

2016 -- S 2606

=====
LC004950
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO HEALTH AND SAFETY -- WASTE RECYCLING

Introduced By: Senators Lombardi, Algiere, Pagliarini, Nesselbush, and Archambault

Date Introduced: February 25, 2016

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-18.8-2.1 of the General Laws in Chapter 23-18.8 entitled "Waste
2 Recycling" is hereby amended to read as follows:

3 **23-18.8-2.1. Definitions.** -- As used in this chapter:

4 (1) "Corporation" means the Rhode Island resource recovery corporation;

5 (2) "Department" means the department of environmental management;

6 (3) "Director" means the director of the department of environmental management;

7 (4) "Recyclable materials" means those materials separated from solid waste which can
8 be further sorted into commodities to be sold or delivered to a manufacturer or processor to be
9 transformed into new, usable or marketable materials. The director of Rhode Island resource
10 recovery corporation shall specify those materials that are to be included within the definition of
11 recyclable materials. The materials to be included may change from time to time depending upon
12 new technologies, economic conditions, waste stream characteristics, environmental effects, or
13 other factors;

14 (5) "Recycling" means any process in which discarded products lose their original
15 identity or form as they are transformed into new, usable or marketable materials and expressly
16 excludes the use of discarded products for energy production;

17 ~~(4)~~(6) "Post-consumer waste" has the meaning given "post-consumer content" in § 37-2-
18 76.1(2).

19 ~~(5)~~(7) "Telephone directory" means a soft cover listing of telephone numbers and

1 addresses by telephone listing territories commonly listed alphabetically or by occupation and
2 distributed to households and businesses on behalf of telecommunications utilities or private
3 advertisers; and

4 ~~(6)~~(8) "Telephone directory distributor" means any party which distributes telephone
5 directories within the state, and shall include the principal of the party if the party is an agent and
6 the principal is located or doing business in the state.

7 SECTION 2. Section 23-18.9-7 of the General Laws in Chapter 23-18.9 entitled "Refuse
8 Disposal" is hereby amended to read as follows:

9 **23-18.9-7. Definitions.** -- As used in this chapter, the following terms shall, where the
10 context permits, be construed as follows:

11 (1) "Beneficial reuse material" means a processed, nonhazardous, solid waste not already
12 defined as recyclable material by this chapter and by regulations of the Rhode Island department
13 of environmental management that the director has determined can be reused in an
14 environmentally beneficial manner without creating potential threats to public health, safety,
15 welfare, or the environment or creating potential nuisance conditions.

16 (2) "Beneficial use determination" (BUD) means the case-by-case process by which the
17 director evaluates a proposal to use a specific solid waste as a beneficial reuse material for a
18 specific purpose at a specific location within the host municipality.

19 (3) "Cocktailing" means the adding, combining, or mixing of hazardous waste as defined
20 in § 23-19.1-4 with construction debris and demolition debris.

21 (4) "Construction and demolition (C&D) debris" means non-hazardous solid waste
22 resulting from the construction, remodeling, repair, and demolition of utilities and structures and
23 uncontaminated solid waste resulting from land clearing. This waste includes, but is not limited
24 to, wood (including painted, treated, and coated wood, and wood products); land-clearing debris;
25 wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and
26 other roof coverings; glass; plastics that are not sealed in a manner that conceals other wastes,
27 empty buckets ten (10) gallons or less in size and having no more than one inch of residue
28 remaining on the bottom; electrical wiring and components containing no hazardous liquids; and
29 pipe and metals that are incidental to any of the previously described waste. Solid waste that is
30 not C&D debris (even if resulting from the construction, remodeling, repair, and demolition of
31 utilities, structures and roads; land clearing) includes, but is not limited to, asbestos; waste;
32 garbage; corrugated container board; electrical fixtures containing hazardous liquids, such as
33 fluorescent light ballasts or transformers; fluorescent lights; carpeting; furniture; appliances; tires;
34 drums; containers greater than ten (10) gallons in size; any containers having more than one inch

1 of residue remaining on the bottom; and fuel tanks. Specifically excluded from the definition of
2 construction and demolition debris is solid waste (including what otherwise would be
3 construction and demolition debris) resulting from any processing technique, other than that
4 employed at a department-approved C&D debris processing facility, that renders individual waste
5 components unrecognizable, such as pulverizing or shredding.

6 (5) "Construction and demolition debris processing facility" means a solid waste
7 management facility that receives and processes construction and demolition debris. These
8 facilities must demonstrate, through records maintained at the facility and provided to the
9 department, that seventy-five percent (75%) of all material received by the facility is processed
10 and removed from the site within six (6) weeks of receipt on a continuous basis, and that in no
11 case stores material on site for over three (3) months; provided, however, these facilities do not
12 include municipal compost facilities.

13 (6) "Construction and demolition debris separation facility" means a facility that
14 receives, separates, and/or screens construction and demolition debris into its components for
15 subsequent resale or processing that includes, but is not limited to, grinding, shredding, crushing,
16 or landfilling at another location separate and apart from the location on which the separation
17 occurs.

18 (7) "Director" means the director of the department of environmental management or any
19 subordinate or subordinates to whom the director has delegated the powers and duties vested in
20 him or her by this chapter.

21 (8) "Expansion" means any increase in volume, size, or scope, either vertically,
22 horizontally, or otherwise; provided, however, that this section does not apply to the vertical
23 expansion of the Charlestown municipal landfill until the closure date of July 1, 2000.

24 (9) "Person" includes an individual, firm, partnership, association, and private or
25 municipal corporation.

26 (10) "Recyclable materials" means those materials separated from solid waste ~~for reuse.~~
27 ~~The director of the department of environmental management, through regulations, shall specify~~
28 ~~those materials that are to be included within the definition of recyclables.~~ which can be further
29 sorted into commodities to be sold or delivered to a manufacturer or processor to be transformed
30 into new, usable or marketable materials. The director of Rhode Island resource recovery
31 corporation shall specify those materials that are to be included within the definition of recyclable
32 materials. The materials to be included may change from time to time depending upon new
33 technologies, economic conditions, waste stream characteristics, environmental effects, or other
34 factors.

1 (11) "Segregated solid waste" means material separated from other solid waste for reuse.

2 (12) "Solid waste" means garbage, refuse, tree waste as defined by subsection 14 of this
3 section, and other discarded solid materials generated by residential, institutional, commercial,
4 industrial, and agricultural sources, but does not include solids or dissolved material in domestic
5 sewage or sewage sludge or dredge material as defined in chapter 6.1 of title 46, nor does it
6 include hazardous waste as defined in chapter 19.1 of this title, nor does it include used asphalt,
7 concrete, or Portland concrete cement.

8 (13) "Solid waste management facility" means any plant, structure, equipment, real and
9 personal property, except mobile equipment or incinerators with a capacity of less than one
10 thousand pounds (1,000 lbs.) per hour, operated for the purpose of processing, treating, or
11 disposing of solid waste but not segregated solid waste. Any solid waste management facility that
12 stores waste materials containing gypsum on site over three (3) months must install and maintain
13 an active gas collection system approved by the department of environment management.

14 (14) (a) "Tree Waste" means all parts of a tree, including stumps, branches, and logs that
15 shall be considered solid waste for purposes of this chapter unless the tree waste meets the
16 following criteria:

17 (1) The tree waste remains on the property where it was generated; or

18 (2) The tree waste remains in the possession of the person who generated it and is stored
19 above the ground surface, on property that the same person controls, for purposes of recycling
20 and reuse; or

21 (3) The tree waste, whether generated on or off-site, is being actively managed as a
22 usable wood product such as landscape mulch, wood chips, firewood, or mulch.

23 (b) The application of the criteria set forth in this section shall not be deemed to
24 abrogate, diminish, or impair the enforcement of the requirements established pursuant to chapter
25 28.1 of this title or the authority of the state and/or a city or town to protect the public health,
26 safety, or welfare from a public nuisance resulting from the storage and handling of tree waste.

27 (15) "Organic waste material" means the organic material portion of the solid waste
28 stream, including, but not limited to, food scraps, food processing residue, and soiled or
29 unrecyclable paper that has been separated from nonorganic material.

30 (16) "Composting facility" means land, appurtenances, structures, or equipment where
31 organic materials originating from another process or location that have been separated at the
32 point or source of generation from nonorganic material are recovered using a process of
33 accelerated biological decomposition of organic material under controlled aerobic conditions.

34 (17) "Anaerobic digestion facility" means a facility employing a closed vessel to perform

1 a closed process of accelerated biodegradation of organic materials and/or organic solid wastes
2 into biogas and digestate, using microorganisms under controlled conditions in the absence of
3 oxygen.

4 (18) "Other authorized recycling method" means:

5 (i) Recycling organic waste material on site or treating organic waste material via on-site
6 organic treatment equipment permitted pursuant to the general laws or federal law; or

7 (ii) Diverting organic waste material for agricultural use, including consumption by
8 animals.

9 (19) "Covered entity" means each commercial food wholesaler or distributor, industrial
10 food manufacturer or processor, supermarket, resort or conference center, banquet hall,
11 restaurant, religious institution, military installation, prison, corporation, hospital or other medical
12 care institution, and casino.

13 (20) "Covered educational institution" means a higher educational or research institution.

14 (21) "Covered educational facility" means a building or group of two (2) or more
15 interconnected buildings owned or used by a covered educational institution at which organic
16 waste materials are generated.

17 SECTION 3. Section 23-18.12-2 of the General Laws in Chapter 23-18.12 entitled
18 "Beverage Container Recyclability" is hereby amended to read as follows:

19 **23-18.12-2. Definitions.** -- (a) "Beverage container" means any sealable bottle, can, jar,
20 or carton which contains a beverage.

21 (b) "Beverage retailer" means any person who engages in the sale of a beverage
22 container to a consumer within the state, or any operator of a vending machine.

23 (c) "Beverage wholesaler" means any person who engages in the sale of beverage
24 containers to beverage retailers in this state, including any brewer, manufacturer, or bottler who
25 engages in the sales.

26 (d) "Beverages" include milk, juices, carbonated soft drinks, soda water, mineral water,
27 beer, and other malt beverages, wine and wine coolers, and all other packaged liquors and liquid
28 mixes.

29 (e) "Corporation" means the Rhode Island resource recovery corporation.

30 (f) "Department" means the department of environmental management.

31 (g) "Distributor establishments" means all sales outlets, stores, and shops located in this
32 state that sell beverages to consumers, except merchants who sell prepared food or drink for
33 consumption on the premises.

34 (h) ~~"Recyclable" means recovered resources able to be reused in manufacturing,~~

1 ~~agriculture, power production, or other processes.~~ "Recycling" means any process in which
2 discarded products lose their original identity or form as they are transformed into new, usable or
3 marketable materials and expressly excludes the use of discarded products for energy production.

4 (i) "Recycling rate" means the percentage by weight of a particular beverage container
5 that is recovered from municipal and/or commercial collection programs for recycling. The
6 recycling rate shall apply only to those beverages included in the state mandatory recycling
7 program.

8 (j) "Reusable" means able to be refilled after proper processing on an economically
9 feasible basis as a beverage container.

10 (k) "Recyclable materials" means those materials separated from solid waste which can
11 be further sorted into commodities to be sold or delivered to a manufacturer or processor to be
12 transformed into new, usable or marketable materials. The director of Rhode Island resource
13 recovery corporation shall specify those materials that are to be included within the definition of
14 recyclable materials. The materials to be included may change from time to time depending upon
15 new technologies, economic conditions, waste stream characteristics, environmental effects, or
16 other factors.

17 SECTION 4. Section 23-19-5 of the General Laws in Chapter 23-19 entitled "Rhode
18 Island Resource Recovery Corporation" is hereby amended to read as follows:

19 **23-19-5. Definitions.** -- The following words and phrases have the meanings ascribed to
20 them in this section unless the context clearly indicates otherwise:

21 (1) "Bonds and notes" means bonds, including without limitation refunding bonds, notes,
22 including without limitation renewal notes and bond anticipation notes, and other obligations or
23 evidences of indebtedness of the corporation issued pursuant to the provisions of this chapter and
24 the resolutions of the corporation.

25 (2) "Central landfill" means the central landfill located in Johnston.

26 (3) "Corporation" means the Rhode Island resource recovery corporation created and
27 established pursuant to this chapter.

28 (4) "Landfill revenues" means the surplus, if any, of all tipping fees and other revenues
29 received at the central landfill over the annual costs of the landfill, and a pro-rata share of the
30 corporation's administrative expenses.

31 (5) "Municipal solid waste" means that solid waste generated by the residents of a
32 municipality in the course of their daily living, the disposal of which the governing body of that
33 municipality has undertaken in the discharge of its duties to protect the health of the municipality.
34 Municipal solid waste does not include solid waste generated by residents of a municipality in the

1 course of their employment or that generated by any manufacturing or commercial enterprise.

2 (6) "Municipal solid waste disposal arrangements" means those arrangements entered
3 into by a municipality which provide for the final disposal of wastes in a manner approved by the
4 department of health, the department of environmental management, and the corporation;
5 provided, however, that the disposal of wastes in transfer stations or facilities for interim storage
6 shall not constitute final disposal of the wastes.

7 (7) "Municipality" means any town or city within the state.

8 (8) "Person" means any individual, firm, institution, partnership, association or
9 corporation, public, or private, organized or existing under the laws of the state or other states
10 including federal corporations, but excluding municipalities.

11 (9) "Project" means the design, acquisition, ownership, operation, construction,
12 rehabilitation, improvement, development, sale, lease, or other disposition of, or the provision of
13 financing for, any solid waste management facility or the industrial and/or business parks in the
14 town of Johnston authorized by § 23-19-9(a)(7) and the highway access authorized by § 23-19-
15 10.3.

16 (10) "Recyclable materials" means those materials separated from solid waste ~~for reuse.~~
17 ~~The director of the department of environmental management through regulations shall specify~~
18 ~~those materials that are to be included within the definition of recyclables.~~ which can be further
19 sorted into commodities to be sold or delivered to a manufacturer or processor to be transformed
20 into new, usable or marketable materials. The director of Rhode Island resource recovery
21 corporation shall specify those materials that are to be included within the definition of recyclable
22 materials. The materials to be included may change from time to time depending upon new
23 technologies, economic conditions, characteristics of the waste stream, environmental effects, or
24 other factors.

25 (11) "Recycling" means ~~the reuse of recovered resources in manufacturing, agriculture,~~
26 ~~power production, or other processes~~ any process in which discarded products lose their original
27 identity or form as they are transformed into new, usable or marketable materials and expressly
28 excludes the use of discarded products for energy production.

29 (12) "Resource recovery" means the processing of solid wastes in such a way as to
30 produce materials or energy that may be used in manufacturing, agriculture, and other processes.

31 (13) "Resource recovery system" means the corporation's integrated system of resource
32 recovery consisting of a series of waste processing facilities designed to process a minimum of
33 seventy percent (70%) of the municipal and commercial solid waste streams by employing an on-
34 site waste separation technology for the purpose of recycling and/or reusing a minimum of

1 seventy percent (70%) of the solid waste stream, and minimal use of landfills for the purpose of
2 providing temporary backup or bypass landfill capacity and residue disposal from waste
3 processing facilities and any other related facilities and services.

4 (14) "Resource recovery system costs" means all operating costs of the system; debt
5 service and other financing costs related to the resource recovery system; the costs of recycling
6 grants-in-aid and similar obligations of the corporation; allocations for extraordinary and
7 unexpected costs; and a pro-rata share of the corporation's administrative expenses.

8 (15) "Resource recovery system revenues" means all amounts received by the
9 corporation as municipal tipping fees, non-municipal tipping fees, energy revenues, revenues
10 from the sale of recyclable materials, and all other revenues received with respect to the resource
11 recovery system, but shall not include any landfill revenues and any amounts received as a state
12 subsidy.

13 (16) "Revenues" means monies or income received by the corporation in whatever form,
14 including but not limited to fees, charges, lease payments, interest payments on investments,
15 payments due and owing on account of an instrument, contract, or agreement between the
16 corporation, any municipality, or person, gifts, grants, or any other monies or payments to which
17 the corporation is entitled under the provisions of this chapter or any other law, or of any
18 agreement, contract, or indenture.

19 (17) "Segregated solid waste" means material which has been separated from the waste
20 stream at the generation source for the purpose of recovering and recycling the materials.

21 (18) "Solid waste" means garbage, refuse, sludge from a waste treatment plant, water
22 supply treatment plant, or air pollution control facility and other discarded materials, including
23 solid, liquid, semisolid, or contained gaseous material generated by residential, institutional,
24 commercial, industrial, and agricultural sources but does not include solids or dissolved materials
25 in domestic sewage.

26 (19) "Solid waste management facility" means any plant, structure, equipment, and other
27 property, real, personal, or mixed, or the modification or replacement of any of the foregoing, for
28 the receipt, storage, treatment, utilization, processing, transporting, or final disposition of or
29 recovery of resources from solid waste other than segregated solid waste, or any facility which
30 disposes of solid waste by reconstituting, converting, or otherwise recycling it into material which
31 is not waste; or any property or system to be used in whole or in part for any of the previously
32 mentioned purposes, whether or not another purpose is also served by it; or any other property or
33 system incidental to, or which has to do with, or the end purpose of which, is any of the
34 foregoing; or any combination of two (2) or more of the foregoing.

1 (20) "Statewide resource recovery system development plan" means that plan which will
2 specify the location, size, and type of solid waste management facilities that may be required to
3 develop an integrated statewide resource recovery system for the effective management of solid
4 waste in Rhode Island. It will also specify a proposed schedule by which the component facilities
5 will be phased into the statewide system, and it will provide for the administrative and financial
6 requirements for implementing the plan.

7 (21) "Waste management" means actions taken to effectuate the receipt, storage,
8 transportation, and processing for resource recovery and recycling, or for the ultimate disposal, of
9 solid waste.

10 (22) "Waste processing facility" means a solid waste facility employing recycling based
11 technology employing an on-site waste separation technology designed to process both nonsource
12 separated and source separated solid waste for the purpose of recycling, and/or composting,
13 and/or reusing a minimum of seventy percent (70%) of the municipal and commercial solid waste
14 streams.

15 SECTION 5. Section 37-15-3 of the General Laws in Chapter 37-15 entitled "Litter
16 Control and Recycling" is hereby amended to read as follows:

17 **37-15-3. Definitions.** -- As used in this chapter the following terms shall, where the
18 context permits, be construed as follows:

19 (1) "Community recycling center" means a central collection point in a community for
20 recyclable materials, or a point where the materials are taken after being collected to be
21 processed.

22 (2) "Department" means the department of environmental management.

23 (3) "Director" means the director of the department of environmental management.

24 (4) "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper,
25 cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary
26 nature thrown, dropped, discarded, placed, or deposited by a person on public property, on private
27 property not owned by the person, or in or on waters of the state, unless the person has:

28 (i) Been directed to do so by a public official as part of a litter collection drive;

29 (ii) Discarded, thrown, dropped, placed, or discarded the material in a litter receptacle in
30 a manner that prevented the material from being carried away by the elements; or

31 (iii) Been issued a license or permit covering the material pursuant to chapters 18.9 and
32 19.1 of title 23.

33 (5) "Litter bag" means a bag, sack, or other container made of any material which is
34 large enough to serve as a receptacle for litter inside a vehicle or watercraft.

1 (6) "Litter receptacle" means those containers adopted by the department of
2 environmental management and which may be standardized as to size, shape, capacity, and color
3 and which shall bear the state anti litter symbol, as well as any other receptacles suitable for the
4 depositing of litter.

5 (7) "Person" means any natural person, political subdivision, government agency, public
6 or private corporation, partnership, joint venture, association, firm, individual proprietorship, or
7 other entity whatsoever.

8 (8) "Program" means those activities of the department to encourage, manage, and fund
9 litter control and recycling pursuant to this chapter.

10 (9) "Public place" means any area that is used or held out for use by the public whether
11 owned or operated by public or private interests.

12 (10) "Recycling" means ~~the reuse of recovered resources in manufacturing, agriculture,~~
13 ~~power production, or other processes~~ any process in which discarded products lose their original
14 identity or form as they are transformed into new, usable or marketable materials and expressly
15 excludes the use of discarded products for energy production.

16 SECTION 6. Section 37-15.1-3 of the General Laws in Chapter 37-15.1 entitled "Hard-
17 to-Dispose Material-Control and Recycling" is hereby amended to read as follows:

18 **37-15.1-3. Definitions.** -- As used in this chapter the following terms shall, where the
19 context permits, be construed as follows:

20 (1) "Community recycling center" means a central collection point in a community for
21 hard-to-dispose material, or a point where those materials are taken after being collected to be
22 processed.

23 (2) "Department" means the department of environmental management.

24 (3) "Director" means the director of the department of environmental management.

25 (4) "Hard-to-dispose of material" means and encompasses the following materials:
26 petroleum-based or synthetic lubricating oils, including, but not limited to, lubricants in internal
27 combustion engines; tires used on motorized vehicles and trailers, including cars, trucks, buses,
28 and heavy construction equipment; glycol-based antifreeze and organic solvents. A petroleum-
29 based or synthetic lubricating oil which is recycled and/or re-refined is not, nor shall it be
30 considered, a hard-to-dispose material.

31 (5) "Organic solvents" means any compounds of carbon which are liquids at standard
32 conditions, and which are used as solvers, viscosity reducers, dilutents, thinners, reagents, or
33 cleaning agents, (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides,
34 metallic carbonates, and ammonium carbonate) and which are listed as hazardous waste pursuant

1 to the state hazardous waste program pursuant to chapter 19.1, title 23.

2 (6) "Person" means any natural person, political subdivision, government agency, public
3 or private corporation, partnership, joint venture, association, firm, individual proprietorship, or
4 other entity whatsoever.

5 (7) "Program" means those activities of the department to encourage, manage, and fund
6 hard-to-dispose material control and recycling, and to aid in the monitoring and tracking,
7 reduction, recycling, and reuse of hard-to-dispose material control and recycling pursuant to this
8 chapter.

9 (8) "Public place" means any area that is used or held out for use by the public whether
10 owned or operated by public or private interests.

11 (9) "Recycling" means ~~the reuse of recovered resources in manufacturing, agriculture,~~
12 ~~power production, or other processes~~ any process in which discarded products lose their original
13 identity or form as they are transformed into new, usable or marketable materials and expressly
14 excludes the use of discarded products for energy production.

15 SECTION 7. This act shall take effect upon passage.

=====
LC004950
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- WASTE RECYCLING

1 This act would amend the definition of "recycling" and "recyclable materials" in several
2 chapters of the general laws.

3 This act would take effect upon passage.

=====
LC004950
=====