

2023 -- S 0505

LC001207

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HEALTH AND SAFETY-- REFUSE DISPOSAL

Introduced By: Senator Matthew L. LaMountain

Date Introduced: March 07, 2023

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (15) "Organic waste material" means the organic material portion of the solid waste stream,

1 including, but not limited to, food scraps, food processing residue, and soiled or unrecyclable paper
2 that has been separated from nonorganic material.

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

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

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

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

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

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

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

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

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

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

4 This act would take effect upon passage.

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