

Effective 5/3/2023

19-6-502 Definitions.

As used in this part:

- (1)
 - (a) "Advanced recycling" means a manufacturing process that converts post-use polymers or recovered feedstock into basic raw materials, chemicals, or advanced recycling products using technology including:
 - (i) pyrolysis;
 - (ii) gasification;
 - (iii) depolymerization;
 - (iv) catalytic cracking;
 - (v) reforming;
 - (vi) hydrogenation;
 - (vii) solvolysis; or
 - (viii) chemolysis.
 - (b) "Advanced recycling" does not include incineration of plastics, energy recovery processes, or a product sold as fuel.
- (2) "Advanced recycling facility" means a manufacturing facility:
 - (a) that is registered with the Division of Waste Management and Radiation Control, created in Subsection 19-1-105(1)(d);
 - (b) that receives, stores, and converts post-use polymers or recovered feedstock using advanced recycling;
 - (c) that is subject to applicable Department of Environmental Quality manufacturing regulations for air, water, waste, and land use; and
 - (d) for which the feedstock received by the manufacturing facility is source-separated, diverted, or recovered from municipal or other waste streams prior to acceptance at the facility.
- (3) "Advanced recycling product" means a recycled product produced at an advanced recycling facility, including:
 - (a) a monomer;
 - (b) an oligomer;
 - (c) a plastic;
 - (d) a chemical feedstock;
 - (e) a basic and unfinished chemical;
 - (f) a wax;
 - (g) a lubricant;
 - (h) a coating; or
 - (i) an adhesive.
- (4) "Depolymerization" means a manufacturing process that breaks post-use polymers into smaller molecules to produce raw materials or products.
- (5) "Gasification" means a manufacturing process that:
 - (a) heats post-use polymers or recovered feedstock in an oxygen-controlled atmosphere; and
 - (b) following the process described in Subsection (5)(a), converts the polymers or recovered feedstock into syngas or a raw, intermediate, or final product.
- (6) "Governing body" means the governing board, commission, or council of a public entity.
- (7) "Jurisdiction" means the area within the incorporated limits of:
 - (a) a municipality;
 - (b) a special service district;
 - (c) a municipal-type service district;

- (d) a service area; or
- (e) the territorial area of a county not lying within a municipality.
- (8) "Long-term agreement" means an agreement or contract having a term of more than five years but less than 50 years.
- (9) "Mass balance attribution" means a chain of custody accounting methodology with rules defined by a third-party certification system that enables the attribution of the mass of advanced recycling feedstock to at least one advanced recycling product.
- (10) "Municipal residential waste" means solid waste that is:
 - (a) discarded or rejected at a residence within the public entity's jurisdiction; and
 - (b) collected at or near the residence by:
 - (i) a public entity; or
 - (ii) a person with whom the public entity has as an agreement to provide solid waste management.
- (11) "Post-use polymer" means a plastic that:
 - (a) is derived from an industrial, commercial, agricultural, or domestic activity;
 - (b) includes pre-consumer materials and post-consumer materials;
 - (c) has been sorted from solid waste and other regulated waste but may contain residual amounts of waste including organic material and incidental contaminants or impurities;
 - (d) is not mixed with solid waste or hazardous waste during processing at the advanced recycling facility;
 - (e) is used as a feedstock for the manufacturing of raw materials, intermediate products, or final products using advanced recycling; and
 - (f) is held for processing or processed at the advanced recycling facility.
- (12) "Product sold as fuel" does not mean a recycled product.
- (13) "Public entity" means:
 - (a) a county;
 - (b) a municipality;
 - (c) a special service district under Title 17D, Chapter 1, Special Service District Act;
 - (d) a service area under Title 17B, Chapter 2a, Part 9, Service Area Act; or
 - (e) a municipal-type service district created under Title 17, Chapter 34, Municipal-Type Services to Unincorporated Areas.
- (14) "Pyrolysis" means a manufacturing process that:
 - (a) heats post-use polymers or recovered feedstock, without oxygen, until melted and thermally decomposed; and
 - (b) following the process described in Subsection (14)(a), cools, condenses, and converts post-use polymers or recovered feedstock into raw materials and intermediate and final products.
- (15)
 - (a) "Recovered feedstock" means a material:
 - (i) that includes post-use polymers;
 - (ii) for which the United States Environmental Protection Agency made a non-waste determination or has otherwise determined is feedstock and solid waste; or
 - (iii) that is converted using an advanced recycling process after storage of less than 270 days.
 - (b) "Recovered feedstock" does not include unprocessed municipal solid waste or recovered feedstock that is not mixed with solid waste or hazardous waste onsite, or during processing, at an advanced recycling facility.
- (16) "Recycled plastic" means a product produced from:
 - (a) mechanical recycling of pre-consumer feedstock or plastic, or post-consumer plastic;

- (b) the advanced recycling of pre-consumer feedstock or plastic, or post-consumer plastic, using mass balance attribution under a third-party certification system; or
 - (c) a recycled material, as that term is defined in Section 4-10-102.
- (17) "Requirement" means an ordinance, policy, rule, mandate, or other directive that imposes a legal duty on a person.
- (18) "Residence" means an improvement to real property used or occupied as a primary or secondary detached single-family dwelling.
- (19) "Resource recovery" means the separation, extraction, recycling, or recovery of usable material, energy, fuel, or heat from solid waste and the disposition of it.
- (20) "Short-term agreement" means a contract or agreement having a term of five years or less.
- (21)
- (a) "Solid waste" means a putrescible or nonputrescible material or substance discarded or rejected as being spent, useless, worthless, or in excess of the owner's needs at the time of discard or rejection, including:
 - (i) garbage;
 - (ii) refuse;
 - (iii) industrial and commercial waste;
 - (iv) sludge from an air or water control facility;
 - (v) rubbish;
 - (vi) ash;
 - (vii) contained gaseous material;
 - (viii) incinerator residue;
 - (ix) demolition and construction debris;
 - (x) a discarded automobile; and
 - (xi) offal.
 - (b) "Solid waste" does not include:
 - (i) sewage or another highly diluted water carried material or substance and those in gaseous form; or
 - (ii) post-use polymers or recovered feedstock that are converted or held at an advanced recycling facility.
- (22)
- (a) "Solid waste management" means the purposeful and systematic collection, transportation, storage, processing, recovery, or disposal of solid waste.
 - (b) "Solid waste management" does not include advanced recycling.
- (23)
- (a) "Solid waste management facility" means a facility employed for solid waste management, including:
 - (i) a transfer station;
 - (ii) a transport system;
 - (iii) a baling facility;
 - (iv) a landfill; and
 - (v) a processing system, including:
 - (A) a resource recovery facility;
 - (B) a facility for reducing solid waste volume;
 - (C) a plant or facility for compacting, or composting, of solid waste;
 - (D) an incinerator;
 - (E) a solid waste disposal, reduction, pyrolyzation, or conversion facility;
 - (F) a facility for resource recovery of energy consisting of:

- (I) a facility for the production, transmission, distribution, and sale of heat and steam;
 - (II) a facility for the generation and sale of electric energy to a public utility, municipality, or other public entity that owns and operates an electric power system on March 15, 1982; and
 - (III) a facility for the generation, sale, and transmission of electric energy on an emergency basis only to a military installation of the United States; and
- (G) an auxiliary energy facility that is connected to a facility for resource recovery of energy as described in Subsection (23)(a)(v)(F), that:
- (I) is fueled by natural gas, landfill gas, or both;
 - (II) consists of a facility for the production, transmission, distribution, and sale of supplemental heat and steam to meet all or a portion of the heat and steam requirements of a military installation of the United States; and
 - (III) consists of a facility for the generation, transmission, distribution, and sale of electric energy to a public utility, a municipality described in Subsection (23)(a)(v)(F)(II), or a political subdivision created under Title 11, Chapter 13, Interlocal Cooperation Act.
- (b) "Solid waste management facility" does not mean a facility that:
- (i) accepts and processes metal, as described in Subsection 19-6-102(19)(b), by separating, shearing, sorting, shredding, compacting, baling, cutting, or sizing to produce a principle commodity grade product of prepared scrap metal for sale or use for remelting purposes provided that any byproduct or residual that would qualify as solid waste is managed at a solid waste management facility; or
 - (ii) accepts and processes paper, plastic, rubber, glass, or textiles that:
 - (A) have been source-separated or otherwise diverted from the solid waste stream before acceptance at the facility and that are not otherwise hazardous waste or subject to conditions of federal hazardous waste regulations; and
 - (B) are reused or recycled as a valuable commercial commodity by separating, shearing, sorting, shredding, compacting, baling, cutting, or sizing to produce a principle commodity grade product, provided that any byproduct or residual that would qualify as solid waste is managed at a solid waste management facility.
- (c) "Solid waste management facility" does not include an advanced recycling facility.
- (24) "Solvolyis" means a manufacturing process that:
- (a) purifies post-use polymers using solvents, while heated at low temperatures or pressurized, allowing additives and contaminants to be removed;
 - (b) uses technology, including:
 - (i) hydrolysis;
 - (ii) aminolysis;
 - (iii) ammonolysis;
 - (iv) methanololysis; or
 - (v) glycolysis; and
 - (c) manufactures products, including:
 - (i) monomers;
 - (ii) intermediates;
 - (iii) valuable chemicals;
 - (iv) chemical feedstock; or
 - (v) raw materials.
- (25) "Third-party certification system" means an international or multinational third-party certification system of rules to implement mass balance attribution approaches for advanced recycling, including:

- (a) International Sustainability and Carbon Certification;
- (b) Underwriter Laboratories;
- (c) SCS Recycled Content;
- (d) Roundtable on Sustainable Biomaterials;
- (e) Ecoloop; or
- (f) REDcert2.

Amended by Chapter 206, 2023 General Session