

2016 -- S 2526 SUBSTITUTE A

LC004847/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO HEALTH AND SAFETY

Introduced By: Senators Sosnowski, Coyne, Goldin, Walaska, and Lombardo

Date Introduced: February 25, 2016

Referred To: Senate Environment & Agriculture

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 24.13

4 HOUSEHOLD HAZARDOUS WASTE MANAGEMENT ACT

5 **23-24.13-1. Statement of policy.** -- Recognizing the ever increasing use of hard-to-  
6 dispose household hazardous material by the people of Rhode Island as well as the fundamental  
7 need for a healthful, clean, and beautiful environment; and further recognizing that the  
8 proliferation and accumulation of hard-to-dispose material throughout this state impairs this need  
9 and constitutes a public health hazard; and further recognizing the need to conserve energy and  
10 natural resources; and further recognizing that there is an imperative need to anticipate, plan for,  
11 and accomplish effective control, recovery, and recycling of hard-to-dispose material, there is  
12 hereby enacted this "hard-to-dispose material control and recycling" chapter.

13 **23-24.13-2. Declaration of purpose.** -- (a) The purpose of this chapter is to establish  
14 programs to aid in the monitoring, tracking, reuse, recycling, and proper disposal of hard-to-  
15 dispose materials and to respond to clean-up activities associated with hard-to-dispose material by  
16 delegating to the Rhode Island resource recovery corporation the authority to:

17 (1) Conduct a permanent and continuous program to control and remove hard-to-dispose  
18 materials generated within the state to the maximum practical extent possible;

19 (2) Recover and recycle waste materials related to hard-to-dispose material;

- 1           (3) Encourage waste reduction, recovery, and private recycling;  
2           (4) Increase public awareness of the need for recycling; and  
3           (5) To aid in the development of private and public sector facilities and programs for the

4 monitoring, tracking, recycling, reuse, reduction, and proper disposal of hard-to-dispose material.

5           (b) It is further the intent and purpose of this chapter to create jobs for employment in  
6 hard-to-dispose material cleanup and related activities and to encourage small, private recycling  
7 centers. This program shall include the compatible goal of recovery of recyclable material to  
8 conserve energy and natural resources wherever practicable. Every department of state  
9 government and all local governmental units and agencies shall cooperate with the Rhode Island  
10 resource recovery corporation in the administration and enforcement of this chapter. The intent of  
11 this chapter is to add to and to coordinate existing recycling hard-to-dispose material control and  
12 removal efforts, and to aid private and public efforts in the proper disposal, recycling, reuse, and  
13 reduction of hard-to-dispose material and not terminate or supplant those efforts.

14           **23-24.13-3. Definitions. --** As used in this chapter the following terms shall, where the  
15 context permits, be defined as follows:

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

19           (2) "Community collection program" means an event-based program designed and  
20 operated by the corporation to accept hard-to-dispose household material as defined in chapter  
21 15.1 of title 37, and for such a time as corporation finances allow.

22           (3) "Corporation" means the Rhode Island resource recovery corporation.

23           (4) "Director" means the director of the Rhode Island resource recovery corporation.

24           (5) "Generator" means any person, by site, who produces hazardous waste or imports  
25 hazardous waste from a foreign country, or whose act or process produces waste, or whose act  
26 first causes a hazardous waste to become subject to regulation.

27           (6) "Hard-to-dispose of household material" means and encompasses the following  
28 materials generated by households, including, but not limited to: petroleum-based or synthetic  
29 lubricating oils, lubricants in internal combustion engines; glycol-based antifreeze and organic  
30 solvents; pesticides and fertilizers; pool chemicals; and mercury containing thermostats,  
31 thermometers and auto switches. A petroleum-based or synthetic lubricating oil which is recycled  
32 and/or re-refined is not, nor shall it be considered, a hard-to-dispose material.

33           (6) "Hazardous waste" means such waste as defined in chapter 19.1 of title 23.

34           (8) "Household hazardous waste" means the waste that meets the definition of hazardous

1 waste and which is delivered from households. This definition does not include hazardous waste  
2 generated in households as part of a business, nor shall this definition extend to waste from hotels  
3 and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and to day-  
4 use recreational areas, except for that waste ordinarily left behind by a guest or other users of  
5 these institutions.

6 (9) "Organic solvents" means any compounds of carbon which are liquids at standard  
7 conditions, and which are used as solvers, viscosity reducers, diluents, thinners, reagents, or  
8 cleaning agents, (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides,  
9 metallic carbonates, and ammonium carbonate) and which are listed as hazardous waste pursuant  
10 to the state hazardous waste program pursuant to chapter 19.1, title 23.

11 (10) "Person" means any natural person, political subdivision, government agency, public  
12 or private corporation, partnership, joint venture, association, firm, individual proprietorship, or  
13 any other entity.

14 (11) "Program" means those activities of the corporation to encourage, manage, and fund  
15 hard-to-dispose material control and recycling, and to aid in the monitoring and tracking,  
16 reduction, recycling, and reuse of hard-to-dispose material control and recycling pursuant to this  
17 chapter.

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

20 (13) "Recycling" means any process in which discarded products may lose their original  
21 identity or form as they are transformed into new, usable or marketable materials.

22 **23-24.13-4. Prohibitions.** -- No person shall throw, drop, deposit, discard, or otherwise  
23 dispose of hard-to-dispose material upon any public property in the state or in the waters of this  
24 state or upon private property in this state owned by them except:

25 (1) When the property is designated by the state or by any of its agencies or political  
26 subdivisions for the disposal of hard-to-dispose material, and that person is authorized to use the  
27 property for that purpose; or

28 (2) Into a receptacle which has been provided by or authorized by the corporation.

29 **23-24.13-5. Revenue.** -- All assessments, fines, bail forfeitures, and other funds collected  
30 or received pursuant to this chapter shall be deposited as general revenues of the corporation and  
31 be allocated as directed in chapter 15.1 of title 37.

32 **23-24.13-6. Allocation of funds.** -- The corporation shall allocate and distribute money  
33 for the hard-to-dispose material program by way of grant to eligible persons for the following  
34 activities:

1           (1) Establishing educational programs and technical assistance programs to assist in the  
2 collection, marketing, recycling, reuse, reduction, and safe disposal of hazardous hard-to-dispose  
3 household material.

4           (2) Surveying, tracking, and monitoring hard-to-dispose household material.

5           (3) Establish or plan state owned and operated regional collection centers for hard-to-  
6 dispose household material.

7           (4) To supplement, not supplant, funds for the collection of used oil in the state's  
8 collection system.

9           **23-24.13-7. Duties of the corporation.** -- In addition to its other duties and  
10 responsibilities, the corporation shall:

11           (1) Serve as the coordinating agency between the various industry organizations seeking  
12 to aid in the hard-to-dispose material and recycling efforts;

13           (2) Recommend to the governing bodies of all local governments that they adopt  
14 ordinances consistent with the provisions of this chapter;

15           (3) Cooperate with all local governments to accomplish coordination of local hard-to-  
16 dispose household material and recycling efforts;

17           (4) Encourage, organize, and coordinate all voluntary local hard-to-dispose household  
18 material and recycling campaigns seeking to focus the attention of the public on the programs of  
19 this state to control and remove hard-to-dispose material, and to foster recycling;

20           (5) Investigate the availability of, and apply for funds available from any private or  
21 public source to be used in the program outlined in this chapter;

22           (6) Develop statewide programs to increase public awareness of and participation in  
23 recycling, and to encourage community recycling centers, public participation in recycling and  
24 research and development in the field of hard-to-dispose household material, and recycling,  
25 removal, and disposal of litter-related recycling materials;

26           (7) Publish a timetable for the establishment of the state owned and operated regional  
27 collection centers.

28           **23-24.13-8. Cooperation between industry and corporation.** – (a) To aid in the state  
29 hard-to-dispose material and recycling campaign, the corporation shall cooperate with the various  
30 industry organizations which are active in hard-to-dispose material and recycling efforts.

31           (b) With respect to specific products or product categories previously identified and  
32 defined in statute as part of a producer responsibility or product stewardship program the  
33 corporation shall work in conjunction with the industry product manufacturers responsible for the  
34 program or plan implementation and management as set forth in the respective chapters, and in

1 coordination with this chapter when applicable. The corporation shall also take into consideration  
2 any future product recycling, re-use, product stewardship or extended producer responsibility  
3 programs established in law and at the discretion of the corporation and after consultation with  
4 the department choose to coordinate such programs with this chapter.

5 **23-24.13-9. Cooperation between the department of environmental management and**  
6 **corporation. -- To aid in the state hard-to-dispose material and recycling campaign, the**  
7 **corporation shall cooperate with the department of environmental management and the**  
8 **corporation shall cooperate for the benefit of the campaign.**

9 **23-24.13-10. Generator status. -- For the purposes of this chapter, the corporation shall**  
10 **not be deemed to have generator status for any household hazardous waste or hard-to-dispose**  
11 **household material collected or otherwise managed in relation to duties executed as part of event-**  
12 **based programs operated and financed by the corporation. Household hazardous waste abandoned**  
13 **by residents at the corporation's facilities shall be considered material to be managed by the**  
14 **event-based program operated by the corporation.**

15 **23-24.13-11. Severability. -- If any provision of this chapter or its application to any**  
16 **person or circumstance is held invalid, the remainder of the chapter or the application of the**  
17 **provisions to other persons or circumstances is not affected.**

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

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

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- 1           This act would establish the Household Hazardous Waste Management Act to create a
- 2           comprehensive system for the disposal of hard-to-dispose hazardous household materials.
- 3           This act would take effect upon passage.

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