

As Introduced

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H. B. No. 954

Representative Miller, K.

To amend sections 125.091 and 3734.01 of the 1
Revised Code to address the regulation of 2
renewable biomass. 3

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

Section 1. That sections 125.091 and 3734.01 of the 4
Revised Code be amended to read as follows: 5

Sec. 125.091. As used in this section and sections 125.092 6
and 125.093 of the Revised Code: 7

(A) "Agricultural materials" means agricultural-based 8
materials or residues, including plant, animal, and marine 9
materials or residues, used in the manufacture of commercial or 10
industrial nonfood products. 11

(B) "Biobased product" means a product determined by the 12
United States secretary of agriculture to be a commercial or 13
industrial product, other than food or feed, that is composed, 14
in whole or significant part, of biological products, renewable 15
domestic agricultural materials, or forestry material, or is an 16
intermediate ingredient or feedstock. 17

(C) "Biological products" means products derived from 18
living materials other than agricultural or forestry materials. 19

(D) "Designated item" means a generic grouping of biobased products identified in subpart B, 7 C.F.R. 2902.10 to 2902.42.

(E) "Forest thinnings" means woody materials removed from a dense forest to improve growth, enhance forest health, or remove trees to recover potential mortality.

(F) "Forestry materials" means materials derived from the practice of planting and caring for forests and the management of growing timber where such materials come from short-rotation woody crops that are less than ten years old, sustainably managed forests, wood residues, or forest thinnings.

(G) "Intermediate ingredient or feedstock" means a material or compound made, in whole or in significant part, from biological products, renewable agricultural materials, renewable biomass, or forestry materials that are subsequently used to make a more complex compound or product.

(H) "National forest system" means the national forests and national grasslands managed by the United States forest service.

(I) "Public lands" has the same meaning as in 43 U.S.C. 1702.

(J) "Renewable biomass" means either of the following:

(1) Materials, including pre-commercial thinnings, or invasive species, from national forest system land and public lands to which both of the following apply:

(a) The materials are byproducts of preventive treatments that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health.

(b) The materials are harvested in accordance with both of

<u>the following:</u>	48
<u>(i) All applicable laws and land management plans;</u>	49
<u>(ii) Requirements for old growth stand maintenance,</u>	50
<u>restoration, and management direction and large tree retention</u>	51
<u>under section 102(e) and (f) of the "Healthy Forests Restoration</u>	52
<u>Act of 2003," 16 U.S.C. 6512.</u>	53
<u>(2) Any organic matter that is available on a renewable or</u>	54
<u>recurring basis from nonfederal or Indian tribe land that is</u>	55
<u>held in trust by the United States or subject to a restriction</u>	56
<u>against alienation imposed by the United States, including both</u>	57
<u>of the following:</u>	58
<u>(a) Renewable plant material, including feed grains and</u>	59
<u>other agricultural materials; plants and trees; algae; and</u>	60
<u>microorganisms;</u>	61
<u>(b) Waste material, including crop residue; vegetative</u>	62
<u>waste material, including wood waste and wood residue; animal</u>	63
<u>waste and byproducts, including fats, oils, greases, and manure;</u>	64
<u>food waste and yard waste; plant-derived waste oils; municipal</u>	65
<u>solid waste; and waste derived from a treatment works, as</u>	66
<u>defined in section 6111.01 of the Revised Code.</u>	67
<u>(K) "Sustainably managed forests" means the practice of</u>	68
<u>land stewardship that integrates the reforestation, management,</u>	69
<u>growing, nurturing, and harvesting of trees for useful products</u>	70
<u>while conserving soil and improving air and water quality,</u>	71
<u>wildlife, fish habitat, and aesthetics.</u>	72
Sec. 3734.01. As used in this chapter:	73
(A) "Board of health" means the board of health of a city	74
or general health district or the authority having the duties of	75

a board of health in any city as authorized by section 3709.05	76
of the Revised Code.	77
(B) "Director" means the director of environmental	78
protection.	79
(C) "Health district" means a city or general health	80
district as created by or under authority of Chapter 3709. of	81
the Revised Code.	82
(D) "Agency" means the environmental protection agency.	83
(E) "Solid wastes" means such unwanted residual solid or	84
semisolid material as results from industrial, commercial,	85
agricultural, and community operations, excluding earth or	86
material from construction, mining, or demolition operations, or	87
other waste materials of the type that normally would be	88
included in demolition debris, nontoxic fly ash and bottom ash,	89
including at least ash that results from the combustion of coal	90
and ash that results from the combustion of coal in combination	91
with scrap tires where scrap tires comprise not more than fifty	92
per cent of heat input in any month, spent nontoxic foundry	93
sand, nontoxic, nonhazardous, unwanted fired and unfired, glazed	94
and unglazed, structural products made from shale and clay	95
products, materials converted into a feedstock that replaces a	96
raw material in a manufacturing process at an advanced recycling	97
facility, materials used as a legitimate fuel at an advanced	98
recycling facility, and slag and other substances that are not	99
harmful or inimical to public health, and includes, but is not	100
limited to, garbage, scrap tires, combustible and noncombustible	101
material, street dirt, and debris. "Solid wastes" does not	102
include any material that is an infectious waste or a hazardous	103
waste.	104

(F) "Disposal" means the discharge, deposit, injection,	105
dumping, spilling, leaking, emitting, or placing of any solid	106
wastes or hazardous waste into or on any land or ground or	107
surface water or into the air. When used in connection with	108
solid waste, "disposal" does not include any of the following:	109
(1) A disposition or placement that constitutes legitimate	110
recycling;	111
(2) A disposition or placement that constitutes storage;	112
(3) A disposition or placement of scrap tires that	113
constitutes a beneficial use or that occurs at a scrap tire	114
recovery facility licensed under section 3734.81 of the Revised	115
Code;	116
(4) A disposition or placement of materials constituting a	117
beneficial use authorized by a beneficial use permit issued	118
under this chapter;	119
(5) Advanced recycling or the storage of post-use polymers	120
and recovered feedstocks prior to conversion through advanced	121
recycling;	122
<u>(6) Storage of renewable biomass feedstocks prior to</u>	123
<u>conversion to one or more renewable chemicals.</u>	124
(G) "Person" includes the state, any political subdivision	125
and other state or local body, the United States and any agency	126
or instrumentality thereof, and any legal entity defined as a	127
person under section 1.59 of the Revised Code.	128
(H) "Open burning" means the burning of solid wastes in an	129
open area or burning of solid wastes in a type of chamber or	130
vessel that is not approved or authorized in rules adopted by	131
the director under section 3734.02 of the Revised Code or, if	132

the solid wastes consist of scrap tires, in rules adopted under 133
division (V) of this section or section 3734.73 of the Revised 134
Code, or the burning of treated or untreated infectious wastes 135
in an open area or in a type of chamber or vessel that is not 136
approved in rules adopted by the director under section 3734.021 137
of the Revised Code. 138

(I) "Open dumping" means any of the following: 139

(1) The depositing of solid wastes into a body or stream 140
of water or onto the surface of the ground at a site that is not 141
any of the following: 142

(a) Licensed as a solid waste facility under section 143
3734.05 of the Revised Code; 144

(b) A legitimate recycling facility; 145

(c) An advanced recycling facility; 146

(d) If the solid wastes consist of scrap tires, licensed 147
as a scrap tire collection, storage, monocell, monofill, or 148
recovery facility under section 3734.81 of the Revised Code. 149

(2) The depositing of solid wastes that consist of scrap 150
tires onto the surface of the ground at a site or in a manner 151
not specifically identified in divisions (C) (2) to (5), (7), or 152
(10) of section 3734.85 of the Revised Code; 153

(3) The depositing of untreated infectious wastes into a 154
body or stream of water or onto the surface of the ground; or 155
the depositing of treated infectious wastes into a body or 156
stream of water or onto the surface of the ground at a site that 157
is not licensed as a solid waste facility under section 3734.05 158
of the Revised Code; 159

(4) The disposal of scrap tires in a trailer, vehicle, or 160

building that is not licensed as a scrap tire collection, 161
storage, monocell, monofill, or recovery facility. 162

(J) "Hazardous waste" means any waste or combination of 163
wastes in solid, liquid, semisolid, or contained gaseous form 164
that in the determination of the director, because of its 165
quantity, concentration, or physical or chemical 166
characteristics, may do either of the following: 167

(1) Cause or significantly contribute to an increase in 168
mortality or an increase in serious irreversible or 169
incapacitating reversible illness; 170

(2) Pose a substantial present or potential hazard to 171
human health or safety or to the environment when improperly 172
stored, treated, transported, disposed of, or otherwise managed. 173

"Hazardous waste" includes any substance identified by 174
regulation as hazardous waste under the "Resource Conservation 175
and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 176
amended, and does not include any substance that is subject to 177
the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, 178
as amended. 179

(K) "Treat" or "treatment," when used in connection with 180
hazardous waste, means any method, technique, or process, 181
including neutralization, designed to change the physical, 182
chemical, or biological character or composition of any 183
hazardous waste so as to neutralize the waste; recover energy or 184
material resources from the waste; render the waste nonhazardous 185
or less hazardous, safer to transport, store, or dispose of, or 186
amenable for recovery or storage; or reduce the volume of the 187
waste. When used in connection with infectious wastes, "treat" 188
or "treatment" means any method, technique, or process that 189

renders the wastes noninfectious so that it is no longer an 190
infectious waste and is no longer an infectious substance as 191
defined in applicable federal law, including, without 192
limitation, steam sterilization and incineration, and, in the 193
instance of wastes identified in division (R) (7) of this 194
section, to substantially reduce or eliminate the potential for 195
the wastes to cause lacerations or puncture wounds. 196

(L) "Manifest" means the form used for identifying the 197
quantity, composition, origin, routing, and destination of 198
hazardous waste during its transportation from the point of 199
generation to the point of disposal, treatment, or storage. 200

(M) (1) When used in connection with hazardous waste, 201
"storage" means the holding of hazardous waste for a temporary 202
period in such a manner that it remains retrievable and 203
substantially unchanged physically and chemically and, at the 204
end of the period, is treated; disposed of; stored elsewhere; or 205
reused, recycled, or reclaimed in a beneficial manner; 206

(2) When used in connection with legitimate recycling of 207
solid waste other than scrap tires, "storage" means the 208
placement of solid waste on the ground prior to legitimate 209
recycling for a period of less than ninety days provided all the 210
following apply: 211

(a) The solid waste remains retrievable and substantially 212
unchanged. 213

(b) The solid waste does not cause a nuisance. 214

(c) The storage of solid waste occurs at a legitimate 215
recycling facility. 216

(d) The storage of solid waste does not pose a threat from 217
vectors. 218

(e) The storage of solid waste does not adversely impact public health, safety, or the environment.

(f) Prior to the end of the storage period of less than ninety days, the solid waste is lawfully disposed, beneficially used, or recycled in accordance with this chapter and rules adopted under it.

(3) When used in connection with scrap tires, "storage" means the holding of scrap tires for a temporary period in such a manner that they remain retrievable and, at the end of that period, are beneficially used; stored elsewhere; placed in a scrap tire monocell or monofill facility licensed under section 3734.81 of the Revised Code; processed at a scrap tire recovery facility licensed under that section or a solid waste incineration or energy recovery facility subject to regulation under this chapter; or transported to a scrap tire monocell, monofill, or recovery facility, any other solid waste facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state and is operating in compliance with the laws of the state in which the facility is located.

(N) "Facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for the collection, storage, or processing of the solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.

(O) "Closure" means the time at which a hazardous waste facility will no longer accept hazardous waste for treatment,

storage, or disposal, the time at which a solid waste facility 249
will no longer accept solid wastes for transfer or disposal or, 250
if the solid wastes consist of scrap tires, for storage or 251
processing, or the effective date of an order revoking the 252
permit for a hazardous waste facility or the registration 253
certificate, permit, or license for a solid waste facility, as 254
applicable. "Closure" includes measures performed to protect 255
public health or safety, to prevent air or water pollution, or 256
to make the facility suitable for other uses, if any, including, 257
but not limited to, the removal of processing residues resulting 258
from solid wastes that consist of scrap tires; the establishment 259
and maintenance of a suitable cover of soil and vegetation over 260
cells in which hazardous waste or solid wastes are buried; 261
minimization of erosion, the infiltration of surface water into 262
such cells, the production of leachate, and the accumulation and 263
runoff of contaminated surface water; the final construction of 264
facilities for the collection and treatment of leachate and 265
contaminated surface water runoff, except as otherwise provided 266
in this division; the final construction of air and water 267
quality monitoring facilities, except as otherwise provided in 268
this division; the final construction of methane gas extraction 269
and treatment systems; or the removal and proper disposal of 270
hazardous waste or solid wastes from a facility when necessary 271
to protect public health or safety or to abate or prevent air or 272
water pollution. With regard to a solid waste facility that is a 273
scrap tire facility, "closure" includes the final construction 274
of facilities for the collection and treatment of leachate and 275
contaminated surface water runoff and the final construction of 276
air and water quality monitoring facilities only if those 277
actions are determined to be necessary. 278

(P) "Premises" means either of the following: 279

(1) Geographically contiguous property owned by a generator;	280 281
(2) Noncontiguous property that is owned by a generator and connected by a right-of-way that the generator controls and to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by public or private right-of-way or rights-of-way are a single premises.	282 283 284 285 286 287
(Q) "Post-closure" means that period of time following closure during which a hazardous waste facility is required to be monitored and maintained under this chapter and rules adopted under it, including, without limitation, operation and maintenance of methane gas extraction and treatment systems, or the period of time after closure during which a scrap tire monocell or monofill facility licensed under section 3734.81 of the Revised Code is required to be monitored and maintained under this chapter and rules adopted under it.	288 289 290 291 292 293 294 295 296
(R) "Infectious wastes" means any wastes or combination of wastes that include cultures and stocks of infectious agents and associated biologicals, human blood and blood products, and substances that were or are likely to have been exposed to or contaminated with or are likely to transmit an infectious agent or zoonotic agent, including all of the following:	297 298 299 300 301 302
(1) Laboratory wastes;	303
(2) Pathological wastes;	304
(3) Animal blood and blood products;	305
(4) Animal carcasses and parts;	306
(5) Waste materials from the rooms of humans, or the	307

enclosures of animals, that have been isolated because of 308
diagnosed communicable disease that are likely to transmit 309
infectious agents. Such waste materials from the rooms of humans 310
do not include any wastes of patients who have been placed on 311
blood and body fluid precautions under the universal precaution 312
system established by the centers for disease control in the 313
public health service of the United States department of health 314
and human services, except to the extent specific wastes 315
generated under the universal precautions system have been 316
identified as infectious wastes by rules adopted under division 317
(R) (7) of this section. 318

(6) Sharp wastes used in the treatment, diagnosis, or 319
inoculation of human beings or animals; 320

(7) Any other waste materials generated in the diagnosis, 321
treatment, or immunization of human beings or animals, in 322
research pertaining thereto, or in the production or testing of 323
biologicals, that the director of health, by rules adopted in 324
accordance with Chapter 119. of the Revised Code, identifies as 325
infectious wastes after determining that the wastes present a 326
substantial threat to human health when improperly managed 327
because they are contaminated with, or are likely to be 328
contaminated with, infectious agents. 329

As used in this division, "blood products" does not 330
include patient care waste such as bandages or disposable gowns 331
that are lightly soiled with blood or other body fluids unless 332
those wastes are soiled to the extent that the generator of the 333
wastes determines that they should be managed as infectious 334
wastes. 335

(S) "Infectious agent" means a type of microorganism, 336
pathogen, virus, or proteinaceous infectious particle that can 337

cause or significantly contribute to disease in or death of 338
human beings. 339

(T) "Zoonotic agent" means a type of microorganism, 340
pathogen, or virus that causes disease in vertebrate animals, is 341
transmissible to human beings, and can cause or significantly 342
contribute to disease in or death of human beings. 343

(U) "Solid waste transfer facility" means any site, 344
location, tract of land, installation, or building that is used 345
or intended to be used primarily for the purpose of transferring 346
solid wastes that were generated off the premises of the 347
facility from vehicles or containers into other vehicles for 348
transportation to a solid waste disposal facility. "Solid waste 349
transfer facility" does not include an advanced recycling 350
facility, a legitimate recycling facility, or any facility that 351
consists solely of portable containers that have an aggregate 352
volume of fifty cubic yards or less. 353

(V) "Beneficially use" includes: 354

(1) With regard to scrap tires, to use a scrap tire in a 355
manner that results in a commodity for sale or exchange or in 356
any other manner authorized as a beneficial use in rules adopted 357
by the director in accordance with Chapter 119. of the Revised 358
Code; 359

(2) With regard to material from a horizontal well that 360
has come in contact with a refined oil-based substance and that 361
is not technologically enhanced naturally occurring radioactive 362
material, to use the material in any manner authorized as a 363
beneficial use in rules adopted by the director under section 364
3734.125 of the Revised Code. 365

(W) "Commercial car," "commercial tractor," "farm 366

machinery," "motor bus," "vehicles," "motor vehicle," and 367
"semitrailer" have the same meanings as in section 4501.01 of 368
the Revised Code. 369

(X) "Construction equipment" means road rollers, traction 370
engines, power shovels, power cranes, and other equipment used 371
in construction work, or in mining or producing or processing 372
aggregates, and not designed for or used in general highway 373
transportation. 374

(Y) "Motor vehicle salvage dealer" has the same meaning as 375
in section 4738.01 of the Revised Code. 376

(Z) "Scrap tire" means an unwanted or discarded tire. 377

(AA) "Scrap tire collection facility" means any facility 378
that meets all of the following qualifications: 379

(1) The facility is used for the receipt and storage of 380
whole scrap tires from the public prior to their transportation 381
to a scrap tire storage, monocell, monofill, or recovery 382
facility licensed under section 3734.81 of the Revised Code; a 383
solid waste incineration or energy recovery facility subject to 384
regulation under this chapter; a premises within the state where 385
the scrap tires will be beneficially used; or a scrap tire 386
storage, monocell, monofill, or recovery facility, any other 387
solid waste disposal facility authorized to dispose of scrap 388
tires, or a facility that will beneficially use the scrap tires, 389
that is located in another state, and that is operating in 390
compliance with the laws of the state in which the facility is 391
located. 392

(2) The facility exclusively stores scrap tires in 393
portable containers. 394

(3) The aggregate storage of the portable containers in 395

which the scrap tires are stored does not exceed five thousand 396
cubic feet. 397

(BB) "Scrap tire monocell facility" means an individual 398
site within a solid waste landfill that is used exclusively for 399
the environmentally sound storage or disposal of whole scrap 400
tires or scrap tires that have been shredded, chipped, or 401
otherwise mechanically processed. 402

(CC) "Scrap tire monofill facility" means an engineered 403
facility used or intended to be used exclusively for the storage 404
or disposal of scrap tires, including at least facilities for 405
the submergence of whole scrap tires in a body of water. 406

(DD) "Scrap tire recovery facility" means any facility, or 407
portion thereof, for the processing of scrap tires for the 408
purpose of extracting or producing usable products, materials, 409
or energy from the scrap tires through a controlled combustion 410
process, mechanical process, or chemical process. "Scrap tire 411
recovery facility" includes any facility that uses the 412
controlled combustion of scrap tires in a manufacturing process 413
to produce process heat or steam or any facility that produces 414
usable heat or electric power through the controlled combustion 415
of scrap tires in combination with another fuel, but does not 416
include any solid waste incineration or energy recovery facility 417
that is designed, constructed, and used for the primary purpose 418
of incinerating mixed municipal solid wastes and that burns 419
scrap tires in conjunction with mixed municipal solid wastes, or 420
any tire retreading business, tire manufacturing finishing 421
center, or tire adjustment center having on the premises of the 422
business a single, covered scrap tire storage area at which not 423
more than four thousand scrap tires are stored. 424

(EE) "Scrap tire storage facility" means any facility 425

where whole scrap tires are stored prior to their transportation 426
to a scrap tire monocell, monofill, or recovery facility 427
licensed under section 3734.81 of the Revised Code; a solid 428
waste incineration or energy recovery facility subject to 429
regulation under this chapter; a premises within the state where 430
the scrap tires will be beneficially used; or a scrap tire 431
storage, monocell, monofill, or recovery facility, any other 432
solid waste disposal facility authorized to dispose of scrap 433
tires, or a facility that will beneficially use the scrap tires, 434
that is located in another state, and that is operating in 435
compliance with the laws of the state in which the facility is 436
located. 437

(FF) "Used oil" means any oil that has been refined from 438
crude oil, or any synthetic oil, that has been used and, as a 439
result of that use, is contaminated by physical or chemical 440
impurities. "Used oil" includes only those substances identified 441
as used oil by the United States environmental protection agency 442
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 443
U.S.C.A. 6901a, as amended. 444

(GG) "Accumulated speculatively" has the same meaning as 445
in rules adopted by the director under section 3734.12 of the 446
Revised Code. 447

(HH) "Horizontal well" has the same meaning as in section 448
1509.01 of the Revised Code. 449

(II) "Technologically enhanced naturally occurring 450
radioactive material" has the same meaning as in section 3748.01 451
of the Revised Code. 452

(JJ) "Post-use polymer" means a plastic to which all of 453
the following apply: 454

(1) It is derived from any industrial, commercial, 455
agricultural, or domestic activities, and includes pre-consumer 456
recovered materials and post-consumer materials. 457

(2) Its use or intended use is as feedstock for the 458
manufacturing of feedstocks, raw materials, other intermediate 459
products, or final products using advanced recycling. 460

(3) It has been sorted from solid waste and other 461
regulated waste, but may contain incidental contaminants or 462
impurities, such as paper labels or metal rings. 463

(4) It is not mixed with solid waste or hazardous waste 464
onsite or during processing at the advanced recycling facility. 465

(5) It is processed at an advanced recycling facility or 466
held at such facility prior to processing; 467

(6) It is not accumulated speculatively. 468

(KK) "Pyrolysis" means a manufacturing process through 469
which post-use polymers or recovered feedstocks are heated in 470
the absence of oxygen until melted and thermally decomposed, 471
either noncatalytically or catalytically, and are then cooled, 472
condensed, and converted into valuable raw materials, 473
intermediate products, final products, including plastic 474
monomers, chemicals, naphtha, waxes, or plastic and chemical 475
feedstocks that are returned to economic utility in the form of 476
raw materials and products. 477

(LL) "Gasification" means a manufacturing process through 478
which post-use polymers or recovered feedstocks are heated in an 479
oxygen-controlled atmosphere and converted into syngas, followed 480
by conversion into valuable raw, intermediate, and final 481
products, including plastic monomers, chemicals, waxes, 482
lubricants, coatings, and plastic and chemical feedstocks that 483

are returned to economic utility in the form of raw materials or products. 484
485

(MM) "Recovered feedstock" means one or more of the 486
following materials that have not been mixed with solid waste or 487
hazardous waste on-site or during processing at an advanced 488
recycling facility and have been processed for use as a 489
feedstock in an advanced recycling facility: 490

(1) Post-use polymers; 491

(2) Materials for which the United States environmental 492
protection agency has made a non-waste determination or has 493
otherwise determined are feedstocks and are not solid waste. 494

"Recovered feedstock" does not include unprocessed 495
municipal solid waste and is not accumulated speculatively. 496

(NN) "Advanced recycling" means a manufacturing process 497
for the conversion of post-use polymers and recovered feedstocks 498
into basic raw materials, feedstocks, chemicals, and other 499
recycled products through processes that include pyrolysis, 500
gasification, depolymerization, catalytic cracking, reforming, 501
hydrogenation, solvolysis, chemolysis, and other similar 502
technologies. "Advanced recycling" does not include incineration 503
of plastics or waste-to-energy processes. "Advanced recycling" 504
is "recycling" as defined in section 3736.01 of the Revised 505
Code. 506

(OO) "Recycled products" include products produced at 507
advanced recycling facilities, including monomers, oligomers, 508
recycled plastics, plastic and chemical feedstocks, basic and 509
unfinished chemicals, waxes, lubricants, coatings, and 510
adhesives. "Recycled products" does not include products sold as 511
fuel. 512

(PP) "Advanced recycling facility" means a manufacturing facility that stores and converts post-use polymers and recovered feedstocks it receives using advanced recycling and that is subject to applicable agency regulations for air, water, waste, and land use. An "advanced recycling facility" is not a solid waste facility, a solid waste disposal facility, a solid waste management facility, a solid waste processing facility, a legitimate recycling facility, a solid waste recovery facility, an incinerator, or a waste-to-energy facility.

(QQ) "Depolymerization" means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings.

(RR) "Mass balance attribution" means a chain of custody accounting methodology with rules defined by a third-party certification system that enables ~~the~~ either of the following:

(1) The attribution of the mass of advanced recycling feedstocks to one or more advanced recycling products;

(2) The attribution of the mass of renewable biomass feedstocks to one or more renewable chemicals.

(SS) "Recycled plastic" means products that are produced from either of the following:

(1) Mechanical recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics;

(2) The advanced recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics via mass balance attribution under a third-party certification system.

(TT) "Solvolysis" means a manufacturing process to make 541
useful products through which post-use polymers are purified by 542
removing additives and contaminants with the aid of solvents and 543
are heated at low temperatures or pressurized. "Solvolysis" 544
includes hydrolysis, aminolysis, ammonolysis, methanolysis, and 545
glycolysis. 546

(UU) "Useful products" means products produced through 547
solvolysis, including monomers, intermediates, valuable 548
chemicals, plastics and chemical feedstocks, and raw materials. 549

(VV) "Third-party certification system" means an 550
international and multi-national third-party certification 551
system that consists of a set of rules for the implementation of 552
mass balance attribution approaches for advanced recycling of 553
materials. "Third-party certification system" includes 554
international sustainability and carbon certification, 555
underwriter laboratories, SCS recycled content, roundtable on 556
sustainable biomaterials, ecoloop, and REDcert2. 557

(WW) "Legitimate recycling facility" means any site, 558
location, tract of land, installation, or building to which all 559
of the following apply: 560

(1) It is used or intended to be used for the purpose of 561
processing, storing, or recycling solid waste that was generated 562
off the premises of the facility. 563

(2) Not less than sixty per cent of the weight of solid 564
waste received in any nine months during a rolling twelve-month 565
period is recycled monthly as shown by records, including 566
invoices and contracts, maintained by the owner or operator of 567
the facility. 568

(3) Receipt, storage, and processing activities do not 569

cause a nuisance, do not pose a threat from vectors, or do not 570
adversely impact public health, safety, or the environment, or 571
cause or contribute to air or water pollution. 572

(XX) "Legitimate recycling" means processing, storing, or 573
recycling of solid waste and returning the material to commerce 574
as a commodity for use in a beneficial manner, including as a 575
raw ingredient in a manufacturing process or as a legitimate 576
fuel that does not constitute disposal. 577

(YY) "Renewable chemical" means a monomer, polymer, 578
plastic, formulated product, or chemical substance produced from 579
renewable biomass feedstocks or certified under a third-party 580
certification system for mass balance attribution. 581

(ZZ) "Renewable biomass feedstocks" means renewable 582
biomass, as defined in section 125.091 of the Revised Code, that 583
is intended for subsequent use to make one or more renewable 584
chemicals. 585

Section 2. That existing sections 125.091 and 3734.01 of 586
the Revised Code are hereby repealed. 587