

2016 -- S 2178

=====
LC004217
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

—————
A N A C T

RELATING TO HEALTH AND SAFETY - REFUSE DISPOSAL

Introduced By: Senators Goldin, Ruggerio, Goodwin, Felag, and Sosnowski

Date Introduced: January 27, 2016

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-18.9-7 and 23-18.9-17 of the General Laws in Chapter 23-18.9
2 entitled "Refuse Disposal" are hereby amended to read as follows:

3 **23-18.9-7. Definitions.** -- As used in this chapter, the following terms shall, where the
4 context permits, be construed as follows:

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

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

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

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

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

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

22 (6) "Construction and demolition debris separation facility" means a facility that
23 receives, separates, and/or screens construction and demolition debris into its components for
24 subsequent resale or processing that includes, but is not limited to, grinding, shredding, crushing,
25 or landfilling at another location separate and apart from the location on which the separation
26 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
34 municipal 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, but does not include solids or dissolved material in domestic
10 sewage or sewage sludge or dredge material as defined in chapter 6.1 of title 46, nor does it
11 include hazardous waste as defined in chapter 19.1 of this title, nor does it include used asphalt,
12 concrete, or Portland concrete cement.

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

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

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

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

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

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

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

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

5 (17) "Anaerobic digestion facility" means a facility employing a closed vessel to perform
6 a closed process of accelerated biodegradation of organic materials and/or organic solid wastes
7 into biogas and digestate, using microorganisms under controlled conditions in the absence of
8 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,
16 restaurant, religious institution, military installation, prison, corporation, hospital or other medical
17 care institution, and casino.

18 (20) "Covered educational institution" means a higher educational or research institution
19 [and on or after January 1, 2020, means any educational institution or research institution.](#)

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

23 **23-18.9-17. Food waste ban.** -- (a) ~~On and after January 1, 2016, each~~ [Each](#) covered
24 entity and each covered educational institution shall ensure that the organic waste materials that
25 are generated by the covered entity or at the covered educational facility are recycled at an
26 authorized, composting facility or anaerobic digestion facility or by another authorized recycling
27 method if:

28 ~~(1) The covered entity or covered educational facility generates not less than one~~
29 ~~hundred four (104) tons per year of organic waste material; and~~

30 ~~(2) The~~ [the](#) covered entity or covered educational facility is located not more than fifteen
31 (15) miles from an authorized composting facility or anaerobic digestion facility with available
32 capacity to accept such material. ~~and:~~ [and:](#)

33 [\(1\) On or after January 1, 2016, the covered entity or covered educational facility](#)
34 [generates not less than one hundred four \(104\) tons per year of organic waste material;](#)

1 (2) On or after January 1, 2018, the covered entity or covered educational facility
2 generates not less than fifty-two (52) tons per year of organic waste material;

3 (3) On or after January 1, 2020, the covered entity or covered educational facility
4 generates not less than twenty-six (26) tons per year of organic waste material;

5 (4) On or after January 1, 2022, the covered entity or covered educational facility
6 generates not less than eighteen (18) tons per year of organic waste material; and

7 (5) On or after January 1, 2024, the covered entity or covered educational facility
8 generates any amount of organic waste material.

9 (b) Waiver due to financial burden of food waste ban. The department shall grant a
10 waiver of the requirements of subsection (a) of this section to:

11 (1) Any covered entity or educational institution that demonstrates that ~~A covered entity~~
12 ~~or covered educational institution may petition the department for a waiver of the requirements of~~
13 ~~subsection (a) of this section if~~ the tipping fee charged by the Rhode Island resource recovery
14 corporation for non-contract commercial sector waste is less than the fee charged by each
15 composting facility or anaerobic digestion facility located within fifteen (15) miles of the covered
16 entity's location; and

17 (2) Any covered municipal entity or, municipal educational institution that is charged the
18 municipal tipping fee by the Rhode Island resource recovery corporation that demonstrates that
19 the municipal tipping fee is less than the fee charged by each composting facility or anaerobic
20 digestion facility located within fifteen (15) miles of the covered entity's location.

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

=====
LC004217
=====

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

1 This act would phasein requirements that educational and research institutions must
2 recycle all of their food waste if they generate certain amounts of organic waste material, unless
3 the requirement is waived by the department of environmental management. Waivers would be
4 granted if the cost to recycle is greater than certain tipping fees.

5 This act would take effect upon passage.

=====
LC004217
=====