



SPONSOR: Rep. Heffernan & Sen. Paradee & Sen. Hansen  
Reps. Longhurst, Bentz, Shupe, Spiegelman; Sens. Poore,  
Hocker, Pettyjohn, Sokola, Townsend, Walsh, Wilson

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 184

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO SOLID WASTE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 6002, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline and redesignating accordingly as follows:

§ 6002. Definitions.

The following words and phrases shall have the meaning ascribed to them in this chapter unless the context clearly indicates otherwise:

( ) “Gasification” means a process through which recoverable feedstocks are heated and converted into a fuel-gas mixture in an oxygen-deficient atmosphere, and the mixture is converted to crude oil, diesel, gasoline, home heating oil or other fuels, chemicals, waxes, lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials or intermediate or final products that are returned to the economic mainstream in the form of raw materials, products, or fuels. “Gasification” does not mean treatment, incineration, or thermal, resources, or material recovery.

( ) “Gasification facility” means a facility that receives, separates, stores, and converts post-use polymers and recoverable feedstocks using gasification. “Gasification facility” does not mean a solid waste management, storage, collection, processing, transfer, transportation, utilization, disposal, treatment, incineration, or resources, material, or thermal recovery facility.

(25) "Incinerator," "incinerator structure or facility," and "waste incinerator" include any structure or facility operated for the combustion (oxidation) of solid waste, even if the by-products of the operation include useful products such as steam and electricity. "Incinerator" ~~shall does not include~~ include any of the following:

a. ~~Crematoriums;~~ Crematoriums.

b. The disposal of the bodies of animals through ~~incineration;~~ incineration

c. The burning of poultry waste or poultry manure at the same site where the waste or manure was generated, which shall include the burning of poultry waste or poultry manure generated upon an adjacent ~~farm~~; farm.

d. The disposal of all materials used in the discovery, development, and manufacture of veterinary products, medicines and ~~vaccines~~; or vaccines

e. The disposition of mortalities from poultry operations in facilities approved by the Delaware Department of Natural Resources and Environmental Control which comply with United States Department of Agricultural Natural Resources Conservation Service Interim Conservation Practice Standard Incinerator 769 or any successor standard.

f. Pyrolysis or gasification facilities.

(36) "Other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime cinders, ashes, offal, oil, tar, dye-stuffs, acids, chemicals and all discarded substances other than sewage or industrial wastes. "Other wastes" does not include post-use polymers or recoverable feedstocks that meet any of the following:

a. Are processed at a pyrolysis or gasification facility.

b. Are held at a pyrolysis or gasification facility before processing for a period not to exceed 90 days to ensure production is not interrupted, and which are processed at the pyrolysis or gasification facility.

( ) "Post-use polymer" means a plastic polymer to which all of the following apply:

a. It is derived from any industrial, commercial, institutional, agricultural, household, or community activities.

b. Its use or intended use is to manufacture crude oil, fuels, feedstocks, blendstocks, raw materials, or other intermediate products or final products using pyrolysis or gasification.

c. It may contain incidental contaminants or impurities, such as paper labels or metal rings.

d. It is not mixed with solid waste, medical waste, hazardous waste, or tires at any of the following times:

1. On receipt at a pyrolysis or gasification facility.

2. While stored onsite at a pyrolysis or gasification facility.

3. During processing at a pyrolysis or gasification facility.

( ) "Pyrolysis" means a process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and are then cooled, condensed, and converted to crude oil, diesel, gasoline, home heating oil or other fuels, chemicals, waxes, lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials or intermediate or final products that are returned to the economic mainstream in the form of raw

materials, products, or fuels. "Pyrolysis" does not mean treatment, incineration, or thermal, resources, or material recovery.

( ) "Pyrolysis facility" means a facility that receives, separates, stores, and converts post-use polymers using pyrolysis. "Pyrolysis facility" does not mean a solid waste management, storage, collection, processing, transfer, transportation, utilization, disposal, treatment, incineration, or resources, material, or thermal recovery facility.

(a) "Recoverable feedstock" means one or more of the following materials that has been processed so that it may be used as feedstock in a gasification facility:

1. Post-use polymers.

2. Materials for which the United States Environmental Protection Agency has made a nonwaste determination under 40 C.F.R. § 241.3(c) or which the Delaware Solid Waste Authority, under § 6406(a)(31) of this title, has otherwise determined are suitable for diversion to a pyrolysis or gasification facility.

b. "Recoverable feedstock" does not include unprocessed municipal solid waste.

(44) "Refuse" means any putrescible or nonputrescible solid waste, except human excreta, but including garbage, rubbish, ashes, street cleanings, dead animals, offal and solid agricultural, commercial, industrial, hazardous and institutional wastes and construction wastes resulting from the operation of a contractor. "Refuse" does not include post-use polymers or recoverable feedstocks that meet any of the following:

a. Are processed at a pyrolysis or gasification facility.

b. Are held at a pyrolysis or gasification facility before processing for a period not to exceed 90 days to ensure production is not interrupted, and which are processed at the pyrolysis or gasification facility.

(46) "Rubbish" means any nonputrescible solid waste, excluding ashes, such as cardboard, paper, plastic, metal or glass food containers, rags, waste metal, yard clippings, small pieces of wood, excelsior, rubber, leather, crockery and other waste materials. "Rubbish" does not include post-use polymers or recoverable feedstocks that meet any of the following:

a. Are processed at a pyrolysis or gasification facility.

b. Are held at a pyrolysis or gasification facility before processing for a period not to exceed 90 days to ensure production is not interrupted, and which are processed at the pyrolysis or gasification facility.

(53) "Solid waste" means any garbage, refuse, refuse-derived fuel, demolition and construction waste wood, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic

81 sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject  
82 to permits under this chapter, as amended, or source, special nuclear or by-product material as defined by the Atomic  
83 Energy Act of 1954 [42 U.S.C. § 2011 et seq.], as amended. By-products of a uniform and known composition  
84 produced as a result of a production process are not solid wastes when incinerated onsite. All incinerators under state  
85 permit as of March 1, 2000, and renewal permit applications for these incinerators shall not come under the provisions  
86 of this section and § 6003 of this title. “Solid waste” does not include post-use polymers or recoverable feedstocks that  
87 meet any of the following:

88 a. Are processed at a pyrolysis or gasification facility.

89 b. Are held at a pyrolysis or gasification facility before processing for a period not to exceed 90 days to  
90 ensure production is not interrupted, and which are processed at the pyrolysis or gasification facility.

#### SYNOPSIS

In order to promote the development of pyrolysis and gasification facilities in Delaware and realize environmental benefits, this Act creates a classification of post-use polymers and other recoverable feedstocks and acknowledges their distinction from solid waste.