

State of Wisconsin



2017 Assembly Bill 789

Date of enactment: **April 16, 2018**
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2017 WISCONSIN ACT 284

AN ACT *to amend* 289.01 (33), 289.01 (35), 289.01 (38) and 289.01 (39); and *to create* 287.07 (7) (i), 289.01 (8m), 289.01 (9m), 289.01 (24g), 289.01 (24m) and 289.01 (27m) of the statutes; **relating to**: exempting certain facilities from solid waste facility regulations.

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

SECTION 2m. 287.07 (7) (i) of the statutes is created to read:

287.07 (7) (i) The prohibitions in sub. (4) (c) and (i) do not apply if the packaging or container is processed at a pyrolysis facility, as defined in s. 289.01 (27m), or a gasification facility, as defined in s. 289.01 (9m).

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

289.01 (8m) "Feedstock" means raw material that is used in a machine or industrial process.

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

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

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

289.01 (24g) (a) "Nonrecycled feedstock" means one or more of the following materials, derived from non-

recycled waste, that has been processed so that it may be used as feedstock in a gasification facility:

1. Post-use plastics.
2. Municipal solid waste that contains post-use plastics and that is processed into a fuel that would be considered a legitimate fuel under [40 CFR 241.3](#) (c).
3. Other post-industrial waste that contains post-use plastics and that may contain incidental contaminants or impurities.

(b) "Nonrecycled feedstock" does not include coal refuse, scrap tires, or resinated wood.

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

289.01 (24m) "Post-use plastics" means plastics derived from any source that are not being used for their originally intended purpose and that might otherwise become solid waste if not processed at a pyrolysis or gasification facility or recycled. "Post-use plastics" includes plastics that may contain incidental contaminants or impurities such as paper labels or metal rings.

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

289.01 (27m) "Pyrolysis facility" means a facility at which post-use plastics are heated, in an oxygen-free environment, until melted and thermally decomposed,

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

then cooled, condensed, and converted into oil, diesel, gasoline, home heating oil, or other liquid fuel; gasoline or diesel blendstock; chemicals or chemical feedstock; waxes or lubricants; or other similar raw materials or intermediate or final products.

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

289.01 (33) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31 (1). "Solid waste" does not include post-use plastics or nonrecycled feedstock that are processed at a pyrolysis or gasification facility; that are held at a pyrolysis or gasification facility, prior to processing at the facility where they are being held, to ensure that production is not interrupted; or that are held off site before delivery to a pyrolysis or gasification facility with the intent that they will be processed at a pyrolysis or gasification facility.

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

289.01 (35) "Solid waste facility" means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, trans-

fer stations, storage facilities, collection and transportation services, and processing, treatment, and recovery facilities. This term "Solid waste facility" includes the land where the facility is located. This term "Solid waste facility" does not include a facility for the processing of scrap iron, steel, or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes. This term "Solid waste facility" does not include a facility which uses large machines to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes. This term "Solid waste facility" does not include an auto junk yard or scrap metal salvage yard. "Solid waste facility" does not include a pyrolysis facility or a gasification facility.

SECTION 10. 289.01 (38) of the statutes is amended to read:

289.01 (38) "Solid waste storage" means the holding of solid waste for a temporary period, at the end of which period the solid waste is to be treated or disposed. "Solid waste storage" does not include the holding of post-use plastics or nonrecycled feedstock at a pyrolysis or gasification facility, prior to processing at the facility where they are being held, to ensure that production is not interrupted, or the holding of post-use plastics or nonrecycled feedstock off site before delivery to a pyrolysis or gasification facility with the intent that they will be processed at a pyrolysis or gasification facility.

SECTION 11. 289.01 (39) of the statutes is amended to read:

289.01 (39) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration. "Solid waste treatment" does not include the treatment of post-use plastics or nonrecycled feedstock at a pyrolysis or gasification facility.