

**2016 -- S 2606 SUBSTITUTE A AS AMENDED**

=====  
LC004950/SUB A  
=====

**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;

16           ~~(4)~~(6) "Post-consumer waste" has the meaning given "post-consumer content" in § 37-2-  
17 76.1(2).

18           ~~(5)~~(7) "Telephone directory" means a soft cover listing of telephone numbers and  
19 addresses by telephone listing territories commonly listed alphabetically or by occupation and

1 distributed to households and businesses on behalf of telecommunications utilities or private  
2 advertisers; and

3 ~~(6)~~(8) "Telephone directory distributor" means any party which distributes telephone  
4 directories within the state, and shall include the principal of the party if the party is an agent and  
5 the principal is located or doing business in the state.

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

8 **23-18.9-7. Definitions.** -- As used in this chapter, the following terms shall, where the  
9 context permits, be construed as follows:

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

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

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

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

1 construction and demolition debris is solid waste (including what otherwise would be  
2 construction and demolition debris) resulting from any processing technique, other than that  
3 employed at a department-approved C&D debris processing facility, that renders individual waste  
4 components unrecognizable, such as pulverizing or shredding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (17) "Anaerobic digestion facility" means a facility employing a closed vessel to perform  
34 a closed process of accelerated biodegradation of organic materials and/or organic solid wastes

1 into biogas and digestate, using microorganisms under controlled conditions in the absence of  
2 oxygen.

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

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

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

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

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

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

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

18 **23-18.12-2. Definitions.** -- (a) "Beverage container" means any sealable bottle, can, jar,  
19 or carton which contains a beverage.

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

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

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

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

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

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

33 (h) ~~"Recyclable" means recovered resources able to be reused in manufacturing,~~  
34 ~~agriculture, power production, or other processes.~~ "Recycling" means any process in which

1 discarded products lose their original identity or form as they are transformed into new, usable or  
2 marketable materials.

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

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

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

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

18 **23-19-5. Definitions.** -- The following words and phrases have the meanings ascribed to  
19 them in this section unless the context clearly indicates otherwise:

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

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

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

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

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

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

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

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

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

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

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

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

29 (13) "Resource recovery system" means the corporation's integrated system of resource  
30 recovery consisting of a series of waste processing facilities designed to process a minimum of  
31 seventy percent (70%) of the municipal and commercial solid waste streams by employing an on-  
32 site waste separation technology for the purpose of recycling and/or reusing a minimum of  
33 seventy percent (70%) of the solid waste stream, and minimal use of landfills for the purpose of  
34 providing temporary backup or bypass landfill capacity and residue disposal from waste

1 processing facilities and any other related facilities and services.

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

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

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

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

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

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

33 (20) "Statewide resource recovery system development plan" means that plan which will  
34 specify the location, size, and type of solid waste management facilities that may be required to

1 develop an integrated statewide resource recovery system for the effective management of solid  
2 waste in Rhode Island. It will also specify a proposed schedule by which the component facilities  
3 will be phased into the statewide system, and it will provide for the administrative and financial  
4 requirements for implementing the plan.

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

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

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

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

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

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

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

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

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

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

29 (iii) Been issued a license or permit covering the material pursuant to chapters 18.9 and  
30 19.1 of title 23.

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

33 (6) "Litter receptacle" means those containers adopted by the department of  
34 environmental management and which may be standardized as to size, shape, capacity, and color

1 and which shall bear the state anti litter symbol, as well as any other receptacles suitable for the  
2 depositing of litter.

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

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

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

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

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

15 **37-15.1-3. Definitions.** -- As used in this chapter the following terms shall, where the  
16 context permits, be construed as follows:

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

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

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

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

28 (5) "Organic solvents" means any compounds of carbon which are liquids at standard  
29 conditions, and which are used as solvers, viscosity reducers, dilutents, thinners, reagents, or  
30 cleaning agents, (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides,  
31 metallic carbonates, and ammonium carbonate) and which are listed as hazardous waste pursuant  
32 to the state hazardous waste program pursuant to chapter 19.1, title 23.

33 (6) "Person" means any natural person, political subdivision, government agency, public  
34 or private corporation, partnership, joint venture, association, firm, individual proprietorship, or

1 other entity whatsoever.

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

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

8 (9) "Recycling" means ~~the reuse of recovered resources in manufacturing, agriculture,~~  
9 ~~power production, or other processes~~ any process in which discarded products lose their original  
10 identity or form as they are transformed into new, usable or marketable materials.

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

=====  
LC004950/SUB A  
=====

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/SUB A  
=====