

Model Bill to Stop New Trash-Burning Facilities

Purpose and Use of this Model Bill

Burning trash – or turning trash into fuel and then burning that fuel – is expensive, toxic, climate-damaging, and inequitable. Facilities that process waste using high heat technology – including incineration, gasification, pyrolysis, solvolysis, depolymerization, and “advanced recycling” – release toxic pollutants including lead, mercury, and dioxins. Moreover, emissions from these facilities – and emissions the combustion of fuels and waste products generated through gasification and pyrolysis – contribute to climate damage.

The most effective way to protect communities and our climate from these toxic, climate-damaging facilities is to prevent them from being built in the first place. That’s exactly what this model legislation does.

Trash-burning facilities usually need permits or licenses from state agencies before they can open their doors and start burning. This model legislation prohibits a state from issuing those permits and licenses. This model also includes a detailed set of definitions that ensure that the prohibition applies to a facility using any type of technology – including gas gasification, pyrolysis, solvolysis, depolymerization, or anything branded as “chemical recycling,” “advanced recycling,” or “molecular recycling” – to expose any type of waste -- including household trash, commercial waste, construction debris, recyclables, or plastic – to temperatures above 400 degrees Fahrenheit.

Section 1: Definitions

- “Depolymerization” means a process through which heat, pressure, and/or solvents are used to break plastic polymers into oligomers and/or monomers.
- “Gasification” means a process through which materials are exposed to heat, converting carbon-based materials to synthetic fuels, chemical feedstocks, waxes, lubricants, or other substances and solid residues, slag, ash, char, liquid wastes, and/or wastewater.
- “High-heat waste facility” means a facility which:
 - (a) uses any disposal, treatment, recycling, or manufacturing process – including but not limited to combustion, incineration, gasification, pyrolysis, hydrolysis, solvolysis, or depolymerization – that exposes solid waste, segregated solid waste, recyclable materials, construction

and demolition debris, post-use polymers, or recovered feedstock to temperatures above 400 degrees Fahrenheit; or

- (b) combusts chemicals, feedstocks, fuels, monomers, oligomers, hydrocarbons, or waste residues derived from any process that exposes solid waste, segregated solid waste, recyclable materials, construction and demolition debris, post-use polymers, or recovered feedstock to temperatures above 400 degrees Fahrenheit.

“High-heat waste facility” includes advanced recycling facilities, chemical recycling facilities, molecular recycling facilities, and any other facility that uses a thermochemical process to convert post-use polymers, plastic, or recovered feedstock into fuels, chemical feedstocks, monomers, oligomers, hydrocarbons, waxes, lubricants feedstocks, fuels, monomers, oligomers, or hydrocarbons.

- “Hydropyrolysis” means a process through which materials are exposed to heat in the presence of hydrogen, converting carbon-based materials to synthetic fuels, chemical feedstocks, waxes, lubricants, or other substances and solid residues, slag, ash, char, liquid wastes, and/or wastewater.
- “Plastic” means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain, including material derived from either petroleum or a biologically based polymer, such as corn or other plant sources.
- “Post-use polymer” means a plastic polymer previously used in any industrial, commercial, agricultural, or domestic activity.
- “Pyrolysis” means a process through which materials are exposed to heat in the absence of oxygen, converting carbon-based materials to synthetic fuels, chemical feedstocks, waxes, lubricants, or other substances and solid residues, slag, ash, char, liquid wastes, and/or wastewater.
- “Recovered feedstock” means material derived and separated from solid waste, segregated solid waste, recyclable materials, or construction and demolition (C&D) debris for use as a feedstock or raw material in a high-heat waste facility.
- “Solvolysis” means a process through which materials are combined with a solvent and subjected to heat and/or high pressure.

Section 2: Prohibition on New High-Heat Waste Facilities

Notwithstanding any other law, rule, or regulation to the contrary, no permit or license shall be issued for the construction or operation of a new high-heat waste facility, and no application for a permit or license for such a facility shall be granted or issued by the state.