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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE GREEN JUSTICE ZONE
ACT

Introduced By: Representatives Morales, and Henries

Date Introduced: March 02, 2022

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 17.11

4 THE GREEN JUSTICE ZONE ACT

5 **42-17.11-1. Short title.**

6 This act may be known and shall be cited as the "Green Justice Zone Act."

7 **42-17.11-2. Legislative findings.**

8 (a) The government of Rhode Island has an affirmative duty to ensure that Rhode Islanders
9 have clean air and clean water.

10 (b) Many communities in the state do not have clean air and clean water, creating a
11 widespread and severe public health crisis. This act will establish the first green justice zone, a
12 model which may be replicated in future years to ensure that all communities throughout the state
13 have clean air and clean water.

14 **42-17.11-3. Definitions.**

15 As used in this chapter:

16 (1) "Additional environmental remediation project" means the item in the list of available
17 environmental remediation projects which received fewer votes than the selected environmental
18 remediation project, but more votes than every other item in the list of available environmental

- 1 [remediation projects, during the most recent environmental justice referendum.](#)
- 2 [\(2\) "Available environmental remediation projects" means the list of environmental](#)
3 [remediation projects enumerated in § 42-17.11-17.](#)
- 4 [\(3\) "Board" means the board of the green justice zone.](#)
- 5 [\(4\) "Census block group" means a geographic region identified as and referred to as a](#)
6 ["census block group" by the United States Census Bureau in the 2010 census.](#)
- 7 [\(5\) "Census tract" means a geographic region identified as and referred to as a "census](#)
8 [tract" by the United States Census Bureau in the 2010 census.](#)
- 9 [\(6\) "Chemical manufacturing plant" means a facility that produces or processes chemicals](#)
10 [for wholesale or retail distribution.](#)
- 11 [\(7\) "Chemical storage facility" means a facility that stores chemicals which are intended](#)
12 [for wholesale or retail distribution.](#)
- 13 [\(8\) "Community meetings" means the series of community meetings described in § 42-](#)
14 [17.11-18.](#)
- 15 [\(9\) "Employment administrator" means the employment administrator appointed by the](#)
16 [board, as provided in § 42-17.11-6.](#)
- 17 [\(10\) "Environmental justice referendum" means the referendum described in § 42-17.11-](#)
18 [19.](#)
- 19 [\(11\) "Environmental remediation workers" means workers who work on the selected](#)
20 [environmental remediation project or the additional environmental remediation project within the](#)
21 [green justice zone, including employees, contractors, and subcontractors.](#)
- 22 [\(12\) "Fossil fuel" means fuel composed of or derived from coal, petroleum, oil, natural gas,](#)
23 [oil shales, bitumens, or tar sands.](#)
- 24 [\(13\) "Fossil fuel storage facility" means a facility that stores fossil fuel for wholesale](#)
25 [distribution.](#)
- 26 [\(14\) "Green justice zone" means the special district encompassing the geographic area](#)
27 [specified in § 42-17.11-4.](#)
- 28 [\(15\) "Green justice zone permit" means the permit created in § 42-17.11-12.](#)
- 29 [\(16\) "Green justice zone permit applicant" means any corporation, business, firm,](#)
30 [partnership, or individual who has submitted a green justice zone permit application.](#)
- 31 [\(17\) "Green justice zone permit application" means the application to receive a green](#)
32 [justice zone permit, as described in § 42-17.11-13.](#)
- 33 [\(18\) "Green justice zone program" means the cumulative entirety of all the laws, rules,](#)
34 [regulations, prohibitions, duties, and obligations prescribed in this chapter, including, but not](#)

1 limited to, the requirement that industrial facilities receive an operating permit to operate within a
2 green justice zone, the requirement that the board organize a series of community meetings, and
3 the requirement that the Rhode Island secretary of state organize the environmental justice
4 referendum.

5 (19) "Industrial facility" means any land, any building or other improvement, and all real
6 and personal property which is designed to be used or routinely is used for industrial,
7 manufacturing, wholesale commercial product distribution, wholesale commercial product
8 transportation, wholesale commercial product storage, or wholesale commercial product
9 warehousing purposes. Any residential building including, but not limited to, a condominium, a
10 single-family housing unit, a multifamily housing unit, an apartment complex, a public housing
11 project, and a residential shelter shall not be considered to be an industrial facility for the purposes
12 of this chapter. Any building with the primary purpose or use of providing medical treatment, health
13 care, medicine, pharmaceutical drugs, physical therapy, massage therapy, psychiatry, or
14 psychotherapy to patients shall not be considered to be an industrial facility for the purposes of this
15 chapter. Any educational facility, including a school, university, tutoring center, or continuing
16 education center shall not be considered to be an industrial facility for the purposes of this chapter.
17 Any gym, recreational center, park, museum, gallery, or library shall not be considered to be an
18 industrial facility for the purposes of this chapter. Any retail store shall not be considered to be an
19 industrial facility for the purposes of this chapter. Any restaurant, grocery store, convenience store,
20 food pantry, or gas station shall not be considered to be an industrial facility for the purpose of this
21 chapter. Any place of religious worship or observance including, but not limited to, a mosque,
22 synagogue, temple, or church shall not be considered to be an industrial facility for the purpose of
23 this chapter. Any building designed for the purpose of transporting, shipping, or receiving solar
24 panels, solar panel components, wind turbines, wind turbine components, electric rechargeable
25 batteries, electric rechargeable battery components, or any other item or product related to
26 renewable energy production or storage shall not be considered to be an industrial facility for the
27 purpose of this chapter. Any land, any building or other improvement, and all real and personal
28 property shall be considered to be an industrial facility if it is used as:

29 (i) An electric power plant that produces electricity by combusting any fossil fuel;

30 (ii) A waste storage facility;

31 (iii) A toxic material storage facility;

32 (iv) A fossil fuel storage facility, excluding gas stations which sell gas only at the retail
33 level for use in automobiles, and excluding facilities that store fossil fuels that are used exclusively
34 for transporting wholesale goods, including, but not limited to, into the port of Providence and out

- 1 of the port of Providence;
- 2 (v) A fossil fuel production facility;
- 3 (vi) A fossil fuel refinery;
- 4 (vii) A chemical manufacturing plant;
- 5 (viii) A chemical storage facility;
- 6 (ix) A commercial manufacturing facility;
- 7 (x) A scrap metal storage facility;
- 8 (xi) A scrap metal processing facility;
- 9 (xii) A cement, concrete, or asphalt storage facility;
- 10 (xiii) A cement, concrete, or asphalt processing facility;
- 11 (xiv) A cement, concrete, or asphalt production facility;
- 12 (xv) An incinerator including, but not limited to, a medical waste incinerator;
- 13 (xvi) A resource recovery facility;
- 14 (xvii) A combustor;
- 15 (xviii) A transfer station or other solid waste facility;
- 16 (xix) A landfill, including, but not limited to, a landfill that accepts ash, construction debris,
- 17 demolition debris, or solid waste; or
- 18 (xx) A recycling facility capable of receiving twenty (20) tons or more of recyclable
- 19 material per day.
- 20 (20) "Office of employee benefits" means the office of employee benefits of the State of
- 21 Rhode Island.
- 22 (21) "Renewable energy" means energy produced by wind turbines, solar panels, tidal
- 23 power plants, hydroelectric installations, and geothermal heat.
- 24 (22) "Selected environmental remediation project" means the item in the list of available
- 25 environmental remediation projects which received the most votes during the most recent
- 26 environmental justice referendum.
- 27 (23) "Treasurer" means the treasurer appointed by the board, as provided in § 42-17.11-6.
- 28 (24) "Zone resident" means any registered voter living within the green justice zone.
- 29 **42-17.11-4. Establishment of the green justice zone.**
- 30 (a) It is hereby created a special district to be known as the "green justice zone."
- 31 (b) The area encompassed by the following census block groups from the 2010 census, and
- 32 no others, shall collectively constitute the green justice zone:
- 33 (1) Census Tract 1.01, Block Group 1, Providence County, Rhode Island;
- 34 (2) Census Tract 1.01, Block Group 2, Providence County, Rhode Island;

- 1 [\(3\) Census Tract 1.01, Block Group 3, Providence County, Rhode Island;](#)
- 2 [\(4\) Census Tract 1.01, Block Group 4, Providence County, Rhode Island;](#)
- 3 [\(5\) Census Tract 1.02, Block Group 1, Providence County, Rhode Island;](#)
- 4 [\(6\) Census Tract 1.02, Block Group 2, Providence County, Rhode Island;](#)
- 5 [\(7\) Census Tract 1.02, Block Group 3, Providence County, Rhode Island;](#)
- 6 [\(8\) Census Tract 4, Block Group 1, Providence County, Rhode Island;](#)
- 7 [\(9\) Census Tract 4, Block Group 2, Providence County, Rhode Island;](#)
- 8 [\(10\) Census Tract 4, Block Group 3, Providence County, Rhode Island;](#)
- 9 [\(11\) Census Tract 4, Block Group 4, Providence County, Rhode Island;](#)
- 10 [\(12\) Census Tract 5, Block Group 1, Providence County, Rhode Island;](#)
- 11 [\(13\) Census Tract 5, Block Group 2, Providence County, Rhode Island;](#)
- 12 [\(14\) Census Tract 5, Block Group 3, Providence County, Rhode Island;](#)
- 13 [\(15\) Census Tract 6, Block Group 1, Providence County, Rhode Island;](#)
- 14 [\(16\) Census Tract 6, Block Group 2, Providence County, Rhode Island;](#)
- 15 [\(17\) Census Tract 7, Block Group 1, Providence County, Rhode Island;](#)
- 16 [\(18\) Census Tract 7, Block Group 2, Providence County, Rhode Island; and](#)
- 17 [\(19\) Census Tract 7, Block Group 3, Providence County, Rhode Island.](#)

18 **42-17.11-5. Green justice zone board.**

19 [\(a\) The board of the green justice zone shall consist of five \(5\) board members.](#)

20 [\(b\) All functions, services, and duties of the green justice zone shall be carried out by the](#)
21 [board, including:](#)

22 [\(1\) With regard to the operations, maintenance, and management of the green justice zone](#)
23 [program; and](#)

24 [\(2\) With regard to the employees employed to complete work related to the green justice](#)
25 [zone program.](#)

26 [\(c\) Three \(3\) members of the board shall constitute a quorum and a vote of three \(3\)](#)
27 [members shall be necessary for any action taken by the board.](#)

28 [\(d\) All meetings of the board shall be subject to chapter 46 of title 42 \("open meetings](#)
29 [act"\).](#)

30 **42-17.11-6. Election of the green justice zone board.**

31 [\(a\) Five \(5\) months after the enactment of this chapter, and every two \(2\) years thereafter,](#)
32 [there shall be an election by ballot, organized by the Rhode Island secretary of state, to elect the](#)
33 [board of the green justice zone. The five \(5\) candidates who receive the highest number of votes in](#)
34 [the election shall be elected to the board.](#)

1 (b) All registered voters who reside within the green justice zone shall be eligible to vote
2 in an election to elect the board of the green justice zone.

3 (c) Zone residents shall be permitted to cast an in-person ballot, cast an absentee ballot, or
4 cast a mail-in ballot, in the election of the board of the green justice zone, and shall not be required
5 to provide a reason for casting an in-person ballot, casting an absentee ballot, or casting a mail-in
6 ballot.

7 (d) Only registered voters who reside within the green justice zone shall be eligible to vote,
8 in an election to elect the board of the green justice zone.

9 (e) No individual shall be eligible to be a board member of the green justice zone unless
10 they have been continuously a resident of the green justice zone for the past five (5) years.

11 (f) A board member of the green justice zone shall, at all times, be a resident of the green
12 justice zone for the entirety of the time that they serve as a board member.

13 (g) Board members shall receive an annual salary equivalent to one hundred forty percent
14 (140%) of the statewide per capita income as determined by the United States Census Bureau.

15 (h) The board shall ensure that each board member receives health insurance and dental
16 insurance.

17 (i) The board shall elect a treasurer to perform the duties specified in this chapter.

18 **42-17.11-7. Appointment of employees.**

19 (a) The board shall appoint an employment administrator, who shall be the appointing
20 authority for all employees of the board.

21 (b) The employment administrator may hire employees and contractors to carry out tasks
22 pertaining to the mission, purpose, and duties of the green justice zone or to perform administrative
23 or custodial tasks for the green justice zone. The employment administrator may dismiss employees
24 and contractors.

25 (c) The board may dismiss an employment administrator at any time and for any lawful
26 reason.

27 (d) The employment administrator shall make all feasible, appropriate, and lawful efforts
28 to ensure diversity among the employees of the board, including with regard to race, color, national
29 origin, religion, sex, sexual orientation, gender identity or expression, marital status, military status
30 as a veteran with an honorable discharge or an honorable or general administrative discharge,
31 servicemember in the armed forces, country of ancestral origin, disability, age, housing status,
32 familial status, or immigration status.

33 **42-17.11-8. Compensation of employees.**

34 The employment administrator shall determine annual compensation and benefits for all

1 employees, contractors, and subcontractors of the board; provided that, no employee, contractor,
2 or subcontractor earns less than one hundred forty percent (140%) of the statewide per capita
3 income as determined by the United States Census Bureau; and provided that, every employee shall
4 also receive health insurance, dental insurance, at least two (2) weeks of paid vacation time, and at
5 least one paid sick day off of work, for every twenty (20) days in which they work more than six
6 (6) hours.

7 **42-17.11-9. Powers of the board.**

8 The board shall have the authority to promulgate rules and regulations, levy fines,
9 adjudicate administrative cases, or take any other lawful action in order to achieve any purpose of
10 the green justice zone program. The board may delegate these powers.

11 **42-17.11-10. Offices of department.**

12 The department of administration shall furnish the board with offices in which to transact
13 its business and keep its records. The offices shall be open for business each day of the year, except
14 Sundays and legal holidays, during such hours as may be prescribed by the board. The department
15 of administration shall make all feasible and appropriate efforts to ensure that the offices furnished
16 to the board are within the green justice zone, as defined by § 42-17.11-3.

17 **42-17.11-11. Receipt and use of funds.**

18 (a) The board shall have the authority to receive and expend monies from any sources,
19 public or private, including, but not limited to, legislative enactments, bond issues, devises, grants,
20 or bequests. The board is authorized to enter into any contracts necessary to obtain and expend
21 those funds.

22 (b) The board shall appoint a treasurer to receive and expend monies, and to enter into any
23 contracts necessary to obtain and expend funds. The treasurer shall be a full-time employee.

24 (c) The board may dismiss a treasurer at any time and for any lawful reason.

25 **42-17.11-12. Creation of green justice zone permits.**

26 (a) There is hereby created a new license called a green justice zone permit.

27 (b) Only the board shall have the power to issue a green justice zone permit. The board
28 may not delegate the power to issue a green justice zone permit.

29 **42-17.11-13. Creation of green justice zone permit application.**

30 (a) The board shall create an application, called a green justice zone permit application,
31 with which corporations, businesses, firms, partnerships, or individuals, may apply for a green
32 justice zone permit.

33 (b) The green justice zone permit application shall require green justice zone permit
34 applicants to:

1 (1) Provide the name of the corporation, business, firm, partnership, or individual,
2 submitting the green justice zone permit application;

3 (2) Specify the industrial facility for which the green justice zone permit applicant seeks a
4 green justice zone permit;

5 (3) Specify the commercial purpose of the industrial facility; and

6 (4) Provide the full address of the industrial facility.

7 (c) The green justice zone permit application shall be easily and conveniently accessible to
8 corporations, businesses, firms, partnerships, or individuals who own industrial facilities within the
9 green justice zone.

10 (d) The board shall create a system through which a green justice zone permit application
11 can be submitted.

12 (e) A green justice zone permit application which has been returned to the board shall be
13 made publicly accessible on the website of the board, no later than fourteen (14) calendar days after
14 the board receives the green justice zone permit application.

15 **42-17.11-14. Requirement to possess a green justice zone permit.**

16 December 1, 2023, it shall be illegal to operate any industrial facility within the green
17 justice zone, unless that industrial facility has been granted a green justice zone permit.

18 **42-17.11-15. Approval and denial of green justice zone permits.**

19 (a) The board shall not grant a green justice zone permit for any industrial facility that is
20 used as:

21 (1) An electric power plant that produces electricity by combusting any fossil fuel;

22 (2) A waste storage facility;

23 (3) A toxic material storage facility;

24 (4) A fossil fuel storage facility, excluding gas stations which sell gas only at the retail
25 level for use in automobiles and excluding sites that store fossil fuels that are used exclusively for
26 transporting goods or other items into the port of Providence or out of the port of Providence;

27 (5) A fossil fuel production facility;

28 (6) A fossil fuel refinery;

29 (7) A chemical manufacturing plant;

30 (8) A chemical storage facility;

31 (9) A commercial manufacturing facility;

32 (10) A scrap metal storage facility;

33 (11) A scrap metal processing facility;

34 (12) A cement, concrete, or asphalt storage facility;

- 1 (13) A cement, concrete, or asphalt processing facility;
2 (14) A cement, concrete, or asphalt production facility;
3 (15) An incinerator including, but not limited to, a medical waste incinerator;
4 (16) A resource recovery facility;
5 (17) A combustor;
6 (18) A transfer station or other solid waste facility;
7 (19) A landfill including, but not limited to, a landfill that accepts ash, construction debris,
8 demolition debris, or solid waste;
9 (20) A scrap metal recycling facility capable of receiving five (5) tons or more of recyclable
10 material per day; or
11 (21) A wood recycling facility capable of receiving five (5) tons or more of recyclable
12 material per day.

13 (b) The board shall issue a green justice zone permit for any industrial facility with a
14 purpose or type not enumerated in § 42-17.11-15(a), within forty-five (45) days of receiving the
15 green justice zone permit application.

16 **42-17.11-16. Fines and penalties.**

17 (a) Every individual day in which any corporation, business, firm, partnership, or
18 individual operates an industrial facility, which has not received a green justice zone permit in the
19 green justice zone, in violation of § 42-17.11-14, shall count as an environmental justice violation.

20 (b) The board shall fine any corporation, business, firm, partnership, or individual one
21 million dollars (\$1,000,000) for each environmental justice violation, no later than ten (10) days
22 from the day on which the environmental justice violation occurred. The entirety of the money
23 collected from these fines shall be held in a restricted funds account, to be used exclusively by the
24 treasurer for the selected environmental remediation project or the additional environmental
25 remediation project.

26 **42-17.11-17. Available environmental remediation projects within the green justice**
27 **zone.**

28 The following items constitute the full and complete list of available environmental
29 remediation projects:

- 30 (1) Improving ventilation and air filtration in residential homes and residential buildings
31 within the green justice zone;
32 (2) Installing photovoltaic solar panels on residential homes and residential buildings
33 within the green justice zone;
34 (3) Retrofitting residential homes and residential buildings within the green justice zone to

1 improve their energy efficiency;

2 (4) Replacing lead service pipes connected to residential homes and residential buildings
3 within the green justice zone;

4 (5) Lead abatement in soil or paint, within the green justice zone;

5 (6) Cleaning up pollution, within the green justice zone; and

6 (7) Cultivating public green spaces, within the green justice zone.

7 **42-17.11-18. Community meetings and discussion.**

8 (a) Between the enactment of this chapter and the zone referendum, the board shall
9 organize no fewer than six (6) community meetings, in which zone residents shall have the
10 opportunity to discuss the zone referendum and the relative merits of different options within the
11 available environmental remediation projects. The final community meeting must take place within
12 eight (8) months of the enactment of this chapter.

13 (b) The board shall provide a clean, well-lit venue easily accessible to zone residents for
14 the community meetings. The treasurer shall pay the full and complete cost of securing the venue,
15 as well as any reasonable transportation expenses incurred by zone residents traveling to the venue.

16 (c) The board shall ensure that each community meeting, has at least one translator capable
17 of translating between English and any other language spoken by at least ten percent (10%) of the
18 Rhode Island population, as determined by the United States Census Bureau. The translator shall
19 receive an hourly wage that is not less than the quotient of one divided by one thousand nine
20 hundred and twenty (1/1,920), multiplied by one hundred forty percent (140%) of the statewide per
21 capita income, as calculated by the United States Census Bureau, and not more than the quotient
22 of one divided by one thousand nine hundred and twenty (1/1,920), multiplied by one hundred and
23 eighty percent (180%) of the statewide per capita income, as calculated by the United States Census
24 Bureau. The treasurer shall pay the full and complete cost of the translator's fee.

25 (d) Zone residents shall not be charged for any costs related to organizing a community
26 meeting.

27 (e) Zone residents shall receive no less than twenty dollars (\$20.00) and no more than
28 twenty-five dollars (\$25.00) for each hour that they spend attending a community meeting.

29 (f) The board shall ensure that each community meeting includes nutritious food and clean
30 drinking water, freely available to all zone residents, in attendance at the community meeting.

31 **42-17.11-19. Environmental justice referendum.**

32 (a) The Rhode Island secretary of state shall organize and conduct a referendum by
33 ballot, which shall be known as the environmental justice referendum, to take place fourteen (14)
34 days after the final community meeting.

1 (b) Zone residents shall be permitted to cast an in-person ballot, cast an absentee ballot, or
2 cast a mail-in ballot in the environmental justice referendum, and shall not be required to provide
3 a reason for casting an in-person ballot, casting an absentee ballot, or casting a mail-in ballot.

4 (c) Only zone residents shall be eligible to vote in the environmental justice referendum.

5 (d) The environmental justice referendum ballot shall present the full list of available
6 environmental remediation projects, from which each voter shall select exactly one.

7 (e) The total number of votes received by each item on the list of available environmental
8 remediation projects during the referendum shall be made publicly available within ten (10) days
9 of the environmental justice referendum.

10 **42-17.11-20. Implementation of environmental remediation projects.**

11 (a) The selected environmental remediation project shall be implemented by the board, as
12 promptly as possible after the environmental justice referendum.

13 (b) The treasurer shall pay the complete costs of completing the selected environmental
14 remediation project and, if applicable, any additional environmental remediation project.

15 (c) If, after fully completing the selected environmental remediation project, the treasurer
16 has remaining funds earmarked for the green justice zone program, the treasurer shall use the
17 remaining funds to implement or partially implement an additional environmental remediation
18 project. None of the environmental remediation projects enumerated in §§ 42-17.11-17(1) through
19 42-17.11-17(4), inclusive, shall be considered complete, unless they have been offered to every
20 residential homeowner and every residential building owner within the green justice zone.

21 (d) In order to implement the selected environmental remediation project or any additional
22 environmental remediation projects, the employment administrator may hire environmental
23 remediation workers.

24 **42-17.11-21. Labor standards.**

25 (a) The employment administrator shall ensure that all environmental remediation workers,
26 including contractors, subcontractors, and employees of the board, receive an hourly wage that is
27 not less than the equivalent of one divided by one thousand nine hundred and twenty (1/1,920),
28 multiplied by one hundred forty percent (140%) of the statewide per capita income, as calculated
29 by the United States Census Bureau, and not more than the equivalent of one divided by one
30 thousand nine hundred and twenty (1/1,920), multiplied by one hundred eighty percent (180%) of
31 the statewide per capita income, as calculated by the United States Census Bureau.

32 (b) The employment administrator shall ensure that all environmental remediation workers
33 receive health insurance, dental insurance, and at least one paid sick day off of work for every
34 twenty (20) days in which they work more than four (4) hours.

1 (c) The board must provide all environmental remediation workers, with at least one total
2 hour of paid time off each day; provided that, the environmental remediation worker is working
3 more than five (5) hours in that day. The one hour may be divided into separate segments.

4 (d) The employment administrator shall establish a detailed and generous worker injury
5 compensation plan, to fairly compensate all environmental remediation workers who are injured
6 while working; provided that, they were injured while engaging in activities that they could be
7 reasonably expected to engage in, in furtherance of the work that they were hired by the
8 employment administrator to complete. The worker injury compensation plan shall apply
9 identically to employees of the board, contractors, and subcontractors.

10 **42-17.11-22. Employment prioritization.**

11 (a) When hiring employees, hiring contractors, awarding contracts, designing project labor
12 agreements, promulgating rules and regulations, and enforcing rules and regulations, the board
13 shall:

14 (1) Prioritize, to the greatest extent feasible, lawful, and appropriate, in the judgment of the
15 board, providing employment to workers who are enrolled in or who were enrolled in the just
16 transition program administered by the department of labor and training, pursuant to § 42-16.1-21;

17 (2) Prioritize, to the greatest extent feasible, lawful, and appropriate, in the judgment of the
18 board, hiring individuals who are zone residents; and

19 (3) Maximize, to the greatest extent feasible, lawful, and appropriate, racial and gender
20 equity within the hiring processes for projects involving the green justice zone program.

21 (b) Contractors, subcontractors, firms, corporations, partnerships, and all other entities
22 working under contract with the board shall, at all times, make good faith efforts to promote
23 workforce diversity for projects involving the green justice zone program, including with regard to
24 race and gender. If the board determines that a contractor, subcontractor, firm, corporation,
25 partnership, or other entity is not making good faith efforts to achieve workforce diversity, the
26 director may prohibit that entity from bidding on contracts or being awarded contracts involving
27 the green justice zone program, for two (2) years.

28 **42-17.11-23. Consent required.**

29 The board shall not perform any environmental remediation project on a residential home,
30 without that homeowner's informed consent, nor shall the board change or modify a residential
31 home, install anything on a residential home, or remove anything from a residential home as part
32 of an environmental remediation project without obtaining the homeowner's informed consent.

33 **42-17.11-24. Severability.**

34 (a) If any provision of this chapter is held invalid, the remainder of this chapter shall not

1 be affected thereby.

2 (b) If the application of any provision of this chapter to any person or circumstance is held
3 invalid, the application of such provision to other persons or circumstances shall not be affected
4 thereby.

5 SECTION 2. Title 42 of the General Laws entitled "STATE AFFAIRS AND
6 GOVERNMENT" is hereby amended by adding thereto the following chapter:

7 CHAPTER 17.12

8 ENVIRONMENTAL JUSTICE ACT

9 **42-17.12-1. Short title.**

10 This act may be known and shall be cited as the "Environmental Justice Act."

11 **42-17.12-2. Legislative findings.**

12 (a) The government of Rhode Island has an affirmative duty to ensure that every resident
13 of the state has clean air and clean water.

14 (b) Any communities in the state do not have clean air and clean water, creating a
15 widespread and severe public health crisis.

16 **42-17.12-3. Definitions.**

17 As used in this chapter:

18 (1) "Administrator" means the administrator of the department of environmental
19 management.

20 (2) "Air pollutant" means:

21 (i) Anything that is considered an "air contaminant" under § 23-23-3; or

22 (ii) Anything that is considered an "air pollutant" under the federal clean air act, pursuant
23 to 42 U.S. Code § 7602 et seq.

24 (3) "Census tract" means a geographic region identified and referred to as a "census tract"
25 by the United States Census Bureau in the 2010 census.

26 (4) "Chemical manufacturing plant" means a facility that produces or processes chemicals
27 for wholesale or retail distribution.

28 (5) "Chemical storage facility" means a facility that stores chemicals which are intended
29 for wholesale or retail distribution.

30 (6) "Cumulative impact permit" means the permit described in § 42-17.12-5.

31 (7) "Cumulative impact permit applicant" means any corporation, business, firm,
32 partnership, or individual who has submitted a cumulative impact permit application

33 (8) "Overburdened community" means any census tract in Rhode Island that:

34 (i) Is at or above the seventy-fifth statewide percentile for at least three (3) of the following

1 environmental indicators on the most recent available United States Environmental Protection
2 Agency's assessment:
3 (A) PM 2.5;
4 (B) Ozone;
5 (C) NATA Diesel PM;
6 (D) NATA Cancer Risk;
7 (E) NATA respiratory hazard index;
8 (F) Traffic proximity;
9 (G) Lead paint indicator;
10 (H) Superfund proximity;
11 (I) Risk management plan facilities proximity;
12 (H) Hazardous waste proximity; and
13 (K) Wastewater discharge indicator.
14 (9) "Polluting facility" means any:
15 (i) Major stationary source of air pollution, as defined by the federal clean air act, 42 U.S.
16 Code § 7401 et seq.:
17 (ii) Resource recovery facility;
18 (iii) Incinerator;
19 (iv) Sludge processing facility;
20 (v) Combustor;
21 (vi) Incinerator;
22 (vii) Sewage treatment plant with a capacity of more than one million (1,000,000) gallons
23 per day;
24 (viii) Transfer station or other solid waste facility;
25 (ix) Recycling facility capable of receiving one hundred (100) tons or more of recyclable
26 material per day;
27 (x) Scrap metal facility;
28 (xi) Landfill; including a landfill that accepts ash, construction debris, demolition debris,
29 or solid waste;
30 (xii) Medical waste incinerator;
31 (xiii) Concentrated animal feeding operation; or
32 (ix) Chemical manufacturing plant.
33 (10) Has a median household income, as calculated by the United States Census Bureau,
34 that is no greater than eighty percent (80%) of the statewide median household income, as

1 [calculated by the United States Census Bureau.](#)

2 **42-17.12-4. Environmental burden list.**

3 [\(a\) On or before January 31, 2023, the department of environmental management shall](#)
4 [develop, post, and maintain a complete and comprehensive list, known as the environmental burden](#)
5 [list, on its website of all census tracts that are overburdened communities.](#)

6 [\(b\) The department of environmental management shall update the environmental burden](#)
7 [list on its website at least once every year.](#)

8 **42-17.12-5. Creation of the cumulative impact permit.**

9 [The department of environmental management shall create a new permit called a](#)
10 ["cumulative impact permit."](#)

11 **42-17.12-6. Requirement for a cumulative impact permit.**

12 [Any corporation, business, firm, partnership or individual must receive a cumulative](#)
13 [impact permit from the department of environmental management for:](#)

- 14 [\(1\) The construction of any polluting facility; or](#)
15 [\(2\) The expansion of any existing polluting facility.](#)

16 **42-17.12-7. Cumulative impact permit denial.**

17 [The department of environmental management shall deny a cumulative impact permit for](#)
18 [the construction of a new polluting facility or the expansion of an existing polluting facility if that](#)
19 [polluting facility is located within an overburdened community or within one mile of an](#)
20 [overburdened community.](#)

21 **42-17.12-8. Cumulative impact permit denial override.**

22 [\(a\) If no fewer than twenty-five percent \(25%\) of the registered voters of an overburdened](#)
23 [community, sign a petition to the Rhode Island secretary of state asking them to organize a local](#)
24 [referendum on whether to grant a cumulative impact permit to a proposed polluting facility within](#)
25 [that overburdened community, the secretary of state shall organize such a referendum. Only](#)
26 [registered voters of any overburdened community, which is located within one mile of the polluting](#)
27 [facility, shall be permitted to vote in the local referendum. All registered voters of any](#)
28 [overburdened community, which is within one mile of the polluting facility, shall be permitted to](#)
29 [vote in the referendum. Before the referendum, the department of environmental management shall](#)
30 [prepare and issue a public report on the environmental effects and public health effects of the](#)
31 [proposed polluting facility.](#)

32 [\(b\) Notwithstanding the requirement of § 42-17.12-7, the department of environmental](#)
33 [management may issue a cumulative impact permit for the construction of a new polluting facility](#)
34 [or the expansion of an existing polluting facility, that would be located within an overburdened](#)

1 community or within one mile of an overburdened community, if no fewer than sixty-six percent
2 (66%) of votes cast in a referendum support granting a cumulative impact permit to the polluting
3 facility.

4 **42-17.12-9. Additional conditions.**

5 As part of issuing a cumulative impact permit, the department of environmental
6 management may impose conditions on the construction and operation of a polluting facility, if the
7 administrator determines that those conditions will protect public health.

8 **42-17.12-10. Cumulative impact permit fee.**

9 The department of environmental management shall charge each cumulative impact permit
10 applicant, a fee to cover the entirety of the costs associated with the implementation of this section.

11 **42-17.12-11. Technical guidance and regulations.**

12 (a) The department of environmental management may issue and post on its website,
13 technical guidance for compliance with this chapter.

14 (b) The department of environmental management shall adopt regulations to carry out this
15 chapter.

16 **42-17.12-12. Severability.**

17 (a) If any provision of this chapter is held invalid, the remainder of this chapter shall not
18 be affected thereby.

19 (2) If the application of any provision of this chapter to any person or circumstance is held
20 invalid, the application of such provision to other persons or circumstances shall not be affected
21 thereby.

22 SECTION 3. Sections 23-23-2, 23-23-3, 23-23-5, 23-23-5.2, 23-23-14 and 23-23-15 of the
23 General Laws in Chapter 23-23 entitled "Air Pollution" are hereby amended to read as follows:

24 **23-23-2. Declaration of policy.**

25 It is declared to be the public policy in the state of Rhode Island to preserve, protect, and
26 improve the air resources of the state to promote the public health, welfare, and safety, to prevent
27 injury or detriment to human, plant, and animal life, physical property and other resources, and to
28 improve the air quality and reduce airborne pollution, including to foster the comfort and
29 convenience of the state's inhabitants. The director is authorized to exercise all powers, direct or
30 incidental, necessary to carry out the purposes of this chapter to assure that the state of Rhode Island
31 complies with and exceeds the requirements of the federal Clean Air Act, 42 U.S.C. § 7401 et seq.,
32 and retains maximum control under this chapter, and receives all desired federal grants, aid, and
33 other benefits.

34 **23-23-3. Definitions.**

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

3 (1) "Air contaminant" means soot, cinders, ashes, any dust, fumes, gas, mist, smoke, vapor,
4 odor, toxic or radioactive material, particulate matter, or any combination of these.

5 (2) "Air pollution" means presence in the outdoor atmosphere of one or more air
6 contaminants in sufficient quantities that either alone or in connection with other emissions by
7 reason of their concentration and duration, may be injurious to human, plant, or animal life or cause
8 damage to property or unreasonably interfere with the enjoyment of life and property.

9 (3) "Chemical manufacturing plant" means a facility that produces or processes chemicals
10 for wholesale or retail distribution.

11 (4) "Chemical storage facility" means a facility that stores chemicals which are intended
12 for wholesale or retail distribution.

13 ~~(3)~~(5) "Director" means the director of environmental management or any subordinate or
14 subordinates to whom he or she has delegated the powers and duties vested in him or her by this
15 chapter.

16 ~~(4)~~(6) "Extremely toxic air contaminant" means any air contaminant that has been
17 classified as a potential carcinogen by the International Agency for Research on Cancer (IARC),
18 Environmental Protection Agency (EPA), Occupational Safety and Health Administration
19 (OSHA), National Institute of Occupational Safety and Health (NIOSH), American Conference of
20 Governmental Industrial Hygienists (ACGIH), or the National Toxicology Program (NTP); or any
21 air contaminant that induces mutagenic or teratogenic effects; or any air contaminant that, when
22 inhaled, has caused significant chronic adverse effects in test animals; or any air contaminant
23 having an acute toxicity of:

24 (i) LD50 (oral) less than 500mg/kg;

25 (ii) LD50 (inhalation) less than 2000ppm; or

26 (iii) LD50 (dermal) less than 1000mg/kg;

27 and/or has been adopted by the director pursuant to the provisions of chapter 35 of title 42.

28 In addition to the above, it may also include any hazardous air pollutant as defined in § 112(b) of
29 the federal Clean Air Act, 42 U.S.C. § 7412(b).

30 (7) "Fossil fuel" means fuel composed of or derived from coal, petroleum, oil, natural gas,
31 oil shales, bitumens, or tar sands.

32 (8) "Fossil fuel storage facility" means a facility that stores fossil fuel for wholesale
33 distribution.

34 ~~(5)~~(9) "Motor vehicle" means every vehicle that is self-propelled and every vehicle that is

1 propelled by electric power obtained from overhead trolley wires, but not operated upon rails,
2 except vehicles moved exclusively by human power and motorized wheelchairs.

3 ~~(6)~~(10) "Open fire" means any fire from which the products of combustion are emitted
4 directly into the open air without passing through a stack or chimney.

5 ~~(7)~~(11) "Person" means an individual, trust, firm, joint stock company, corporation
6 (including a quasi-governmental corporation), partnership, association, syndicate, municipality,
7 municipal or state agency, fire district, club, non-profit agency or any subdivision, commission,
8 department, bureau, agency, or department of state or federal government (including quasi-
9 government corporation), or of any interstate body.

10 ~~(8)~~(12) "Manufactured, unwashed sand" means product resulting from the mechanical
11 crushing of rock, boulders, or large cobblestones that has a gradation of fifty percent (50%) or more
12 of coarse fraction passing the No. 4 sieve as referenced in the Standard Practice for Classification
13 of Soils for Engineering Purposes (Unified Soil Classification System) and American Society of
14 Testing and Materials Designations D-2487-06 which has not been subject to a mechanical process
15 (using water) that is designed to substantially remove fine fractions passing the No. 200 sieve.

16 (13) "Polluting facility" means:

17 (i) An electric power plant that produces electricity by combusting any fossil fuel;

18 (ii) A waste storage facility;

19 (iii) A toxic material storage facility;

20 (iv) A fossil fuel storage facility, excluding gas stations which sell gas only at the retail
21 level for use in automobiles and excluding sites that store fossil fuels that are used exclusively for
22 transporting goods or other items into the port of Providence or out of the port of Providence;

23 (v) A fossil fuel production facility;

24 (vi) A fossil fuel refinery;

25 (vii) A chemical manufacturing plant;

26 (viii) A chemical storage facility;

27 (ix) A commercial manufacturing facility;

28 (x) A scrap metal storage facility;

29 (xi) A scrap metal processing facility;

30 (xii) A cement, concrete, or asphalt storage facility;

31 (xiii) A cement, concrete, or asphalt processing facility;

32 (ix) A cement, concrete, or asphalt production facility;

33 (x) An incinerator, including, but not limited to, a medical waste incinerator;

34 (xi) A resource recovery facility;

- 1 (xii) A combustor;
2 (xiii) A transfer station or other solid waste facility;
3 (xiv) A landfill, including, but not limited to, a landfill that accepts ash, construction debris,
4 demolition debris, or solid waste;
5 (xv) A scrap metal recycling facility capable of receiving five (5) tons or more of recyclable
6 material per day; or
7 (xvi) A wood recycling facility capable of receiving five (5) tons or more of recyclable
8 material per day.

9 **23-23-5. Powers and duties of the director.**

10 In addition to the other powers and duties granted in this chapter, the director shall have
11 and may exercise the following powers and duties:

12 (1) To exercise general supervision of the administration and enforcement of this chapter
13 and all rules and regulations and orders promulgated under this chapter;

14 (2) To develop comprehensive programs, for the prevention, control, and abatement of new
15 or existing pollution of the air resources of this state ~~on the basis of air quality standards adopted~~
16 ~~by the environmental standards board;~~

17 (3) To advise, consult, and cooperate with the cities and towns and other agencies of the
18 state, federal government, and other states and interstate agencies, and with effective groups in
19 industries in furthering the purposes of this chapter;

20 (4) To promulgate standards of air quality ~~adopted by the environmental standards board;~~

21 (5) To hold hearings, to issue notices of hearings and subpoenas requiring the attendance
22 of witnesses and the production of evidence, and to administer oaths and to take testimony as he or
23 she may deem necessary;

24 (6) To encourage and conduct studies and research on air pollution and to collect and
25 disseminate this information;

26 (7) To enter at all reasonable times in or upon any private or public property, except private
27 residences, and to detain and inspect any motor vehicle for the purpose of inspecting or
28 investigating any condition which the director shall believe to be either an air pollution source or
29 in violation of any of the rules or regulations or orders promulgated under this chapter;

30 (8) To issue, modify, amend, or revoke any orders prohibiting or abating air pollution in
31 accordance with the purposes of this chapter and the rules and regulations promulgated under this
32 chapter. In making the orders authorized by this chapter, the director shall consider all relevant
33 factors including, but not limited to, population density, air pollution levels, and the character and
34 degree of injury to health or physical property;

1 (9) To accept, receive, and administer grants or other funds or gifts for the purpose of
2 carrying out any of the functions of this chapter including any moneys given under any federal law
3 to the state for air pollution control activities, surveys, or programs;

4 (10) To require the prior submission and approval of plans, specifications, and other data
5 relative to the construction, installation, maintenance, and modification of air pollution control
6 systems, devices, or any of its parts, and to inspect the installations and modifications to ~~insure~~
7 ensure compliance with the approved plans and to require approval to operate the system;

8 (11) To require the prior submission and approval of plans, specifications, and other data
9 relative to the construction, installation, maintenance, or modification of any machine, equipment,
10 device, article, or facility capable of becoming a source of air pollution, subject to the promulgation
11 of rules and regulations under this chapter defining the classes and types of machines, equipment,
12 devices, articles, or facilities subject to this approval;

13 (12) To make, issue, and amend rules and regulations consistent with this chapter for the
14 prevention, control, abatement, and limitation of air pollution, and the enforcement of orders issued
15 under this chapter. Those rules and regulations for the control of pollution need not be uniform
16 throughout the state. The director may prohibit emissions, discharges and/or releases from specific
17 persons, machines, facilities, devices, or any other sources of air contaminants and may also require
18 specific control technology. In addition, the director may regulate the emission characteristics of
19 all fuels used by stationary and mobile sources of air contaminants, provided, the specific control
20 technology ~~and emission characteristics of fuels~~ shall not be ~~more~~ less stringent than the mandatory
21 standards established by federal law or regulation, ~~unless it can be shown that the control~~
22 ~~technology and emission characteristics of fuels are needed for the attainment or maintenance of~~
23 ~~air quality standards~~. Variations of the standards may be based on considerations of population
24 density, meteorological conditions, contaminant emissions, air quality, land development plans,
25 and any other factors that may be relevant to the protection of the air resources of the state;

26 ~~(13) To consult the board on the policies and plans for the control and prevention of air~~
27 ~~pollution;~~ The director may regulate the emission characteristics of all fuels used by mobile sources
28 of air contaminants; provided that, those regulations are consistent with the federal law and federal
29 regulation. Variations of the standards may be based on considerations of population density,
30 meteorological conditions, contaminant emissions, air quality, land development plans, and any
31 other factors that may be relevant to the protection of the air resources of the state;

32 (14) To exercise all incidental powers necessary to carry out the purposes of this chapter;

33 (15) To require that an approval to operate be obtained for any machine, equipment, device,
34 article, or facility, or any source ~~which is emitting any extremely toxic air contaminant~~ of any air

1 [contaminant](#), subject to the promulgation of rules and regulations under this chapter defining the
2 categories and capacities of machines, equipment, devices, articles, or facilities subject to this
3 permission. [Such regulations need not be uniform across the state.](#) Any approval issued may set
4 forth inspection, monitoring, compliance certification and reporting requirements to assure
5 compliance with approval terms and conditions;

6 (16) To require any person who owns or operates any machine, equipment, device, article,
7 or facility which has the potential to emit any air contaminant, or which is emitting any ~~extremely~~
8 ~~toxic~~ air contaminant, to install, maintain, and use air pollution emission monitoring devices and to
9 submit periodic reports on the nature and amounts of air contaminant emission from the machine,
10 equipment, device, article, or facility;

11 (17) To require, as a condition, to the grant of any approval, license, or permit required by
12 this chapter, that the person applying for an approval, license, or permit, first pay to the director a
13 reasonable fee based on the costs of reviewing and acting upon the application and based on the
14 costs of implementing and enforcing the terms of the approval, license, or permit;

15 (18) In addition, the director shall collect an annual operating fee from sources subject to
16 the requirements of an approval to operate under this chapter and subject to the requirements of
17 title V of the Clean Air Amendments of 1990, 42 U.S.C. § 7661 et seq. The fee shall be calculated
18 by the director on a weight basis for pollutants actually emitted, after controls. This operating fee
19 shall be determined by regulation and shall be consistent with the fee required under 42 U.S.C. §
20 7661a(b)(3)(B). The operating fees collected shall not be in excess of the amount needed to cover
21 all reasonable (direct and indirect) costs required to develop and administer an operating permit
22 program pursuant to the requirements of title V, of the Clean Air Act amendments of 1990;

23 (19) No person shall operate any machine, facility, or device which is subject to approval
24 or permit by the department without an approval or permit of the department. No source may
25 operate after an approval or permit has been denied. Any approval or permit issued under this
26 section may be suspended, revoked or amended by the director at any time upon a showing, after
27 notice and hearing, that the permittee has failed to comply with the provisions of this chapter, rules
28 and regulations promulgated by the director pursuant to this chapter, or the terms and conditions of
29 the approval or permit, or upon a showing, after notice and hearing, that the continued operation of
30 the approved or permitted source constitutes a threat to the health and safety of the public or to the
31 environment. In any proceeding for revocation, suspension, or amendment of an approval or permit
32 pursuant to this subsection, the director will provide the affected party with the opportunity for an
33 adequate hearing. No revocation, annulment, or withdrawal of any approval or permit is lawful
34 unless, the agency sent notice by mail to the permittee or possessor of an approval of the facts or

1 conduct or violation which warrant the action, and the permittee or possessor of an approval is
2 given an opportunity at hearing to show compliance with all lawful requirements for the retention
3 of the license. If the agency finds that public health, safety, or welfare imperatively requires
4 emergency action, and incorporates a finding to that effect in its order, summary suspension of
5 approval or permit may be ordered pending proceedings for revocation or other action. These
6 proceedings shall be promptly instituted and determined;

7 (20) No approval or permit required under this chapter shall be issued by the director if the
8 approval or permit contains provisions that are determined by the administrator of the
9 Environmental Protection Agency not to be in compliance with the requirements of the federal
10 Clean Air Act (42 U.S.C § 7401 et seq.). The administrator of the EPA shall provide a statement
11 of the reasons for the objection to the director. A copy of the objection and statement shall be
12 provided to the applicant. The director shall withhold the issuance of the approval or permit until
13 the applicant has successfully satisfied the concerns of the administrator of EPA or his or her
14 designee;

15 (21) The department may establish a small business stationary source technical and
16 environmental compliance assistance program. The department may use general revenue funding
17 to cover the cost of administering this program. The department shall have the power to give grants,
18 and conduct educational and/or outreach programs;

19 (22) To promulgate regulations to apply at the earliest to the 1993 model year and beyond,
20 relating to emission standards for new motor vehicles and new motor vehicle engines, warranties
21 for motor vehicles and motor vehicle parts, recall of motor vehicles, accreditation of motor vehicle
22 parts, and any other matters relating to the enforcement of these regulations, provided, the
23 regulations so promulgated shall not be more stringent than the mandatory standards established
24 by federal law or regulation, unless the regulations are needed for the attainment or maintenance
25 of air quality standards;

26 (23) Nothing in this section shall allow the department to administer an inspection and
27 maintenance program for automobiles without approval of the general assembly;

28 (24) In addition to the powers and duties enumerated in this section, the director shall have
29 all appropriate power to adopt rules, regulations, procedures, programs, and standards as mandated
30 by the authorization of the federal Clean Air Act, 42 U.S.C. § 7401 et seq.

31 **23-23-5.2. Mandamus.**

32 In the event that the director shall fail to issue the permit or deny the license then the
33 applicant or other interested person may petition the superior court to issue its writ of mandamus
34 ordering the director or some suitable person to immediately issue the license or denial. [In the event](#)

1 [that the director shall fail to revoke a license or permit, then any interested person may petition the](#)
2 [superior court to issue a writ of mandamus, ordering the director or some other appropriate person](#)
3 [to immediately revoke the license.](#)

4 **23-23-14. Penalties.**

5 (a) [Except as provided in subsection \(f\) of this section, any](#) ~~Any~~ person who shall violate
6 an order of the director or any rule, regulation, or other program requirement, or permit, or approval,
7 or any of the prohibitions of this chapter shall be punished by an administrative or civil penalty of
8 not more than ten thousand dollars (\$10,000) and every person shall be deemed guilty of a separate
9 and distinct offense for each day during which the violation shall be repeated or continued.

10 (b) The director or any agent or employee of the director or any person or his or her agent
11 who shall, except in the enforcement of this chapter or in the performance of official duties under
12 this chapter, disclose any information relating to secret processes or methods of manufacture or
13 production obtained in the course of inspecting or investigating any source or alleged source of air
14 pollution, or who shall violate § 23-23-13 shall be guilty of a misdemeanor and shall be punished
15 by a fine not exceeding five hundred dollars (\$500).

16 (c) Any person obstructing, hindering, or in any way causing to be obstructed or hindered,
17 the director or any agent or employee of the director in the performance of their duties or who shall
18 refuse to permit the director or any of his or her agents entrance into any premises, buildings, or
19 other places belonging to or controlled by that person in the performance of his or her duties, or
20 who shall refuse to furnish the information requested or to make a test provided for in this chapter
21 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500).

22 (d) Any person convicted under the provisions of § 23-23-11 shall be punished by a fine
23 of not more than ten thousand dollars (\$10,000) or by imprisonment of one year, or both fine and
24 imprisonment, and every person shall be deemed guilty of a separate and distinct offense for each
25 day during which the violation shall be repeated or continued.

26 (e) Any person who knowingly makes a false statement, representation, or certification in
27 any application, record, report, plan, permit, or document filed, maintained and used for purposes
28 under this chapter shall be guilty of a felony, and shall be punished by a fine of not more than ten
29 thousand dollars (\$10,000) or by imprisonment of one year or both fine and imprisonment, and
30 every person shall be guilty of a separate and distinct offense for each day during which the
31 violation shall be repeated or continued.

32 [\(f\) Any person who violates an order, rule, or regulation, promulgated by the director](#)
33 [pursuant to § 23-23-32, shall be punished by an administrative or civil penalty of not less than](#)
34 [ninety thousand dollars \(\\$90,000\) and not more than one hundred thousand dollars \(\\$100,000\), and](#)

1 [every person shall be deemed guilty of a separate and distinct offense for each day during which](#)
2 [the violation shall be repeated or continued. This civil penalty must be paid not more than fifteen](#)
3 [\(15\) days from the day on which the violation occurred.](#)

4 **23-23-15. Variances.**

5 (a) Upon application and after a hearing, the director may suspend the enforcement of the
6 whole or any part of this chapter or of any rule or regulation promulgated under this chapter in the
7 case of any person who shall show that the enforcement of this chapter would constitute undue
8 hardship on that person without a corresponding benefit or advantage obtained by it; provided, that
9 no suspension shall be entered deferring compliance with a requirement of this chapter or the rules
10 and regulations promulgated under this chapter, unless that deferral is consistent with the provisions
11 and procedures of the federal Clean Air Act, 42 U.S.C. § 7401 et seq. [No suspension shall be](#)
12 [entered deferring compliance with a requirement of this chapter created by regulations pursuant to](#)
13 [§ 23-23-32. No suspension shall be entered deferring compliance for any rule or regulation for an](#)
14 [industrial facility located within the area specified in § 23-23-32\(a\).](#)

15 (b) In determining under what conditions and to what extent the variance may be granted,
16 the director shall give due recognition to the progress which the person requesting the variance
17 shall have made in eliminating or preventing air pollution. In this case, the director shall consider
18 the reasonableness of granting a variance conditioned on the person's effecting a partial abatement
19 of the pollution or a progressive abatement of the pollution or any other circumstances that the
20 director may deem reasonable. No variance shall be granted to any person applying for it who is
21 causing air pollution which creates a danger to public health or safety.

22 (c) Any variance granted under this chapter shall be granted for any period of time, not
23 exceeding one year, as the director shall specify, but any variance may be continued from year to
24 year. No variance shall be construed as to relieve the person receiving it from any liability imposed
25 by law for the commission or maintenance of a nuisance nor shall there be any appeal from a denial
26 of a variance.

27 (d) Notwithstanding the limitations of this section, the director may, upon application, defer
28 compliance with the whole or any part of this chapter or of any rule or regulation promulgated
29 under this chapter where compliance is not possible because of breakdowns or malfunctions of
30 equipment, acts of God, or other unavoidable casualties; provided, that this order shall not defer
31 compliance for more than three (3) months.

32 SECTION 4. Sections 46-12-1 and 46-12-3 of the General Laws in Chapter 46-12 entitled
33 "Water Pollution" are hereby amended to read as follows:

34 **46-12-1. Definitions.**

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

3 (1) "Boat" means any vessel or water craft whether moved by oars, paddles, sails, or other
4 power mechanism, inboard or outboard, or any other vessel or structure floating upon the water
5 whether or not capable of self locomotion, including house boats, barges, and similar floating
6 objects.

7 (2) "Chemical manufacturing plant" means a facility that produces or processes chemicals
8 for wholesale or retail distribution.

9 (3) "Chemical storage facility" means a facility that stores chemicals which are intended
10 for wholesale or retail distribution.

11 ~~(2)~~(4) "Clean Water Act" refers to the federal law enacted under 33 U.S.C. § 1251 et seq.,
12 and all amendments thereto.

13 ~~(3)~~(5)(i) "Director" means the director of the department of environmental management or
14 any subordinate or subordinates to whom the director has delegated the powers and duties vested
15 in him or her by this chapter.

16 (ii) Wherever reference is made in this chapter to any order of the director and the order
17 shall have been modified by the court, the order referred to shall be taken to be the order of the
18 director as so modified.

19 ~~(4)~~(6) "Discharge" means the addition of any pollutant to the waters from any point source.

20 ~~(5)~~(7) "Effluent limitation" means any restriction or prohibitions, established in accord
21 with the provisions of this chapter or under the federal Clean Water Act, 33 U.S.C. § 1251 et seq.,
22 on quantities, rates, and concentrations of chemical, physical, biological, radiological, and other
23 constituents which are discharged into the waters.

24 ~~(24)~~(8) "Eutrophication" means a reduction of dissolved oxygen from excessive plant
25 growth, chiefly algae, typically as an effect of increased nutrient loadings, to levels that impair the
26 viability of other aquatic life.

27 ~~(6)~~(9) "Fecal coliform bacteria" means organisms within the intestines of warm blooded
28 animals that indicate the presence of fecal material, and the potential presence of organisms capable
29 of causing disease in humans.

30 (10) "Fossil fuel" means fuel composed of or derived from coal, petroleum, oil, natural gas,
31 oil shales, bitumens, or tar sands.

32 (11) "Fossil fuel storage facility" means a facility that stores fossil fuel for wholesale
33 distribution.

34 ~~(7)~~(12) "Groundwaters" includes all underground waters of whatever nature.

1 ~~(8)~~(13) "Marine Sanitation Device-Type I" means a marine toilet which, under prescribed
2 test conditions, will produce an effluent that will not exceed a fecal coliform bacteria count of one
3 thousand (1,000) parts per one hundred (100) milliliters and have no visible solids.

4 ~~(9)~~(14) "Marine Sanitation Device-Type II" means a marine toilet which, under prescribed
5 test conditions will produce an effluent that does not exceed a fecal coliform bacteria count of two
6 hundred (200) parts per one hundred (100) milliliters, and have suspended solids not greater than
7 one hundred and fifty (150) milligrams per liter.

8 ~~(10)~~(15) "Marine Sanitation Device-Type III" means a marine toilet which is designed to
9 prevent the discharge from the boat of any treated or untreated sewage, or any waste derived from
10 sewage.

11 ~~(11)~~(16) "Marine toilet" means any toilet on or within any boat as that term is defined
12 herein.

13 ~~(12)~~(17) "No discharge zone" means an environmentally sensitive area of the waters of the
14 state which has been declared by the department of environmental management pursuant to the
15 Clean Water Act, 33 U.S.C. § 1251 et seq., to be an area in which any discharge of sewage is
16 prohibited.

17 ~~(25)~~(18) "Nutrient" means organic materials and chemicals, including especially nitrogen
18 and phosphorous and their compounds, that are biologically reactive and necessary for life.

19 ~~(13)~~(19) "Person" includes an individual, trust, firm, joint stock company, corporation
20 (including a quasi government corporation) partnership, association, syndicate, municipality,
21 municipal or state agency, fire district, club, nonprofit agency, or any subdivision, commission,
22 department, bureau, agency, or department of state or federal government (including any quasi
23 government corporation) or of any interstate body.

24 ~~(14)~~(20) "Point source" means any discernible, confined, and discrete conveyance,
25 including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure,
26 container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft
27 from which pollutants are or may be discharged. This term does not include return flows from
28 irrigated agriculture.

29 ~~(15)~~(21) "Pollutant" means any material or effluent which may alter the chemical, physical,
30 biological, or radiological characteristics and/or integrity of water, including, but not limited to,
31 dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions,
32 chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment,
33 cellar dirt or industrial, municipal, agricultural, or other waste petroleum or petroleum products,
34 including but not limited to oil.

1 ~~(16)~~(22) "Polluting" means the causing of pollution.

2 ~~(17)~~(23) "Pollution" means the man made or man induced alteration of the chemical,
3 physical, biological, and radiological integrity of water.

4 ~~(18)~~(24) "Publicly owned treatment works" means any facility for the treatment of
5 pollutants owned by the state or any political subdivision thereof, municipality, or other public
6 entity, including any quasi government corporation.

7 ~~(19)~~(25) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying,
8 injecting, escaping, leaching, dumping, or disposing of any pollutant into a surface water or
9 wetland, or onto or below the land surface.

10 ~~(20)~~(26) "Schedule of compliance" means a schedule of remedial measures including an
11 enforceable sequence of actions, or operations, leading to compliance with an effluent limitation or
12 any other limitation, prohibition, or standard.

13 ~~(21)~~(27) "Sewage" means fecal material and human waste, or wastes from toilets and other
14 receptacles intended to receive or retain body waste, and any wastes, including wastes from human
15 households, commercial establishments, and industries, and storm water runoff, that are discharged
16 to or otherwise enter a publicly owned treatment works.

17 ~~(22)~~(28) "Underground storage tank" means any one or combination of tanks (including
18 underground pipes connected thereto) which is used to contain an accumulation of petroleum
19 product or hazardous materials, and the volume of which (including the volume of the underground
20 pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground.

21 ~~(23)~~(29) "Waters" includes all surface waters including all waters of the territorial sea,
22 tidewaters, all inland waters of any river, stream, brook, pond, or lake, and wetlands, as well as all
23 groundwaters.

24 (27) "Polluting facility" means:

25 (i) An electric power plant that produces electricity by combusting any fossil fuel;

26 (ii) A waste storage facility;

27 (iii) A toxic material storage facility;

28 (iv) A fossil fuel storage facility, excluding gas stations which sell gas only at the retail
29 level for use in automobiles and excluding sites that store fossil fuels that are used exclusively for
30 transporting goods or other items into the port of Providence or out of the port of Providence;

31 (v) A fossil fuel production facility;

32 (vi) A fossil fuel refinery;

33 (vii) A chemical manufacturing plant;

34 (viii) A chemical storage facility;

- 1 (ix) A commercial manufacturing facility;
2 (x) A scrap metal storage facility;
3 (xi) A scrap metal processing facility;
4 (xii) A cement, concrete, or asphalt storage facility;
5 (xiii) A cement, concrete, or asphalt processing facility;
6 (xiv) A cement, concrete, or asphalt production facility;
7 (xv) An incinerator, including, but not limited to, a medical waste incinerator;
8 (xvi) A resource recovery facility;
9 (xvii) A combustor;
10 (xviii) A transfer station or other solid waste facility;
11 (xix) A landfill, including, but not limited to, a landfill that accepts ash, construction debris,
12 demolition debris, or solid waste;
13 (xx) A scrap metal recycling facility capable of receiving five (5) tons or more of recyclable
14 material per day; or
15 (xxi) A wood recycling facility capable of receiving five (5) tons or more of recyclable
16 material per day.

17 **46-12-3. Powers and duties of the director.**

18 In addition to the other powers granted the director of the department of environmental
19 management herein, the director shall have and may exercise the following powers and duties:

20 (1) To exercise general supervision of the administration and enforcement of this chapter,
21 and all rules and regulations and orders promulgated hereunder;

22 (2) To develop comprehensive programs for the prevention, control, and abatement of new
23 or existing pollution of the waters of this state;

24 (3) To advise, consult, and cooperate with other agencies of the state, the federal
25 government, other states, and interstate agencies and with affected groups, political subdivisions,
26 and industries in the furtherance of the purposes of this chapter;

27 (4) To accept and administer loans and grants from the federal government and from other
28 sources, public or private, for the carrying out of any of its functions, which loans and grants shall
29 not be expended for other than the purposes for which provided;

30 (5) To encourage, participate in, or conduct studies, investigations, research, and
31 demonstrations relating to water pollution and its causes, prevention, control, and abatement
32 thereof, as he or she may deem advisable and necessary for the discharge of his or her duties under
33 this chapter;

34 (6) To collect and disseminate information relating to water pollution and the prevention,

1 control, and abatement thereof;

2 (7) Except as otherwise provided in subdivision (24) below, to promulgate standards of
3 water quality and to classify the waters of the state accordingly;

4 (8) To administer state grants to municipalities and political subdivisions for the
5 construction of sewage treatment works;

6 (9) To hold hearings, to issue notices of hearings and subpoenas requiring the attendance
7 of witnesses and the production of evidence, and to administer oaths and to take testimony, that he
8 or she may deem necessary;

9 (10) To approve, ~~pursuant to standards adopted by the environmental standards board,~~ the
10 construction, modification, and operation of discharge systems or any parts thereof, and to require
11 the prior submission of plans, specifications, and other data relative to discharge systems and to
12 require that the plans, specifications, or other data be certified by a professional engineer registered
13 in Rhode Island, and to inspect the systems either under construction or in operation;

14 (11) To issue a permit for the discharge of any pollutant or combination of pollutants or to
15 issue a general permit authorizing a category of discharges within a geographical area upon
16 conditions as may be necessary to carry out the purposes of this chapter and of the Clean Water
17 Act, 33 U.S.C. § 1251 et seq., which may include, but not be limited to, providing for specific
18 effluent limitations and levels of treatment technology, monitoring, recording, and reporting
19 standards, or to deny a permit or general permit;

20 (12) To renew, revoke, modify, or suspend in whole or in part any permit, order, or
21 schedule of compliance pursuant to the provisions of this chapter, and any rules and regulations
22 promulgated thereunder;

23 (13) To approve the discharge of pollutants into the waters of this state pursuant to all
24 applicable standards;

25 (14) To require publicly owned treatment works to adopt and implement requirements
26 regarding the pretreatment of pollutants consistent with existing federal requirements, and to
27 require compliance by all persons with pretreatment requirements;

28 (15) To issue such orders as may be necessary to prevent the unauthorized construction,
29 modification, or operation of discharge systems and the discharge of pollutants into the waters of
30 this state;

31 (16) To require proper maintenance and operation of discharge systems;

32 (17) To consult the advisory council on environmental affairs on the policies and plans for
33 the control and abatement of pollution;

34 (18) To make, issue, amend, and revoke reasonable rules and regulations for the prevention,

1 control, and abatement of pollution and the enforcement of orders issued hereunder, including
2 public notice and comment requirements. [Such rules and regulations need not be uniform](#)
3 [throughout the state;](#)

4 (19) To exercise all incidental powers necessary to carry out the purposes of this chapter;

5 (20) To approve the operation of treatment facilities, pursuant to the provisions of chapters
6 3, 11, and 18 of title 44;

7 (21) To promulgate and enforce rules and regulations to govern the location, design,
8 construction, maintenance, and operation of underground storage facilities used for storing
9 petroleum products or hazardous materials to prevent, abate, and remedy the discharge of petroleum
10 products and hazardous materials into the waters of the state; provided that all underground storage
11 tanks and associated piping installed after September 1, 1991, shall provide for secondary
12 containment in a manner approved by the director; and provided, that single-walled tanks and/or
13 piping installed prior to May 8, 1985, shall be permitted to remain in use until December 22, 2017,
14 and single-walled tanks and/or piping installed between May 8, 1985, and July 20, 1992, shall be
15 permitted to remain in use for thirty-two (32) years from the date of installation if the
16 owner/operator of the single-walled tank or piping performs an annual facility compliance
17 inspection to ensure structural integrity; and provided, further, that the installation of underground
18 storage tanks is prohibited at sites located within wellhead protection areas for community water
19 supply wells as designated by the director and consistent with chapter 13.1 of this title. This
20 prohibition shall not apply to the replacement or upgrading of existing underground storage tanks
21 installed prior to July 1, 1991, provided that such activity take place in accordance with all
22 applicable state and federal regulations. The department of environmental management shall by
23 January 1, 2011, develop recommendations for phasing out the stage II vapor recovery program
24 with the required removal of single-walled underground storage tanks in order to achieve the
25 objectives of both program efforts in a cost effective and efficient manner. The department of
26 environmental management shall report its findings to the chair of the house committee on
27 environment and natural resources and to the chair of the senate committee on environment and
28 agriculture on or before January 1, 2011;

29 (22) To promulgate and enforce rules and regulations to govern the installation,
30 construction, operation, and abandonment of monitoring wells;

31 (23) To promulgate and enforce rules and regulations to govern the location, design,
32 installation, operation and maintenance of subsurface disposal systems which receive the discharge
33 of pollutants and of subsurface containment systems, including underground storage tanks, used to
34 contain or control the discharge of pollutants below the ground surface.

1 (24) In connection with the dredging and transportation and disposal of dredge material, to
2 promulgate and adopt water quality standards that conform with the federal Environmental
3 Protection Agency's applicable water quality rules and regulations and guidelines, including, but
4 not limited to, the federal Environmental Protection Agency's rules and regulations and guidelines
5 for deviating from said standards. The department of environmental management shall also apply
6 the applicable standards and guidelines and adopt the procedures as set forth in the manual
7 identified as "Evaluation of Dredge Material for Purpose of Ocean Disposal. Testing Manual Put
8 Together by EPA and Army Corps of Engineers in February, 1991" and any amendments or
9 supplements or successor manuals thereto to the extent that the same are relevant to dredging,
10 transportation and/or disposal of dredge materials in tidal waters or any documents or manuals
11 approved by the federal Environmental Protection Agency relating to dredging, transportation
12 and/or disposal of dredge materials; and

13 (25) To prepare and to submit to the governor, the speaker of the house, the president of
14 the senate, the chairperson of the house committee on environment and natural resources and the
15 chairperson of the senate committee on environment and agriculture, not later than February 1,
16 2005, a plan, including an implementation program with cost estimates, recommended sources of
17 funding, measurable goals, objectives, and targets and limitations for nutrient introduction into the
18 waters of the state, for the purposes of: (i) managing nutrient loadings and the effects of nutrients
19 in the waters of the state; and (ii) preventing and eliminating conditions of eutrophication.

20 SECTION 5. Section 42-16.1-2 of the General Laws in Chapter 42-16.1 entitled
21 "Department of Labor and Training" is hereby amended to read as follows:

22 **42-16.1-2. Functions of director.**

23 The director of labor and training shall:

24 (1) Have all the powers and duties formerly vested by law in the director of labor with
25 regard to factory inspectors and steam boiler inspectors, and such other duties as may be by law
26 conferred upon the department;

27 (2) Administer the labor laws of this state concerning women and children and be
28 responsible for satisfactory working conditions of women and children employed in industry in this
29 state by a division in the department which shall be known as the division of labor standards;

30 (3) Administer the act relating to state wage payment and wage collection;

31 (4) Have all of the powers and duties formerly vested in the director of the department of
32 labor and administer those responsibilities set forth in chapters 29 -- 38, inclusive, of title 28;

33 (5) Have all the powers and duties formerly vested by law in the director of employment
34 and training and administer those responsibilities set forth in chapters 39 -- 44, inclusive, of title

1 28 and chapter 102 of title 42.

2 (6) Provide to the department of administration any information, records or documents they
3 certify as necessary to investigate suspected misclassification of employee status, wage and hour
4 violations, or prevailing wage violations subject to their jurisdiction, even if deemed confidential
5 under applicable law, provided that the confidentiality of such materials shall be maintained, to the
6 extent required of the releasing department by any federal or state law or regulation, by all state
7 departments to which the materials are released and no such information shall be publicly disclosed,
8 except to the extent necessary for the requesting department or agency to adjudicate a violation of
9 applicable law. The certification must include a representation that there is probable cause to
10 believe that a violation has occurred. State departments sharing this information or materials may
11 enter into written agreements via memorandums of understanding to ensure the safeguarding of
12 such released information or materials.

13 (7) Have the power to enter contracts, hire employees, hire contractors, promulgate rules
14 and regulations, levy fines, adjudicate administrative cases, or take any other lawful action in order
15 to administer the just transition program, pursuant to § 42-16.1-21.

16 SECTION 6. Chapter 23-23 of the General Laws entitled "Air Pollution" is hereby
17 amended by adding thereto the following sections:

18 **23-23-32. Specific air contaminant regulations.**

19 (a) No later than the first day of November in the calendar year of 2023, the director shall
20 adopt regulations that shall apply only to polluting facilities in the area composed of the following
21 census block groups from the 2010 census:

22 (1) Census Tract 1.01, Block Group 1, Providence County, Rhode Island;

23 (2) Census Tract 1.01, Block Group 2, Providence County, Rhode Island;

24 (3) Census Tract 1.01, Block Group 3, Providence County, Rhode Island;

25 (4) Census Tract 1.01, Block Group 4, Providence County, Rhode Island;

26 (5) Census Tract 1.02, Block Group 1, Providence County, Rhode Island;

27 (6) Census Tract 1.02, Block Group 2, Providence County, Rhode Island;

28 (7) Census Tract 1.02, Block Group 3, Providence County, Rhode Island;

29 (8) Census Tract 4, Block Group 1, Providence County, Rhode Island;

30 (9) Census Tract 4, Block Group 2, Providence County, Rhode Island;

31 (10) Census Tract 4, Block Group 3, Providence County, Rhode Island;

32 (11) Census Tract 4, Block Group 4, Providence County, Rhode Island;

33 (12) Census Tract 5, Block Group 1, Providence County, Rhode Island;

34 (13) Census Tract 5, Block Group 2, Providence County, Rhode Island;

- 1 [\(14\) Census Tract 5, Block Group 3, Providence County, Rhode Island;](#)
2 [\(15\) Census Tract 6, Block Group 1, Providence County, Rhode Island;](#)
3 [\(16\) Census Tract 6, Block Group 2, Providence County, Rhode Island;](#)
4 [\(17\) Census Tract 7, Block Group 1, Providence County, Rhode Island;](#)
5 [\(18\) Census Tract 7, Block Group 2, Providence County, Rhode Island; and](#)
6 [\(19\) Census Tract 7, Block Group 3, Providence County, Rhode Island.](#)

7 [\(b\) The regulations created by the director under § 23-23-32\(a\), shall prohibit all industrial](#)
8 [facilities within the area specified in § 23-23-32\(a\) from emitting more than one pound \(1 lb.\) per](#)
9 [year of any of the following air pollutants:](#)

10 [\(1\) Carbon monoxide;](#)

11 [\(2\) Nitrogen dioxide;](#)

12 [\(3\) Sulfur dioxide;](#)

13 [\(4\) Lead;](#)

14 [\(5\) Particulate matter with an aerodynamic diameter less than or equal to a nominal ten](#)
15 [\(10\) micrometers, as measured by a method used by the administrator of the U.S. environmental](#)
16 [protection agency, to measure the size of particulate matter, pursuant to 42 U.S. Code § 7602;](#)

17 [\(6\) Any air pollutant defined by the administrator of the U.S. environmental protection](#)
18 [agency as a "volatile organic compound" pursuant to 42. U.S. Code § 7412; and](#)

19 [\(7\) Any air pollutant categorized by the administrator of the U.S. Environmental Protection](#)
20 [Agency as a "hazardous air pollutant" pursuant to 42. U.S. Code § 7412.](#)

21 [\(c\) The director shall, as appropriate, amend or revoke any licenses or permits previously](#)
22 [provided to any industrial facilities to ensure that such facilities are in compliance with the emission](#)
23 [limits specified in this section and any regulations promulgated thereunder.](#)

24 [\(d\) The director shall, as appropriate, amend Rhode Island's state implementation plan,](#)
25 [under the federal Clean Air Act, 42 U.S. Code § 7401 et seq., to reflect and incorporate the emission](#)
26 [limits specified in this section and any regulations promulgated thereunder.](#)

27 **23-23-33. Severability.**

28 [\(a\) If any provision of this chapter is held invalid, the remainder of this chapter shall not](#)
29 [be affected thereby.](#)

30 [\(b\) If the application of any provision of this chapter to any person or circumstance is held](#)
31 [invalid, the application of such provision to other persons or circumstances shall not be affected](#)
32 [thereby.](#)

33 SECTION 7. Chapter 42-16.1 of the General Laws entitled "Department of Labor and
34 Training" is hereby amended by adding thereto the following sections:

1 **42-16.1-20. Definitions.**

2 (a) For the purposes of § 42-16.1-21, "chemical manufacturing plant" means a facility that
3 produces or processes chemicals for wholesale or retail distribution.

4 (b) For the purposes of § 42-16.1-21, "chemical storage facility" means a facility that stores
5 chemicals which are intended for wholesale or retail distribution.

6 (c) For the purposes of § 42-16.1-21, "enrollee" means a just transition worker who is
7 enrolled in the just transition program.

8 (d) For the purposes of § 42-16.1-21, "fossil fuel" means fuel composed of or derived from
9 coal, petroleum, oil, natural gas, oil shales, bitumens, or tar sands.

10 (e) For the purposes of § 42-16.1-21, "fossil fuel storage facility" means a facility that
11 stores fossil fuel for wholesale distribution.

12 (f) For the purposes of § 42-16.1-21, "just transition salary" means the just transition salary
13 received by enrollees, pursuant to § 42-16.1-21(i).

14 (g) For the purposes of § 42-16.1-21, "just transition worker" means:

15 (1) Any worker who is employed to work at, in, or with an industrial facility within the just
16 transition program zone for at least eight (8) hours per week, as determined by the director; and

17 (2) Any worker who was formerly employed to work at, in, or with an industrial facility,
18 within the just transition program zone, for at least eight (8) hours per week, as determined by the
19 director, and who lost their job after the enactment of this section.

20 (h) For the purposes of § 42-16.1-21, "Just Transition Program Zone" means the geographic
21 area composed of the following census block groups from the 2010 census:

22 (1) Census Tract 1.01, Block Group 1, Providence County, Rhode Island;

23 (2) Census Tract 1.01, Block Group 2, Providence County, Rhode Island;

24 (3) Census Tract 1.01, Block Group 3, Providence County, Rhode Island;

25 (4) Census Tract 1.01, Block Group 4, Providence County, Rhode Island;

26 (5) Census Tract 1.02, Block Group 1, Providence County, Rhode Island;

27 (6) Census Tract 1.02, Block Group 2, Providence County, Rhode Island;

28 (7) Census Tract 1.02, Block Group 3, Providence County, Rhode Island;

29 (8) Census Tract 4, Block Group 1, Providence County, Rhode Island;

30 (9) Census Tract 4, Block Group 2, Providence County, Rhode Island;

31 (10) Census Tract 4, Block Group 3, Providence County, Rhode Island;

32 (11) Census Tract 4, Block Group 4, Providence County, Rhode Island;

33 (12) Census Tract 5, Block Group 1, Providence County, Rhode Island;

34 (13) Census Tract 5, Block Group 2, Providence County, Rhode Island;

- 1 [\(14\) Census Tract 5, Block Group 3, Providence County, Rhode Island;](#)
2 [\(15\) Census Tract 6, Block Group 1, Providence County, Rhode Island;](#)
3 [\(16\) Census Tract 6, Block Group 2, Providence County, Rhode Island;](#)
4 [\(17\) Census Tract 7, Block Group 1, Providence County, Rhode Island;](#)
5 [\(18\) Census Tract 7, Block Group 2, Providence County, Rhode Island; and](#)
6 [\(19\) Census Tract 7, Block Group 3, Providence County, Rhode Island.](#)
- 7 [\(i\) For the purposes of § 42-16.1-21, "polluting facilities" means:](#)
- 8 [\(1\) An electric power plant that produces electricity by combusting any fossil fuel;](#)
9 [\(2\) A waste storage facility;](#)
10 [\(3\) A toxic material storage facility;](#)
11 [\(4\) A fossil fuel storage facility, excluding gas stations which sell gas only at the retail](#)
12 [level for use in automobiles and excluding sites that store fossil fuels that are used exclusively for](#)
13 [transporting goods or other items into the port of Providence or out of the port of Providence;](#)
14 [\(5\) A fossil fuel production facility;](#)
15 [\(6\) A fossil fuel refinery;](#)
16 [\(7\) A chemical manufacturing plant;](#)
17 [\(8\) A chemical storage facility;](#)
18 [\(9\) A commercial manufacturing facility;](#)
19 [\(10\) A scrap metal storage facility;](#)
20 [\(11\) A scrap metal processing facility;](#)
21 [\(12\) A cement, concrete, or asphalt storage facility;](#)
22 [\(13\) A cement, concrete, or asphalt processing facility;](#)
23 [\(14\) A cement, concrete, or asphalt production facility;](#)
24 [\(15\) An incinerator, including, but not limited to, a medical waste incinerator;](#)
25 [\(16\) A resource recovery facility;](#)
26 [\(17\) A combustor;](#)
27 [\(18\) A transfer station or other solid waste facility;](#)
28 [\(19\) A landfill including, but not limited to, a landfill that accepts ash, construction debris,](#)
29 [demolition debris, or solid waste;](#)
30 [\(20\) A scrap metal recycling facility capable of receiving five \(5\) tons or more of recyclable](#)
31 [material per day; or](#)
32 [\(21\) A wood recycling facility capable of receiving five \(5\) tons or more of recyclable](#)
33 [material per day.](#)
- 34 **42-16.1-21. Just transition unit established.**

1 (a) There shall be within the department of labor and training a "just transition unit."
2 (b) The just transition unit shall establish the just transition program.
3 (c) The purposes of the just transition program shall be to:
4 (1) Organize, coordinate, and finance job retraining for just transition workers, in order to
5 equip them with the skills necessary to obtain high-paying jobs in environmentally sustainable
6 industries; and
7 (2) Compensate just transition workers for participating in job retraining programs and
8 provide them with a just transition salary while they search for a new job.
9 (d) All just transition workers shall be eligible to enroll in the just transition program.
10 (e) All enrollees shall be offered job training. The department of labor and training shall
11 pay for the full and complete cost of the job training they receive under the just transition program,
12 and enrollees shall not be charged for any portion of the training.
13 (f) All job training offered to a just transition worker under the just transition program shall
14 be designed to:
15 (1) Qualify a just transition worker for a job that provides, at least, a comparable salary and
16 comparable benefits to the job they previously held working at, in, or with an industrial facility
17 within the just transition program zone, as determined by the director;
18 (2) Qualify a just transition worker for employment in an environmentally sustainable
19 industry, as determined by the director; and
20 (3) Accommodate, to the greatest extent practical, the preferences of each just transition
21 worker with regard to the types of jobs for which they would like to be trained.
22 (g) All enrollees shall be enrolled in the just transition program from the date on which
23 they enroll in the program until exactly two (2) years from the date on which their employment at,
24 in, or with an industrial facility in the just transition program zone terminates.
25 (h) The just transition unit shall provide a just transition salary to all enrollees from the
26 date on which their employment at, in, or with an industrial facility in the just transition program
27 zone terminates until exactly two (2) years from that date, or until the date on which they begin
28 receiving another full-time salary from a job that is not at, in, or with an industrial facility in the
29 just transition program zone, whichever is earlier. The just transition salary shall consist of a
30 monthly payment equal to one twelfth (1/12) of the highest annual salary that the worker received
31 from any job working at, in, or with an industrial facility in the just transition program zone within
32 the period between the enactment of this chapter and when they lost that job, as determined by the
33 director. Job apprenticeships shall not be considered "employment" under the terms of this
34 subsection, nor shall a worker be unenrolled from the program because they are participating in a

1 [job apprenticeship program.](#)

2 **42-16.1-22. Severability.**

3 [\(a\) If any provision of this chapter is held invalid, the remainder of this chapter shall not](#)
4 [be affected thereby.](#)

5 [\(b\) If the application of any provision of this chapter to any person or circumstance is held](#)
6 [invalid, the application of such provision to other persons or circumstances shall not be affected](#)
7 [thereby.](#)

8 SECTION 8. Chapter 46-12 of the General Laws entitled "Water Pollution" is hereby
9 amended by adding thereto the following sections:

10 **46-12-42. Specific water pollution regulations.**

11 [\(a\) No later than the first day of November in the calendar year of 2023, the director shall](#)
12 [adopt regulations that shall apply only to polluting facilities in the area composed of the following](#)
13 [census block groups from the 2010 census:](#)

14 [\(1\) Census Tract 1.01, Block Group 1, Providence County, Rhode Island;](#)

15 [\(2\) Census Tract 1.01, Block Group 2, Providence County, Rhode Island;](#)

16 [\(3\) Census Tract 1.01, Block Group 3, Providence County, Rhode Island;](#)

17 [\(4\) Census Tract 1.01, Block Group 4, Providence County, Rhode Island;](#)

18 [\(5\) Census Tract 1.02, Block Group 1, Providence County, Rhode Island;](#)

19 [\(6\) Census Tract 1.02, Block Group 2, Providence County, Rhode Island;](#)

20 [\(7\) Census Tract 1.02, Block Group 3, Providence County, Rhode Island;](#)

21 [\(8\) Census Tract 4, Block Group 1, Providence County, Rhode Island;](#)

22 [\(9\) Census Tract 4, Block Group 2, Providence County, Rhode Island;](#)

23 [\(10\) Census Tract 4, Block Group 3, Providence County, Rhode Island;](#)

24 [\(11\) Census Tract 4, Block Group 4, Providence County, Rhode Island;](#)

25 [\(12\) Census Tract 5, Block Group 1, Providence County, Rhode Island;](#)

26 [\(13\) Census Tract 5, Block Group 2, Providence County, Rhode Island;](#)

27 [\(14\) Census Tract 5, Block Group 3, Providence County, Rhode Island;](#)

28 [\(15\) Census Tract 6, Block Group 1, Providence County, Rhode Island;](#)

29 [\(16\) Census Tract 6, Block Group 2, Providence County, Rhode Island;](#)

30 [\(17\) Census Tract 7, Block Group 1, Providence County, Rhode Island;](#)

31 [\(18\) Census Tract 7, Block Group 2, Providence County, Rhode Island; and](#)

32 [\(19\) Census Tract 7, Block Group 3, Providence County, Rhode Island.](#)

33 [\(b\) The regulations promulgated by the director under § 26-12-42\(a\), shall prohibit all](#)
34 [industrial facilities, within the area specified in § 26-12-42\(a\), from discharging more than one](#)

- 1 [microgram per year of any of the following pollutants into the waters of the State of Rhode Island:](#)
- 2 [\(1\) Acenaphthene;](#)
 - 3 [\(2\) Acetone;](#)
 - 4 [\(3\) Acrolein;](#)
 - 5 [\(4\) Acrylonitrile;](#)
 - 6 [\(5\) Aldrin;](#)
 - 7 [\(6\) Aluminum;](#)
 - 8 [\(7\) Ammonia;](#)
 - 9 [\(8\) Antimony;](#)
 - 10 [\(9\) Arsenic;](#)
 - 11 [\(10\) Asbestos;](#)
 - 12 [\(11\) Benzene;](#)
 - 13 [\(12\) Benzidine;](#)
 - 14 [\(13\) Beryllium;](#)
 - 15 [\(14\) Butanone;](#)
 - 16 [\(15\) Cadmium;](#)
 - 17 [\(16\) Carbon disulfide;](#)
 - 18 [\(17\) Carbon tetrachloride;](#)
 - 19 [\(18\) Chlordane;](#)
 - 20 [\(19\) Chlorine;](#)
 - 21 [\(20\) Chloroform;](#)
 - 22 [\(21\) Chloromethane;](#)
 - 23 [\(22\) Chromium](#)
 - 24 [\(23\) Copper;](#)
 - 25 [\(24\) Cyanide;](#)
 - 26 [\(25\) Dichloroethane;](#)
 - 27 [\(26\) Dieldrin;](#)
 - 28 [\(27\) Endosulfan;](#)
 - 29 [\(28\) Endrin;](#)
 - 30 [\(29\) Enterococcus Bacteria;](#)
 - 31 [\(30\) Escherichia Coli;](#)
 - 32 [\(31\) Ethanol;](#)
 - 33 [\(32\) Ethylbenzene;](#)
 - 34 [\(33\) Fluoranthene;](#)

- 1 [\(34\) Hexachlorobutadiene;](#)
- 2 [\(35\) Hexachlorocyclopentadiene;](#)
- 3 [\(36\) Iron;](#)
- 4 [\(37\) Isophorone;](#)
- 5 [\(38\) Isopropyltoluene;](#)
- 6 [\(39\) Lead;](#)
- 7 [\(40\) Mercury;](#)
- 8 [\(41\) Methyl tert-butyl ether;](#)
- 9 [\(42\) Nickel;](#)
- 10 [\(43\) Nitrobenzene;](#)
- 11 [\(44\) Pentachlorophenol;](#)
- 12 [\(45\) Phenol;](#)
- 13 [\(46\) Phosphorous;](#)
- 14 [\(47\) Polychlorinated biphenyls;](#)
- 15 [\(48\) Selenium;](#)
- 16 [\(49\) Silver;](#)
- 17 [\(50\) Tetrachloroethylene;](#)
- 18 [\(51\) Thallium;](#)
- 19 [\(52\) Toluene;](#)
- 20 [\(53\) Toxaphene;](#)
- 21 [\(54\) Trichlorobenzene;](#)
- 22 [\(55\) Trichloroethane;](#)
- 23 [\(56\) Trichloroethylene;](#)
- 24 [\(57\) Trimethylbenzene;](#)
- 25 [\(58\) Vinyl chloride;](#)
- 26 [\(59\) Zinc;](#)
- 27 [\(60\) Any compound that is a type of petroleum hydrocarbon;](#)
- 28 [\(61\) Any compound that is a type of polynuclear aromatic hydrocarbon;](#)
- 29 [\(62\) Any compound that is a type of chloroalkyl ether;](#)
- 30 [\(63\) Any compound that is a type of nitrophenols;](#)
- 31 [\(64\) Any compound that is a type of nitrosamines;](#)
- 32 [\(65\) Any compound that is a type of hexachlorocyclohexane;](#)
- 33 [\(66\) Any compound that is a type of phthalate or phthalate ester;](#)
- 34 [\(67\) Any compound that is a type of xylene; and](#)

1 (68) Any other compound classified by the administrator of the U.S. Environmental
2 Protection Agency as a "toxic pollutant" under 33 U.S. Code § 1317.

3 (c) The regulations promulgated by the director, under subsection (a) of this section, shall
4 prohibit all industrial facilities, within the area specified in subsection (a) of this section, from
5 discharging more than one milligram per year of any of the following pollutants into the waters of
6 the State of Rhode Island:

7 (1) Oil and grease, which shall have the same meaning as the meaning assigned them by
8 the administrator of the U.S. Environmental Protection Agency to the term "oil and grease" in
9 regulations promulgated under the federal water pollution control act, 33 U.S.C. 1251 et seq.;

10 (2) Total suspended solids, which shall have the same meaning as the meaning assigned
11 them by the administrator of the U.S. Environmental Protection Agency to the term "total
12 suspended solids" in regulations promulgated under the federal water pollution control act, 33
13 U.S.C. 1251 et seq.; and

14 (3) Biochemical oxygen demand, which shall have the same meaning as the meaning
15 assigned them by the administrator of the U.S. Environmental Protection Agency to the term
16 "biochemical oxygen demand" in regulations promulgated under the federal water pollution control
17 act, 33 U.S.C. 1251 et seq.

18 (d) The regulations promulgated by the director under subsection (a) of this section, shall
19 prohibit all industrial facilities within the area specified in subsection (a) of this section, from
20 discharging more than one hundred (100) colony-forming units of fecal coliform per year into the
21 waters of the State of Rhode Island.

22 (e) The regulations promulgated by the director under subsection (a) of this section shall
23 prohibit all industrial facilities within the area specified in subsection (a) of this section from
24 discharging more than one hundred (100) colony-forming units of enterococci per year into the
25 waters of the State of Rhode Island.

26 (f) The director shall, as appropriate, amend or revoke any licenses or permits previously
27 provided to any industrial facilities, to ensure that such facilities are in compliance with the
28 pollution discharge limits specified in this section and any regulations promulgated thereunder.

29 (g) The director shall, as appropriate, amend Rhode Island's state implementation plan,
30 under the federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., to reflect and incorporate
31 the pollution discharge limits, specified in this section and any regulations promulgated thereunder.

32 **46-12-43. Severability.**

33 (a) If any provision of this chapter is held invalid, the remainder of this chapter shall not
34 be affected thereby.

1 (b) If the application of any provision of this chapter to any person or circumstance is held
2 invalid, the application of such provision to other persons or circumstances shall not be affected
3 thereby.

4 SECTION 9. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE GREEN JUSTICE ZONE
ACT

1 This act would create the "green justice zone act" and the "environmental justice act" and
2 would make amendments to several other areas of the general laws designed to create a system to
3 provide clean water and air to the state.

4 This act would take effect upon passage.

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