



SENATE BILL 257: 2026 Appropriations Act, Sec. 12.18: Solid Waste Beneficial Reuse Clarification.

2025-2026 General Assembly

Analysis of: S.L. 2026-41, Sec. 12.18

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Section 12.18 of S.L. 2026-41 (Senate Bill 257) amends a statute governing the regulation of certain wastes, and exclusions from regulation. The section modifies the treatment of "recovered material" to:

- Provide that recovered material¹ is not subject to solid waste permitting requirements, and eliminate language providing that recovered material was not subject to regulation as a solid waste.
- Authorize the Department of Environmental Quality (Department) to require any person who owns or has control over material intended to be treated as recovered material to obtain a beneficial use determination from the Department. A person seeking a beneficial use determination must submit an application to the Department, and provide any information the Department can require. The Department can also require a demonstration that the solid waste is being managed in a manner to protect public health or the environment. The Department, after a review of an application, can take any of the following actions:
 - Authorize management of a specified type of nonhazardous solid waste at a site other than a permitted solid waste management facility.
 - Issue a beneficial use determination with appropriate conditions for use of specific types of solid waste in construction, land application, or other projects and applications, including requirements for testing of solid wastes.

Approvals granted pursuant to a beneficial use determination are valid for no longer than five years.

The recipient of an approval granted pursuant to a beneficial use determination must submit an annual report to the Department detailing the usage of material under the approval and certifying compliance with applicable requirements under statute and rule.

The Department can suspend or revoke an authorization and can modify an authorization if it is determined that the activity is not in compliance with the requirements of applicable laws or rules or if new information is provided to the Department that impacts the determination of protection of public health or the environment.

This section becomes effective January 1, 2027.

¹ "Recovered material" is defined under the statutes as "a material that has known recycling potential, can be feasibly recycled, and has been diverted or removed from the solid waste stream for sale, use, or reuse."

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