

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

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

Introduced By: Senators Mack, Mendes, Acosta, Quezada, Calkin, Anderson, Bell, Kallman, DiMario, and Valverde

Date Introduced: March 04, 2021

Referred To: Senate Judiciary

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 state has an affirmative duty to ensure that Rhode Islanders have clean air and clean
9 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 U.S. 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 U.S. 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 § 42-17.11-11.
- 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 storage facility" means a facility that stores fossil fuel for wholesale
23 distribution.
- 24 (13) "Green Justice Zone" means the special district encompassing the geographic area
25 specified in § 42-17.11-4.
- 26 (14) "Green Justice Zone permit" means the permit created in § 42-17.11-12.
- 27 (15) "Green Justice Zone permit applicant" means any corporation, business, firm,
28 partnership, or individual who has submitted a Green Justice Zone permit application.
- 29 (16) "Green Justice Zone permit application" means the application to receive a Green
30 Justice Zone permit, as described in § 42-17.11-13.
- 31 (17) "Industrial facility" means any land, any building or other improvement, and all real
32 and personal property which is designed to be used or routinely is used for industrial,
33 manufacturing, wholesale commercial product distribution, wholesale commercial product
34 transportation, wholesale commercial product storage, or wholesale commercial product

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

- 21 (i) An electric power plant that produces electricity by combusting any fossil fuel;
- 22 (ii) A waste storage facility;
- 23 (iii) A toxic material storage facility;
- 24 (iv) A fossil fuel storage facility, excluding gas stations which sell gas only at the retail
25 level for use in automobiles, and excluding facilities that store fossil fuels that are used exclusively
26 for transporting wholesale goods, including, but not limited to, into the Port of Providence and out
27 of the Port of Providence;
- 28 (v) A fossil fuel production facility;
- 29 (vi) A fossil fuel refinery;
- 30 (vii) A chemical manufacturing plant;
- 31 (viii) A chemical storage facility;
- 32 (ix) A commercial manufacturing facility;
- 33 (x) A scrap metal storage facility;
- 34 (xi) A scrap metal processing facility;

- 1 (xii) A cement, concrete, or asphalt storage facility;
- 2 (xiii) A cement, concrete, or asphalt processing facility;
- 3 (xiv) A cement, concrete, or asphalt production facility;
- 4 (xv) An incinerator, including, but not limited to, a medical waste incinerator;
- 5 (xvi) A resource recovery facility;
- 6 (xvii) A combustor;
- 7 (xviii) A transfer station or other solid waste facility;
- 8 (xiv) A landfill, including, but not limited to, a landfill that accepts ash, construction
- 9 debris, demolition debris, or solid waste; or
- 10 (xv) A recycling facility capable of receiving twenty (20) tons or more of recyclable
- 11 material per day.

12 (18) "Office of employee benefits" means the office of employee benefits of the state of
13 Rhode Island.

14 (19) "Selected environmental remediation project" means the item in the list of available
15 environmental remediation projects which received the most votes during the most recent
16 environmental justice referendum.

17 (20) "Treasurer" means the treasurer appointed by the board, as provided in § 42-17.11-11.

18 (21) "Zone resident" means any registered voter living within the Green Justice Zone.

19 **42-17.11-4. Establishment of the Green Justice Zone.**

20 (a) It is hereby created a special district to be known as the Green Justice Zone.

21 (b) The area encompassed by the following Census Block Groups from the 2010 census,
22 and no others, shall collectively constitute the Green Justice Zone:

- 23 (1) Census Tract 1.01, Block Group 1, Providence County, Rhode Island;
- 24 (2) Census Tract 1.01, Block Group 2, Providence County, Rhode Island;
- 25 (3) Census Tract 1.01, Block Group 3, Providence County, Rhode Island;
- 26 (4) Census Tract 1.01, Block Group 4, Providence County, Rhode Island;
- 27 (5) Census Tract 1.02, Block Group 1, Providence County, Rhode Island;
- 28 (6) Census Tract 1.02, Block Group 2, Providence County, Rhode Island;
- 29 (7) Census Tract 1.02, Block Group 3, Providence County, Rhode Island;
- 30 (8) Census Tract 4, Block Group 1, Providence County, Rhode Island;
- 31 (9) Census Tract 4, Block Group 2, Providence County, Rhode Island;
- 32 (10) Census Tract 4, Block Group 3, Providence County, Rhode Island;
- 33 (11) Census Tract 4, Block Group 4, Providence County, Rhode Island;
- 34 (12) Census Tract 5, Block Group 1, Providence County, Rhode Island;

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

8 **42-17.11-5. Green Justice Zone board.**

- 9 (a) The board of the Green Justice Zone shall consist of five (5) board members.
- 10 (b) All functions, services, and duties of the Green Justice Zone shall be carried out by the
11 board, including:
 - 12 (1) With regard to the operations, maintenance, and management of the Green Justice Zone
13 program; and
 - 14 (2) With regard to the employees employed to complete work related to the Green Justice
15 Zone program.
 - 16 (c) Three (3) members of the board shall constitute a quorum and a vote of three (3)
17 members shall be necessary for any action taken by the board.
 - 18 (d) All meetings of the board shall be subject to chapter 46 of title 42 (the "open meetings
19 act").

20 **42-17.11-6. Election of the Green Justice Zone board.**

- 21 (a) Five (5) months after the enactment of this chapter, and every two (2) years thereafter,
22 there shall be an election by ballot, organized by the secretary of state, to elect the board of the
23 Green Justice Zone. The five (5) candidates who receive the highest number of votes in an election
24 shall be elected to the board.
- 25 (b) All registered voters who reside within the Green Justice Zone shall be eligible to vote
26 in an election to elect the board of the Green Justice Zone.
- 27 (c) Only registered voters who reside within the Green Justice Zone shall be eligible to vote
28 in an election to elect the board of the Green Justice Zone.
- 29 (d) No individual shall be eligible to be a board member of the Green Justice Zone unless
30 they have been a resident of the Green Justice Zone for the past five (5) years, continuously.
- 31 (e) A board member of the Green Justice Zone shall, at all times, be a resident of the Green
32 Justice Zone for the entirety of the time that they serve as a board member.
- 33 (f) Board members shall receive an annual salary equivalent to one hundred forty percent
34 (140%) of the statewide per capita income as determined by the U.S. Census Bureau.

1 (g) The board shall ensure that each board member receives health insurance and dental
2 insurance.

3 **42-17.11-7. Appointment of employees.**

4 (a) The board shall appoint an employment administrator who shall be the appointing
5 authority for all employees of the board. The board may dismiss an employment administrator at
6 any time and for any lawful reason.

7 (b) The employment administrator may hire employees and contractors to carry out tasks
8 pertaining to the mission, purpose, and duties of the Green Justice Zone or to perform
9 administrative or custodial tasks for the Green Justice Zone. The employment administrator may
10 dismiss employees and contractors.

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

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

19 **42-17.11-8. Compensation of employees.**

20 The employment administrator shall determine annual compensation and benefits for all
21 employees, contractors, and subcontractors of the board, provided that no employee, contractor, or
22 subcontractor earns less than one hundred forty percent (140%) of the statewide per capita income
23 as determined by the U.S. Census Bureau, and provided that every employee shall receive health
24 insurance, dental insurance, at least two (2) weeks of paid vacation time, and at least one paid sick
25 day off of work for every twenty (20) days in which they work more than six (6) hours.

26 **42-17.11-9. Powers of the board.**

27 The board shall have the authority to enter contracts, hire employees, hire contractors,
28 promulgate rules and regulations, levy fines, adjudicate administrative cases, or take any other
29 lawful action in order to achieve any purpose of the Green Justice Zone program. The board may
30 delegate these powers.

31 **42-17.11-10. Offices of the department.**

32 The department of administration shall furnish the board with offices in which to transact
33 its business and keep its records. The offices shall be open for business each day of the year, except
34 Sundays and legal holidays, during such hours as may be prescribed by the board. The department

1 of administration shall make all feasible and appropriate efforts to ensure that the offices furnished
2 to the board are within the Green Justice Zone, as defined by § 42-17.11-4.

3 **42-17.11-11. Receipt and use of funds.**

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

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

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

11 **42-17.11-12. Creation of Green Justice Zone permits.**

12 (a) There is hereby created a new license called a Green Justice Zone permit.

13 (b) The board, and no other body, shall have the power to issue a Green Justice Zone permit.

14 The board may not delegate the power to issue a Green Justice Zone permit.

15 **42-17.11-13. Creation of Green Justice Zone permit application.**

16 (a) The board shall create an application, called a Green Justice Zone permit application,
17 with which corporations, businesses, firms, partnerships, or individuals may apply for a Green
18 Justice Zone permit.

19 (b) The Green Justice Zone permit application shall require Green Justice Zone permit
20 applicants to:

21 (1) Provide the name of the corporation, business, firm, partnership, or individual
22 submitting the Green Justice Zone permit application;

23 (2) Specify the industrial facility for which the Green Justice Zone permit applicant seeks
24 a Green Justice Zone permit;

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

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

27 (c) The Green Justice Zone permit application shall be easily and conveniently accessible
28 to corporations, businesses, firms, partnerships, or individuals who own industrial facilities within
29 the Green Justice Zone.

30 (d) The board shall create a system through which a Green Justice Zone permit application
31 can be submitted.

32 (e) A Green Justice Zone permit application which has been submitted to the board shall
33 be made publicly accessible on the website of the board no later than fourteen (14) calendar days
34 after the board receives the Green Justice Zone permit application.

1 **42-17.11-14. Requirement to possess a Green Justice Zone permit.**

2 After the first day of December, in the calendar year of 2022, it shall be illegal to operate
3 any industrial facility within the Green Justice Zone unless that industrial facility has been granted
4 a Green Justice Zone permit.

5 **42-17.11-15. Approval and denial of Green Justice Zone permits.**

6 (a) The board shall not grant a Green Justice Zone permit for any industrial facility that is
7 used as:

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 (b) The board shall grant a Green Justice Zone permit for any industrial facility with a

1 purpose or type not enumerated in § 42-17.11-15(a), within forty five (45) days of receiving the
2 Green Justice Zone permit application.

3 **42-17.11-16. Fines and Penalties.**

4 (a) Every individual day in which any corporation, business, firm, partnership, or
5 individual operates an Industrial Facility which has not received a Green Justice Zone permit in the
6 Green Justice Zone, in violation of § 42-17.11-14, shall count as an environmental justice violation.

7 (b) The board shall fine any corporation, business, firm, partnership, or individual one
8 million (1,000,000) dollars for each environmental justice violation, no later than ten (10) days
9 from the day on which the Environmental Justice Violation occurred. The entirety of the money
10 collected from these fines shall be held in a restricted funds account to be used exclusively by the
11 treasurer for the selected environmental remediation project or the additional environmental
12 remediation project.

13 **42-17.11-17. Available environmental remediation projects within the Green Justice**
14 **Zone.**

15 (a) The following items constitute the full and complete list of available environmental
16 remediation projects:

17 (1) Improving ventilation and air filtration in residential homes and residential buildings
18 within the Green Justice Zone;

19 (2) Installing photovoltaic solar panels on residential homes and residential buildings
20 within the Green Justice Zone;

21 (3) Retrofitting residential homes and residential buildings within the Green Justice Zone
22 to improve their energy efficiency;

23 (4) Replacing lead service pipes connected to residential homes and residential buildings
24 within the Green Justice Zone;

25 (5) Lead abatement in soil or paint within the Green Justice Zone;

26 (6) Cleaning up pollution within the Green Justice Zone; and

27 (7) Cultivating public green spaces within the Green Justice Zone.

28 **42-17.11-18. Community meetings and discussion.**

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

34 (b) The board shall provide a clean, well-lit venue easily accessible to zone residents for

1 the community meetings. The Treasurer shall pay the full and complete cost of securing the venue,
2 as well as any reasonable transportation expenses incurred by zone residents traveling to the venue.

3 (c) The board shall ensure that each community meeting has at least one translator capable
4 of translating between English and any other language spoken by at least ten (10) percent of the
5 Rhode Island population, as determined by the U.S. Census Bureau. The translator shall receive an
6 hourly wage that is not less than the quotient of one divided by one thousand nine hundred twenty
7 (1/1,920), multiplied by one hundred forty percent (140%) of the statewide per capita income, as
8 calculated by the U.S. Census Bureau, and not more than the quotient of one divided by one
9 thousand nine hundred twenty (1/1,920), multiplied by one hundred and eighty percent (180%) of
10 the statewide per capita income, as calculated by the U.S. Census Bureau. The Treasurer shall pay
11 the full and complete cost of the translator's fee.

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

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

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

18 **42-17.11-19. Environmental justice referendum.**

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

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

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

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

28 (e) The total number of votes earned by each item on the list of available environmental
29 remediation projects during the referendum shall be made publicly available within ten (10) days
30 of the environmental justice referendum.

31 **42-17.11-20. Implementation of environmental remediation projects.**

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

34 (b) The treasurer shall pay the complete costs of completing the selected environmental

1 remediation project and, if applicable, the additional environmental remediation project.

2 (c) If, after fully completing the selected environmental remediation project, the treasurer
3 has remaining funds earmarked for the Green Justice Zone program, the treasurer shall use the
4 remaining funds to implement or partially implement the additional environmental remediation
5 project. None of the environmental remediation projects enumerated in §§ 42-17.11-17(a)(1)
6 through 42-17.11-17(a)(4), inclusive, shall be considered complete unless they have been offered
7 to every residential home owner and every residential building owner within the Green Justice
8 Zone.

9 (d) In order to implement the selected environmental remediation project or the additional
10 environmental remediation project, the employment administrator may hire environmental
11 remediation workers.

12 **42-17.11-21. Labor standards.**

13 (a) The employment administrator shall ensure that all environmental remediation workers,
14 including contractors, subcontractors, and employees of the board, receive an hourly wage that is
15 not less than the equivalent of one divided by one thousand nine hundred twenty (1/1,920),
16 multiplied by one hundred forty percent (140%) of the statewide per capita income, as calculated
17 by the U.S. Census Bureau, and not more than the equivalent of one divided by one thousand nine
18 hundred twenty (1/1,920), multiplied by one hundred eighty percent (180%) of the statewide per
19 capita income, as calculated by the U.S. Census Bureau.

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

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

26 (c) The employment administrator shall establish a detailed and generous worker
27 compensation plan to fairly compensate all environmental remediation workers who are injured
28 while working, provided that they were injured while engaging in activities that they could be
29 reasonably expected to engage in, in furtherance of the work that they were hired by the
30 employment administrator to complete. The worker compensation plan shall apply identically to
31 employees of the board, contractors, and subcontractors.

32 **42-17.11-22. Employment prioritization.**

33 (a) When hiring employees, hiring contractors, awarding contracts, designing project labor
34 agreements, promulgating rules and regulations, and enforcing rules and regulations, the housing

1 jobs department shall:

2 (1) Prioritize, to the greatest extent feasible, lawful, and appropriate, in the judgment of the
3 board, providing employment to workers who are enrolled in or who were enrolled in the Just
4 Transition Program administered by the department of labor and training, pursuant to § 42-16.1-
5 21;

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

8 (3) Maximize, to the greatest extent feasible, lawful, and appropriate, racial and gender
9 equity within the hiring processes for projects involving the Green Justice Zone program.

10 (b) Contractors, subcontractors, firms, corporations, partnerships, and all other entities
11 working under contract with the board shall, at all times, make good faith efforts to promote
12 workforce diversity for projects involving the Green Justice Zone program, including with regard
13 to race and gender. If the board determines that a contractor, subcontractor, firm, corporation,
14 partnership, or other entity is not making good faith efforts to achieve workforce diversity, the
15 director may prohibit that entity from bidding on contracts or being awarded contracts involving
16 the Green Justice Zone program for two (2) years.

17 **42-17.11-23. Consent required.**

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

22 **42-17.11-24. Severability.**

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

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

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

30 **23-23-2. Declaration of policy.**

31 It is declared to be the public policy in the state of Rhode Island to preserve, protect, and
32 improve the air resources of the state to promote the public health, welfare, and safety, to prevent
33 injury or detriment to human, plant, and animal life, physical property and other resources, and to
34 foster the comfort and convenience of the state's inhabitants. The director is authorized to exercise

1 all powers, direct or incidental, necessary to [improve the air quality and reduce airborne pollution,](#)
2 [including to](#) carry out the purposes of this chapter to assure that the state of Rhode Island complies
3 with [and exceeds the requirements of](#) the federal Clean Air Act, 42 U.S.C. § 7401 et seq., and
4 retains maximum control under this chapter, and receives all desired federal grants, aid, and other
5 benefits.

6 **23-23-3. Definitions.**

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

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

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

15 [\(3\) "Chemical manufacturing plant" means a facility that produces or processes chemicals](#)
16 [for wholesale or retail distribution.](#)

17 [\(4\) "Chemical storage facility" means a facility that stores chemicals which are intended](#)
18 [for wholesale or retail distribution.](#)

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

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

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

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

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

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

34 In addition to the above, it may also include any hazardous air pollutant as defined in § 112(b) of

1 the federal Clean Air Act, 42 U.S.C. § 7412(b).

2 (7) "Fossil fuel storage facility" means a facility that stores fossil fuel for wholesale
3 distribution.

4 (8) "Fossil fuel" means fuel composed of or derived from coal, petroleum, oil, natural gas,
5 oil shales, bitumen, or tar sands.

6 ~~(9)~~(9) "Motor vehicle" means every vehicle that is self-propelled and every vehicle that is
7 propelled by electric power obtained from overhead trolley wires, but not operated upon rails,
8 except vehicles moved exclusively by human power and motorized wheelchairs.

9 ~~(10)~~(10) "Open fire" means any fire from which the products of combustion are emitted
10 directly into the open air without passing through a stack or chimney.

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

16 (12) "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 (xiv) A cement, concrete, or asphalt production facility;

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

34 (xvi) A resource recovery facility;

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

9 ~~(8)~~(13) "Manufactured, unwashed sand" means product resulting from the mechanical
10 crushing of rock, boulders, or large cobblestones that has a gradation of fifty percent (50%) or more
11 of coarse fraction passing the No. 4 sieve as referenced in the Standard Practice for Classification
12 of Soils for Engineering Purposes (Unified Soil Classification System) and American Society of
13 Testing and Materials Designations D-2487-06 which has not been subject to a mechanical process
14 (using water) that is designed to substantially remove fine fractions passing the No. 200 sieve.

15 **23-23-5. Powers and duties of the director.**

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

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

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

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

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

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

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

32 (7) To enter at all reasonable times in or upon any private or public property, except private
33 residences, and to detain and inspect any motor vehicle for the purpose of inspecting or
34 investigating any condition which the director shall believe to be either an air pollution source or

1 in violation of any of the rules or regulations or orders promulgated under this chapter;

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

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

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

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

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

33 ~~To consult the board on the policies and plans for the control and prevention of air~~
34 ~~pollution;~~ The director may regulate the emission characteristics of all fuels used by mobile sources

1 of air contaminants, provided that those regulations are consistent with the federal law and federal
2 regulation. Variations of the standards may be based on considerations of population density,
3 meteorological conditions, contaminant emissions, air quality, land development plans, and any
4 other factors that may be relevant to the protection of the air resources of the state;

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

6 (15) To require that an approval to operate be obtained for any machine, equipment, device,
7 article, or facility, or any source ~~which is emitting any extremely toxic air contaminant~~ of any air
8 contaminant, subject to the promulgation of rules and regulations under this chapter defining the
9 categories and capacities of machines, equipment, devices, articles, or facilities subject to this
10 permission. Such regulations need not be uniform across the state. Any approval issued may set
11 forth inspection, monitoring, compliance certification and reporting requirements to assure
12 compliance with approval terms and conditions;

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

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

22 (18) In addition, the director shall collect an annual operating fee from sources subject to
23 the requirements of an approval to operate under this chapter and subject to the requirements of
24 title V of the Clean Air Amendments of 1990, 42 U.S.C. § 7661 et seq. The fee shall be calculated
25 by the director on a weight basis for pollutants actually emitted, after controls. This operating fee
26 shall be determined by regulation and shall be consistent with the fee required under 42 U.S.C. §
27 7661a(b)(3)(B). The operating fees collected shall not be in excess of the amount needed to cover
28 all reasonable (direct and indirect) costs required to develop and administer an operating permit
29 program pursuant to the requirements of title V, of the Clean Air Act amendments of 1990;

30 (19) No person shall operate any machine, facility, or device which is subject to approval
31 or permit by the department without an approval or permit of the department. No source may
32 operate after an approval or permit has been denied. Any approval or permit issued under this
33 section may be suspended, revoked or amended by the director at any time upon a showing, after
34 notice and hearing, that the permittee has failed to comply with the provisions of this chapter, rules

1 and regulations promulgated by the director pursuant to this chapter, or the terms and conditions of
2 the approval or permit, or upon a showing, after notice and hearing, that the continued operation of
3 the approved or permitted source constitutes a threat to the health and safety of the public or to the
4 environment. In any proceeding for revocation, suspension, or amendment of an approval or permit
5 pursuant to this subsection, the director will provide the affected party with the opportunity for an
6 adequate hearing. No revocation, annulment, or withdrawal of any approval or permit is lawful
7 unless, the agency sent notice by mail to the permittee or possessor of an approval of the facts or
8 conduct or violation which warrant the action, and the permittee or possessor of an approval is
9 given an opportunity at hearing to show compliance with all lawful requirements for the retention
10 of the license. If the agency finds that public health, safety, or welfare imperatively requires
11 emergency action, and incorporates a finding to that effect in its order, summary suspension of
12 approval or permit may be ordered pending proceedings for revocation or other action. These
13 proceedings shall be promptly instituted and determined;

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

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

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

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

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

4 **23-23-5.2. Mandamus.**

5 In the event that the director shall fail to issue the permit or deny the license then the
6 applicant or other interested person may petition the superior court to issue its writ of mandamus
7 ordering the director or some suitable person to immediately issue the license or denial. In the event
8 that the director shall fail to revoke a license or permit, then any interested person may petition the
9 superior court to issue a writ of mandamus ordering the director or some suitable person to
10 immediately revoke the license.

11 **23-23-14. Penalties.**

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

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

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

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

33 (e) Any person who knowingly makes a false statement, representation, or certification in
34 any application, record, report, plan, permit, or document filed, maintained and used for purposes

1 under this chapter shall be guilty of a felony, and shall be punished by a fine of not more than ten
2 thousand dollars (\$10,000) or by imprisonment of one year or both fine and imprisonment, and
3 every person shall be guilty of a separate and distinct offense for each day during which the
4 violation shall be repeated or continued.

5 (f) Any person who violates an order, rule, or regulation promulgated by the director
6 pursuant to § 23-23-32 shall be punished by an administrative or civil penalty of not less than ninety
7 thousand dollars (\$90,000) and not more than one hundred thousand dollars (\$100,000), and every
8 person shall be deemed guilty of a separate and distinct offense for each day during which the
9 violation shall be repeated or continued. This civil penalty must be paid not more than fifteen (15)
10 days from the day on which the violation occurred.

11 **23-23-15. Variances.**

12 (a) Upon application and after a hearing, the director may suspend the enforcement of the
13 whole or any part of this chapter or of any rule or regulation promulgated under this chapter in the
14 case of any person who shall show that the enforcement of this chapter would constitute undue
15 hardship on that person without a corresponding benefit or advantage obtained by it; provided, that
16 no suspension shall be entered deferring compliance with a requirement of this chapter or the rules
17 and regulations promulgated under this chapter, unless that deferral is consistent with the provisions
18 and procedures of the federal Clean Air Act, 42 U.S.C. § 7401 et seq. No suspension shall be
19 entered deferring compliance with a requirement of this chapter created by regulations pursuant to
20 § 23-23-32. No suspension shall be entered deferring compliance for any rule or regulation for an
21 Industrial Facility located within the area specified in § 23-23-32(a).

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

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

34 (d) Notwithstanding the limitations of this section, the director may, upon application, defer

1 compliance with the whole or any part of this chapter or of any rule or regulation promulgated
2 under this chapter where compliance is not possible because of breakdowns or malfunctions of
3 equipment, acts of God, or other unavoidable casualties; provided, that this order shall not defer
4 compliance for more than three (3) months.

5 SECTION 3. Chapter 23-23 of the General Laws entitled "Air Pollution" is hereby
6 amended by adding thereto the following sections:

7 **23-23-32. Specific air contaminant regulations.**

8 (a) No later than the first day of November in the calendar year of 2022, the director shall
9 adopt regulations that shall apply only to polluting facilities in the area composed of the following
10 census block groups from the 2010 census:

- 11 (1) Census Tract 1.01, Block Group 1, Providence County, Rhode Island;
- 12 (2) Census Tract 1.01, Block Group 2, Providence County, Rhode Island;
- 13 (3) Census Tract 1.01, Block Group 3, Providence County, Rhode Island;
- 14 (4) Census Tract 1.01, Block Group 4, Providence County, Rhode Island;
- 15 (5) Census Tract 1.02, Block Group 1, Providence County, Rhode Island;
- 16 (6) Census Tract 1.02, Block Group 2, Providence County, Rhode Island;
- 17 (7) Census Tract 1.02, Block Group 3, Providence County, Rhode Island;
- 18 (8) Census Tract 4, Block Group 1, Providence County, Rhode Island;
- 19 (9) Census Tract 4, Block Group 2, Providence County, Rhode Island;
- 20 (10) Census Tract 4, Block Group 3, Providence County, Rhode Island;
- 21 (11) Census Tract 4, Block Group 4, Providence County, Rhode Island;
- 22 (12) Census Tract 5, Block Group 1, Providence County, Rhode Island;
- 23 (13) Census Tract 5, Block Group 2, Providence County, Rhode Island;
- 24 (14) Census Tract 5, Block Group 3, Providence County, Rhode Island;
- 25 (15) Census Tract 6, Block Group 1, Providence County, Rhode Island;
- 26 (16) Census Tract 6, Block Group 2, Providence County, Rhode Island;
- 27 (17) Census Tract 7, Block Group 1, Providence County, Rhode Island;
- 28 (18) Census Tract 7, Block Group 2, Providence County, Rhode Island; and
- 29 (19) Census Tract 7, Block Group 3, Providence County, Rhode Island.

30 (b) The regulations created by the director under § 23-23-32(a) shall prohibit all industrial
31 facilities within the area specified in § 23-23-32(a) from emitting more than one pound per year of
32 any of the following air pollutants:

- 33 (1) Carbon monoxide;
- 34 (2) Nitrogen dioxide;

- 1 (3) Sulfur dioxide;
2 (4) Lead;
3 (5) Particulate matter with an aerodynamic diameter less than or equal to a nominal ten
4 micrometers, as measured by a method used by the administrator of the U.S. environmental
5 protection agency to measure the size of particulate matter, pursuant to 42 U.S. Code § 7602;
6 (6) Any air pollutant defined by the administrator of the U.S. Environmental Protection
7 Agency as a "volatile organic compound" pursuant to 42. U.S. Code § 7412; and
8 (7) Any air pollutant categorized by the administrator of the U.S. Environmental Protection
9 Agency as a "hazardous air pollutant" pursuant to 42. U.S. Code § 7412.

10 (c) The director shall, as appropriate, amend or revoke any licenses or permits previously
11 provided to any Industrial Facilities to ensure that such facilities are in compliance with the
12 emission limits specified in this section and any regulations promulgated thereunder.

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

16 **23-23-33. Severability.**

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

19 (b) 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 4. Section 46-12-1 of the General Laws in Chapter 46-12 entitled "Water
23 Pollution" is hereby amended to read as follows:

24 **46-12-1. Definitions.**

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

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

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

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

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

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

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

9 ~~(4)~~(6) "Discharge" means the addition of any pollutant to the waters from any point source.

10 ~~(5)~~(7) "Effluent limitation" means any restriction or prohibitions, established in accord
11 with the provisions of this chapter or under the federal Clean Water Act, 33 U.S.C. § 1251 et seq.,
12 on quantities, rates, and concentrations of chemical, physical, biological, radiological, and other
13 constituents which are discharged into the waters.

14 ~~(6)~~(8) "Fecal coliform bacteria" means organisms within the intestines of warm blooded
15 animals that indicate the presence of fecal material, and the potential presence of organisms capable
16 of causing disease in humans.

17 (9) "Fossil fuel storage facility" means a facility that stores fossil fuel for wholesale
18 distribution.

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

21 ~~(7)~~(11) "Groundwaters" includes all underground waters of whatever nature.

22 ~~(8)~~(12) "Marine Sanitation Device-Type I" means a marine toilet which, under prescribed
23 test conditions, will produce an effluent that will not exceed a fecal coliform bacteria count of one
24 thousand (1,000) parts per one hundred (100) milliliters and have no visible solids.

25 ~~(9)~~(13) "Marine Sanitation Device-Type II" means a marine toilet which, under prescribed
26 test conditions will produce an effluent that does not exceed a fecal coliform bacteria count of two
27 hundred (200) parts per one hundred (100) milliliters, and have suspended solids not greater than
28 one hundred and fifty (150) milligrams per liter.

29 ~~(10)~~(14) "Marine Sanitation Device-Type III" means a marine toilet which is designed to
30 prevent the discharge from the boat of any treated or untreated sewage, or any waste derived from
31 sewage.

32 ~~(11)~~(15) "Marine toilet" means any toilet on or within any boat as that term is defined
33 herein.

34 ~~(12)~~(16) "No discharge zone" means an environmentally sensitive area of the waters of the

1 state which has been declared by the department of environmental management pursuant to the
2 Clean Water Act, 33 U.S.C. § 1251 et seq., to be an area in which any discharge of sewage is
3 prohibited.

4 ~~(13)~~(17) "Person" includes an individual, trust, firm, joint stock company, corporation
5 (including a quasi government corporation) partnership, association, syndicate, municipality,
6 municipal or state agency, fire district, club, nonprofit agency, or any subdivision, commission,
7 department, bureau, agency, or department of state or federal government (including any quasi
8 government corporation) or of any interstate body.

9 ~~(14)~~(18) "Point source" means any discernible, confined, and discrete conveyance,
10 including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure,
11 container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft
12 from which pollutants are or may be discharged. This term does not include return flows from
13 irrigated agriculture.

14 ~~(15)~~(19) "Pollutant" means any material or effluent which may alter the chemical, physical,
15 biological, or radiological characteristics and/or integrity of water, including, but not limited to,
16 dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions,
17 chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment,
18 cellar dirt or industrial, municipal, agricultural, or other waste petroleum or petroleum products,
19 including but not limited to oil.

20 ~~(16)~~(20) "Polluting" means the causing of pollution.

21 ~~(17)~~(21) "Pollution" means the man made or man induced alteration of the chemical,
22 physical, biological, and radiological integrity of water.

23 (22) "Polluting Facility" means:

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

25 (ii) A waste storage facility;

26 (iii) A toxic material storage facility;

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

30 (v) A fossil fuel production facility;

31 (vi) A fossil fuel refinery;

32 (vii) A chemical manufacturing plant;

33 (viii) A chemical storage facility;

34 (ix) A commercial manufacturing facility;

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

16 ~~(18)~~(23) "Publicly owned treatment works" means any facility for the treatment of
17 pollutants owned by the state or any political subdivision thereof, municipality, or other public
18 entity, including any quasi government corporation.

19 ~~(19)~~(24) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying,
20 injecting, escaping, leaching, dumping, or disposing of any pollutant into a surface water or
21 wetland, or onto or below the land surface.

22 ~~(20)~~(25) "Schedule of compliance" means a schedule of remedial measures including an
23 enforceable sequence of actions, or operations, leading to compliance with an effluent limitation or
24 any other limitation, prohibition, or standard.

25 ~~(21)~~(26) "Sewage" means fecal material and human waste, or wastes from toilets and other
26 receptacles intended to receive or retain body waste, and any wastes, including wastes from human
27 households, commercial establishments, and industries, and storm water runoff, that are discharged
28 to or otherwise enter a publicly owned treatment works.

29 ~~(22)~~(27) "Underground storage tank" means any one or combination of tanks (including
30 underground pipes connected thereto) which is used to contain an accumulation of petroleum
31 product or hazardous materials, and the volume of which (including the volume of the underground
32 pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground.

33 ~~(23)~~(28) "Waters" includes all surface waters including all waters of the territorial sea,
34 tidewaters, all inland waters of any river, stream, brook, pond, or lake, and wetlands, as well as all

1 groundwaters.

2 ~~(24)~~(29) "Eutrophication" means a reduction of dissolved oxygen from excessive plant
3 growth, chiefly algae, typically as an effect of increased nutrient loadings, to levels that impair the
4 viability of other aquatic life.

5 ~~(25)~~(30) "Nutrient" means organic materials and chemicals, including especially nitrogen
6 and phosphorous and their compounds, that are biologically reactive and necessary for life.

7 SECTION 5. Chapter 46-12 of the General Laws entitled "Water Pollution" is hereby
8 amended by adding thereto the following sections:

9 **46-12-42. Specific water pollution regulations.**

10 (a) No later than the first day of November in the calendar year of 2022, the director shall
11 adopt regulations that shall apply only to Polluting Facilities in the area composed of the following
12 census block groups from the 2010 census:

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (14) Census Tract 5, Block Group 3, Providence County, Rhode Island;

27 (15) Census Tract 6, Block Group 1, Providence County, Rhode Island;

28 (16) Census Tract 6, Block Group 2, Providence County, Rhode Island;

29 (17) Census Tract 7, Block Group 1, Providence County, Rhode Island;

30 (18) Census Tract 7, Block Group 2, Providence County, Rhode Island; and

31 (19) Census Tract 7, Block Group 3, Providence County, Rhode Island.

32 (b) The regulations promulgated by the director under § 26-12-42(a) shall prohibit all
33 industrial facilities within the area specified in § 26-12-42(a) from discharging more than one
34 microgram per year of any of the following pollutants into the waters of the state:

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

- 1 [\(35\) Hexachlorocyclopentadiene;](#)
- 2 [\(36\) Iron;](#)
- 3 [\(37\) Isophorone;](#)
- 4 [\(38\) Isopropyltoluene;](#)
- 5 [\(39\) Lead;](#)
- 6 [\(40\) Mercury;](#)
- 7 [\(41\) Methyl tert-butyl ether;](#)
- 8 [\(42\) Nickel;](#)
- 9 [\(43\) Nitrobenzene;](#)
- 10 [\(44\) Pentachlorophenol;](#)
- 11 [\(45\) Phenol;](#)
- 12 [\(46\) Phosphorous;](#)
- 13 [\(47\) Polychlorinated biphenyls;](#)
- 14 [\(48\) Selenium;](#)
- 15 [\(49\) Silver;](#)
- 16 [\(50\) Tetrachloroethylene;](#)
- 17 [\(51\) Thallium;](#)
- 18 [\(52\) Toluene;](#)
- 19 [\(53\) Toxaphene;](#)
- 20 [\(54\) Trichlorobenzene;](#)
- 21 [\(55\) Trichloroethane;](#)
- 22 [\(56\) Trichloroethylene;](#)
- 23 [\(57\) Trimethylbenzene;](#)
- 24 [\(58\) Vinyl chloride;](#)
- 25 [\(59\) Zinc;](#)
- 26 [\(60\) Any compound that is a type of petroleum hydrocarbon;](#)
- 27 [\(61\) Any compound that is a type of polynuclear aromatic hydrocarbon;](#)
- 28 [\(62\) Any compound that is a type of chloroalkyl ether;](#)
- 29 [\(63\) Any compound that is a type of nitrophenols;](#)
- 30 [\(64\) Any compound that is a type of nitrosamines;](#)
- 31 [\(65\) Any compound that is a type of hexachlorocyclohexane;](#)
- 32 [\(66\) Any compound that is a type of phthalate or phthalate ester;](#)
- 33 [\(67\) Any compound that is a type of xylene; and](#)
- 34 [\(68\) Any other compound classified by the administrator of the U.S. Environmental](#)

1 Protection Agency as a "toxic pollutant" under 33 U.S. Code § 1317.

2 (c) The regulations promulgated by the director under § 26-12-42(a) shall prohibit all
3 Industrial Facilities within the area specified in § 26-12-42(a) from discharging more than one
4 milligram per year of any of the following pollutants into the waters of the state of Rhode Island:

5 (1) Oil and grease, which shall have the same meaning as the meaning assigned by the
6 administrator of the U.S. environmental protection agency to the term "oil and grease" in
7 regulations promulgated under the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq.;

8 (2) Total suspended solids, which shall have the same meaning as the meaning assigned by
9 the administrator of the U.S. environmental protection agency to the term "total suspended solids"
10 in regulations promulgated under the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq.;
11 and

12 (3) Biochemical oxygen demand, which shall have the same meaning as the meaning
13 assigned by the administrator of the U.S. environmental protection agency to the term "biochemical
14 oxygen demand" in regulations promulgated under the Federal Water Pollution Control Act, 33
15 U.S.C. 1251 et seq.

16 (d) The regulations promulgated by the director under § 26-12-42(a) shall prohibit all
17 Industrial Facilities within the area specified in § 26-12-42(a) from discharging more than one
18 hundred (100) colony-forming units of fecal coliform per year into the waters of the state of Rhode
19 Island.

20 (e) The regulations promulgated by the director under § 26-12-42(a) shall prohibit all
21 Industrial Facilities within the area specified in § 26-12-42(a) from discharging more than one
22 hundred (100) colony-forming units of enterococci per year into the waters of the state of Rhode
23 Island.

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

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

30 **46-12-43. Severability.**

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

33 (b) If the application of any provision of this chapter to any person or circumstance is held
34 invalid, the application of such provision to other persons or circumstances shall not be affected

1 [thereby.](#)

2 SECTION 6. Section 42-16.1-2 of the General Laws in Chapter 42-16.1 entitled
3 "Department of Labor and Training" is hereby amended to read as follows:

4 **42-16.1-2. Functions of director.**

5 The director of labor and training shall:

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

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

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

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

15 (5) Have all the powers and duties formerly vested by law in the director of employment
16 and training and administer those responsibilities set forth in chapters 39 -- 44, inclusive, of title
17 28 and chapter 102 of title 42.

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

29 [\(7\) Have the power to enter contracts, hire employees, hire contractors, promulgate rules](#)
30 [and regulations, levy fines, adjudicate administrative cases, or take any other lawful action in order](#)
31 [to administer the Just Transition Program, pursuant to § 42-16.1-21.](#)

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

34 **42-16.1-20. Definitions.**

- 1 (a) For the purposes of § 42-16.1-21, "Just Transition Program Zone" shall mean the
2 geographic area composed of the following census block groups from the 2010 census:
- 3 (1) Census Tract 1.01, Block Group 1, Providence County, Rhode Island;
 - 4 (2) Census Tract 1.01, Block Group 2, Providence County, Rhode Island;
 - 5 (3) Census Tract 1.01, Block Group 3, Providence County, Rhode Island;
 - 6 (4) Census Tract 1.01, Block Group 4, Providence County, Rhode Island;
 - 7 (5) Census Tract 1.02, Block Group 1, Providence County, Rhode Island;
 - 8 (6) Census Tract 1.02, Block Group 2, Providence County, Rhode Island;
 - 9 (7) Census Tract 1.02, Block Group 3, Providence County, Rhode Island;
 - 10 (8) Census Tract 4, Block Group 1, Providence County, Rhode Island;
 - 11 (9) Census Tract 4, Block Group 2, Providence County, Rhode Island;
 - 12 (10) Census Tract 4, Block Group 3, Providence County, Rhode Island;
 - 13 (11) Census Tract 4, Block Group 4, Providence County, Rhode Island;
 - 14 (12) Census Tract 5, Block Group 1, Providence County, Rhode Island;
 - 15 (13) Census Tract 5, Block Group 2, Providence County, Rhode Island;
 - 16 (14) Census Tract 5, Block Group 3, Providence County, Rhode Island;
 - 17 (15) Census Tract 6, Block Group 1, Providence County, Rhode Island;
 - 18 (16) Census Tract 6, Block Group 2, Providence County, Rhode Island;
 - 19 (17) Census Tract 7, Block Group 1, Providence County, Rhode Island;
 - 20 (18) Census Tract 7, Block Group 2, Providence County, Rhode Island; and
 - 21 (19) Census Tract 7, Block Group 3, Providence County, Rhode Island.
- 22 (b) For the purposes of § 42-16.1-21, "polluting facilities" shall mean:
- 23 (1) An electric power plant that produces electricity by combusting any fossil fuel;
 - 24 (2) A waste storage facility;
 - 25 (3) A toxic material storage facility;
 - 26 (4) A fossil fuel storage facility, excluding gas stations which sell gas only at the retail
27 level for use in automobiles and excluding sites that store fossil fuels that are used exclusively for
28 transporting goods or other items into the port of Providence or out of the port of Providence;
 - 29 (5) A fossil fuel production facility;
 - 30 (6) A fossil fuel refinery;
 - 31 (7) A chemical manufacturing plant;
 - 32 (8) A chemical storage facility;
 - 33 (9) A commercial manufacturing facility;
 - 34 (10) A scrap metal storage facility;

- 1 (11) A scrap metal processing facility;
- 2 (12) A cement, concrete, or asphalt storage facility;
- 3 (13) A cement, concrete, or asphalt processing facility;
- 4 (14) A cement, concrete, or asphalt production facility;
- 5 (15) An incinerator, including, but not limited to, a medical waste incinerator;
- 6 (16) A resource recovery facility;
- 7 (17) A combustor;
- 8 (18) A transfer station or other solid waste facility;
- 9 (19) A landfill, including, but not limited to, a landfill that accepts ash, construction debris,
10 demolition debris, or solid waste;
- 11 (20) A scrap metal recycling facility capable of receiving five (5) tons or more of recyclable
12 material per day; or
- 13 (21) A wood recycling facility capable of receiving five (5) tons or more of recyclable
14 material per day.
- 15 (c) For the purposes of § 42-16.1-21, "Just Transition Worker" shall mean:
- 16 (1) Any worker who is employed to work at, in, or with an industrial facility within the
17 Just Transition program zone for at least eight (8) hours per week, as determined by the director;
18 and
- 19 (2) Any worker who was formerly employed to work at, in, or with an industrial facility
20 within the Just Transition program zone for at least eight (8) hours per week, as determined by the
21 director, and who lost their job after the enactment of this section.
- 22 (d) For the purposes of § 42-16.1-21, "Enrollee" shall mean a Just Transition Worker who
23 is enrolled in the Just Transition program.
- 24 (e) For the purposes of § 42-16.1-21, "Just Transition Salary" shall mean the Just Transition
25 Salary received by enrollees, pursuant to § 42-16.1-21(i).
- 26 (f) For the purposes of § 42-16.1-21, "chemical manufacturing plant" means a facility that
27 produces or processes chemicals for wholesale or retail distribution.
- 28 (g) For the purposes of § 42-16.1-21, "chemical storage facility" means a facility that stores
29 chemicals which are intended for wholesale or retail distribution.
- 30 (h) For the purposes of § 42-16.1-21, "fossil fuel storage facility" means a facility that
31 stores fossil fuel for wholesale distribution.
- 32 (i) For the purposes of § 42-16.1-21, "fossil fuel" means fuel composed of or derived from
33 coal, petroleum, oil, natural gas, oil shales, bitumen, or tar sands.

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
14 shall be designed to:
15 (1) Qualify a Just Transition worker for a job that provides, at least, a comparable salary
16 and 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. Title 42 of the General Laws entitled "STATE AFFAIRS AND
9 GOVERNMENT" is hereby amended by adding thereto the following chapter:

10 CHAPTER 17.12

11 ENVIRONMENTAL JUSTICE ACT

12 **42-17.12-1. Short title.**

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

14 **42-17.12-2. Legislative findings.**

15 (a) The state has an affirmative duty to ensure that every resident has access to clean air
16 and clean water.

17 (b) Many communities in the state do not have clean air and clean water, creating a
18 widespread and severe public health crisis.

19 **42-17.12-3. Definitions.**

20 As used in this chapter:

21 (1) "Administrator" means the administrator of the department of environmental
22 management.

23 (2) "Air pollutant" means:

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

25 (ii) Anything that is considered an "air pollutant" under the federal Clean Air Act, pursuant
26 to 42 U.S. Code § 7602 et seq.

27 (3) "Census Tract" means a geographic region identified and referred to as a "Census Tract"
28 by the U.S. Census Bureau in the 2010 census.

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

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

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

34 (7) "Cumulative impact permit applicant" means any corporation, business, firm,

1 partnership, or individual who has submitted an cumulative impact permit application
2 (8) "Overburdened community" means any census tract in Rhode Island that:
3 (i) Is at or above the seventy-fifth (75th) statewide percentile for at least three (3) of the
4 following Environmental Indicators on the most recent available United States environmental
5 protection agency's EJSCREEN assessment:
6 (A) PM 2.5;
7 (B) Ozone;
8 (C) NATA diesel PM;
9 (D) NATA cancer risk;
10 (E) NATA respiratory hazard index;
11 (F) Traffic proximity;
12 (G) Lead paint indicator;
13 (H) Superfund proximity;
14 (I) Risk management plan facilities proximity;
15 (J) Hazardous waste proximity; and
16 (K) Wastewater discharge indicator; and
17 (ii) Has a median household income, as calculated by the U.S. Census Bureau that is no
18 greater than eighty percent (80%) of the statewide median household income, as calculated by the
19 U.S. Census Bureau.
20 (9) "Polluting facility" means any
21 (i) Major stationary source of air pollution, as defined by the federal Clean Air Act, 42 U.S.
22 Code § 7401 et seq.;
23 (ii) Resource recovery facility;
24 (iii) Incinerator;
25 (iv) Sludge processing facility;
26 (v) Combustor;
27 (vi) Incinerator;
28 (vii) Sewage treatment plant with a capacity of more than one million (1,000,000) gallons
29 per day;
30 (viii) Transfer station or other solid waste facility;
31 (ix) Recycling facility capable of receiving one hundred (100) tons or more of recyclable
32 material per day;
33 (x) Scrap metal facility;
34 (xi) Landfill; including a landfill that accepts ash, construction debris, demolition debris,

1 or solid waste;

2 (xii) Medical waste incinerator;

3 (xiii) Concentrated animal feeding operation; or

4 (xiv) Chemical manufacturing plant.

5 **42-17.12-4. Environmental burden list.**

6 (a) On or before January 31, 2022, the department of environmental management shall
7 develop, post, and maintain a complete and comprehensive list, known as the environmental burden
8 list, on its website of all census tracts that are overburdened communities.

9 (b) The department of environmental management shall update the environmental burden
10 list on its website at least once every year.

11 **42-17.12-5. Creation of the cumulative impact permit.**

12 The department of environmental management shall create a new permit called a
13 cumulative impact permit.

14 **42-17.12-6. Requirement for a cumulative impact permit.**

15 (a) Any corporation, business, firm, partnership or individual must receive a cumulative
16 impact permit from the department of environmental management for:

17 (1) The construction of any polluting facility; or

18 (2) The expansion of any existing polluting facility.

19 **42-17.12-7. Cumulative impact permit denial.**

20 The department of environmental management shall deny a cumulative impact permit for
21 the construction of a new polluting facility or the expansion of an existing polluting facility if that
22 polluting facility is located within an overburdened community or within one (1) mile of an
23 overburdened community.

24 **42-17.12-8. Cumulative impact permit denial override.**

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

1 (b) Notwithstanding the requirement of § 42-17.12-7, the department of environmental
2 management may issue a cumulative impact permit for the construction of a new polluting facility
3 or the expansion of an existing polluting facility that would be polluting facility located within an
4 overburdened community or within one mile of an overburdened community, if no fewer than sixty-
5 six percent (66%) of votes cast in a referendum support granting a cumulative impact permit to the
6 polluting facility.

7 **42-17.12-9. Additional conditions.**

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

11 **42-17.12-10. Cumulative Impact Permit fee.**

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

14 **42-17.12-11. Technical guidance and regulations.**

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

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

19 **42-17.12-12. Severability.**

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

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

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

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LC001411
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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 establish the first Green Justice Zone, a model that may be replicated in
- 2 future years to ensure that all communities throughout the state have clean air and clean water.
- 3 This act would take effect upon passage.

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