289.01 (24g) of the statutes is created to read:

19 289.01 (24g) (a) “Nonrecycled feedstock” means one or more of the following
20 materials, derived from nonrecycled waste, that has been processed so that it may
21 be used as feedstock in a gasification facility:

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- 1 1. Post-use plastics.
- 2 2. Municipal solid waste that contains post-use plastics and that is processed
- 3 into a fuel that would be considered a legitimate fuel under 40 CFR 241.3 (c).
- 4 3. Other post-industrial waste containing post-use plastics.
- 5 (b) “Nonrecycled feedstock” does not include coal refuse, scrap tires, or
- 6 resinated wood.

7 **SECTION 6.** 289.01 (24m) of the statutes is created to read:

8 289.01 (**24m**) “Post-use plastics” means plastics derived from any source that

9 are not being used for their originally intended purpose and that might otherwise

10 become solid waste if not processed at a pyrolysis or gasification facility or recycled.

11 “Post-use plastics” includes plastics that may contain incidental contaminants or

12 impurities such as paper labels or metal rings.

13 **SECTION 7.** 289.01 (27m) of the statutes is created to read:

14 289.01 (**27m**) “Pyrolysis facility” means a facility at which post-use plastics are

15 heated, in an oxygen-free environment, until melted and thermally decomposed,

16 then cooled, condensed, and converted into oil, diesel, gasoline, home heating oil, or

17 other liquid fuel; gasoline or diesel blendstock; chemicals or chemical feedstock;

18 waxes or lubricants; or other similar raw materials or intermediate or final products.

19 **SECTION 8.** 289.01 (33) of the statutes is amended to read:

20 289.01 (**33**) “Solid waste” means any garbage, refuse, sludge from a waste

21 treatment plant, water supply treatment plant or air pollution control facility and

22 other discarded or salvageable materials, including solid, liquid, semisolid, or

23 contained gaseous materials resulting from industrial, commercial, mining and

24 agricultural operations, and from community activities, but does not include solids

25 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation

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1 return flows or industrial discharges which are point sources subject to permits
2 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
3 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
4 (1). “Solid waste” does not include post-use plastics or nonrecycled feedstock that
5 are processed at a pyrolysis or gasification facility; that are held at a pyrolysis or
6 gasification facility, prior to processing at the facility where they are being held, to
7 ensure that production is not interrupted; or that are held off site before delivery to
8 a pyrolysis or gasification facility with the intent that they will be processed at a
9 pyrolysis or gasification facility.

10 **SECTION 9.** 289.01 (35) of the statutes is amended to read:

11 289.01 (35) “Solid waste facility” means a facility for solid waste treatment,
12 solid waste storage, or solid waste disposal, and includes commercial, industrial,
13 municipal, state, and federal establishments or operations such as, without
14 limitation because of enumeration, sanitary landfills, dumps, land disposal sites,
15 incinerators, transfer stations, storage facilities, collection and transportation
16 services, and processing, treatment, and recovery facilities. ~~This term~~ “Solid waste
17 facility” includes the land where the facility is located. ~~This term~~ “Solid waste
18 facility” does not include a facility for the processing of scrap iron, steel, or nonferrous
19 metal using large machines to produce a principal product of scrap metal for sale or
20 use for remelting purposes. ~~This term~~ “Solid waste facility” does not include a facility
21 which uses large machines to sort, grade, compact, or bale clean wastepaper, fibers,
22 or plastics, not mixed with other solid waste, for sale or use for recycling purposes.
23 ~~This term~~ “Solid waste facility” does not include an auto junk yard or scrap metal
24 salvage yard. “Solid waste facility” does not include a pyrolysis facility or a
25 gasification facility.

