



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 284
[2017 Assembly Bill 789]

**Exemption From Solid Waste
Regulations for Pyrolysis and
Gasification Facilities**

Chapter 289, Stats., regulates solid waste facilities. Among other provisions, that chapter sets forth: a detailed procedure for siting solid waste facilities; financial responsibility and long-term care requirements for solid waste sites; and fees applicable to solid waste disposal.¹

2017 Wisconsin Act 284 exempts pyrolysis and gasification facilities² from regulation under ch. 289, Stats., by excluding such facilities, and materials processed at such facilities, from key, threshold definitions. Specifically, for purposes of that chapter, the Act amends the definition of “solid waste facility” to exclude pyrolysis and gasification facilities. In addition, the Act amends the definition of “solid waste” to exclude post-use plastics³ or nonrecycled feedstock⁴ that are processed at a pyrolysis or gasification facility; that are held at the facility

¹ The Department of Natural Resources (DNR) may authorize certain exemptions from those regulations for the purpose of encouraging the development of improved solid waste disposal methods, facilitating certain facilities’ recycling of high-volume industrial waste, or exempting certain low-hazard wastes. [s. 289.43 (4), (7), and (8), Stats.] The DNR has done so by exempting certain categories of industrial byproducts from specified statutory requirements, subject to various requirements and conditions. [ch. NR 538, Wis. Adm. Code.]

² The Act defines “pyrolysis facility” to mean a facility at which post-use plastics are heated, in an oxygen-free environment, until melted and thermally decomposed, 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. The Act defines “gasification facility” to mean 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.

³ The Act defines “post-use plastics” to mean 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. Under the Act, post-use plastics include plastics that may contain incidental contaminants or impurities such as paper labels or metal rings.

⁴ The Act defines “nonrecycled feedstock” to mean one or more of the following materials, derived from nonrecycled waste that has been processed so that it may be used as feedstock in a gasification facility: (a) post-use

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

prior to processing to ensure that production is not interrupted; or that are held off-site before delivery to the facility with the intent that they will be processed at the facility. The Act amends the definition of "solid waste storage" to exclude the holding of post-use plastics or nonrecycled feedstock in like circumstances. Finally, the Act amends the definition of "solid waste treatment" to exclude the treatment of post-use plastics or nonrecycled feedstock at a pyrolysis or gasification facility.

Effective date: April 18, 2018

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May 3, 2018

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plastics; (b) municipal solid waste that contains post-use plastics and that is processed into a fuel that would be considered a legitimate fuel under a federal process through which the regional administrator for the U.S. Environmental Protection Agency may determine that certain nonhazardous secondary materials are not considered to be solid wastes when burned in combustion units as ingredients or fuels; and (c) other post-industrial waste that contains post-use plastics and that may contain incidental contaminants or impurities.