

2023 -- H 5088

LC000135

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HEALTH AND SAFETY-- REFUSE DISPOSAL

Introduced By: Representatives McNamara, Donovan, Cortvriend, Bennett, Fogarty,  
Potter, and Handy

Date Introduced: January 12, 2023

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-18.9-7 of the General Laws in Chapter 23-18.9 entitled "Refuse  
2 Disposal" is hereby amended to read as follows:

3 **23-18.9-7. Definitions.**

4 As used in this chapter, the following terms shall, where the context permits, be construed  
5 as follows:

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

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

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

16 (4) "Construction and demolition (C&D) debris" means non-hazardous solid waste  
17 resulting from the construction, remodeling, repair, and demolition of utilities and structures and  
18 uncontaminated solid waste resulting from land clearing. This waste includes, but is not limited to,  
19 wood (including painted, treated, and coated wood, and wood products); land-clearing debris; wall

1 coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other  
2 roof coverings; glass; plastics that are not sealed in a manner that conceals other wastes, empty  
3 buckets ten (10) gallons or less in size and having no more than one inch of residue remaining on  
4 the bottom; electrical wiring and components containing no hazardous liquids; and pipe and metals  
5 that are incidental to any of the previously described waste. Solid waste that is not C&D debris  
6 (even if resulting from the construction, remodeling, repair, and demolition of utilities, structures  
7 and roads; land clearing) includes, but is not limited to, asbestos; waste; garbage; corrugated  
8 container board; electrical fixtures containing hazardous liquids, such as fluorescent light ballasts  
9 or transformers; fluorescent lights; carpeting; furniture; appliances; tires; drums; containers greater  
10 than ten gallons (10 gals.) in size; any containers having more than one inch of residue remaining  
11 on the bottom; and fuel tanks. Specifically excluded from the definition of construction and  
12 demolition debris is solid waste (including what otherwise would be construction and demolition  
13 debris) resulting from any processing technique, other than that employed at a department-approved  
14 C&D debris processing facility, that renders individual waste components unrecognizable, such as  
15 pulverizing or shredding.

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

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

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

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

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

1 (10) "Recyclable materials" means those materials separated from solid waste for reuse.  
2 The director of the department of environmental management, through regulations, shall specify  
3 those materials that are to be included within the definition of recyclables. The materials to be  
4 included may change from time to time depending upon new technologies, economic conditions,  
5 waste stream characteristics, environmental effects, or other factors.

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

7 (12) "Solid waste" means garbage, refuse, tree waste as defined by subsection (14) of this  
8 section, and other discarded solid materials generated by residential, institutional, commercial,  
9 industrial, and agricultural sources, including PVC pipe (polyvinyl chloride resin) that is  
10 abandoned, discarded, left lying on the ground or not stored in a covered facility, but does not  
11 include solids or dissolved material in domestic sewage or sewage sludge or dredge material as  
12 defined in chapter 6.1 of title 46, nor does it include hazardous waste as defined in chapter 19.1 of  
13 this title, nor does it include used asphalt, concrete, or Portland concrete cement.

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

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

23 (A) The tree waste remains on the property where it was generated; or

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

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

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

33 (15) "Organic waste material" means the organic material portion of the solid waste stream,  
34 including, but not limited to, food scraps, food processing residue, and soiled or unrecyclable paper

1 that has been separated from nonorganic material.

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

6 (17) "Anaerobic digestion facility" means a facility employing a closed vessel to perform  
7 a closed process of accelerated biodegradation of organic materials and/or organic solid wastes into  
8 biogas and digestate, using microorganisms under controlled conditions in the absence of oxygen.

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

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

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

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

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

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

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would include PVC pipe (polyvinyl chloride resin) that is abandoned, discarded,
- 2 left lying on the ground or not stored in a covered facility in the definition of solid waste.
- 3           This act would take effect upon passage.

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