

2022 -- H 8286

=====
LC006037
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

—————
A N A C T

RELATING TO HEALTH AND SAFETY -- HIGH-HEAT FACILITY ACT OF 2021

Introduced By: Representatives McGaw, Caldwell, Bennett, Carson, Potter, Williams,
Cassar, Henries, Serpa, and Fogarty

Date Introduced: May 26, 2022

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-19.17-1 and 23-19.17-2 of the General Laws in Chapter 23-19.17
2 entitled "High-Heat Waste Facility Act of 2021" are hereby amended to read as follows:

3 **23-19.17-1. Definitions.**

4 As used in this chapter:

5 (1) "Environmental justice focus areas" means as defined by the DEM in SOP Number
6 BEP-AWC-1, effective 6/26/09 and entitled, "Policy for Considering Environmental Justice in the
7 Review of Investigation and Remediation of Contaminated Properties," that states in part "DEM
8 mapped areas where the percent of the block group that is minority or the percent of the block group
9 that is low-income (under two (2) times federal poverty level) are high enough to rank in the top
10 fifteen percent (15%) of block groups state-wide. The census blocks meeting these criteria
11 established by the DEM in SOP Number BEP-AWC-1 shall be designated environmental justice
12 focus areas".

13 (2) "Environmental justice municipality" means any city or town that has, in whole or in
14 part, one or more environmental justice focus areas.

15 (3) "High-heat ~~medical~~ waste processing facility" means a facility that:

16 (i) Generates electricity from the combustion, gasification, or pyrolysis of ~~regulated~~
17 ~~medical~~ solid waste;

18 (ii) Generates electricity from the combustion of fuel derived from the gasification or
19 pyrolysis of solid waste, ~~segregated regulated medical waste~~; or

1 (iii) Disposes of, processes, or treats ~~regulated medical~~ solid waste through combustion,
2 gasification, pyrolysis, or any process that exposes waste to temperatures above four hundred
3 degrees Fahrenheit (400°F).

4 (4) "Open space" means as defined in § 45-22.2-4.

5 (5) "~~Regulated medical~~ Solid waste" means as defined in ~~§ 23-19.12-3~~ § 23-18.9-7.

6 ~~23-19.17-2. Prohibition on new high-heat medical waste processing facilities.~~

7 **Prohibition on new high-heat waste processing facilities.**

8 Notwithstanding any other law, rule, or regulation to the contrary, no permit or license shall
9 be issued for the construction or operation of a new high-heat ~~medical~~ waste processing facility,
10 and no application for a permit or license for such a facility shall be granted or issued by the state
11 if the facility:

12 (1) Is within two thousand feet (2,000') of any waters as defined in § 46-12-1;

13 (2) Is within two thousand feet (2,000') of open space or any state management area, or
14 park, or land held by any entity in trust for public use;

15 (3) Is within two thousand feet (2,000') of any floodplains, or flood hazard area as defined
16 in § 45-22.2-4;

17 (4) Is within one mile of a pre-existing public or private school providing education of any
18 grades 1 through twelve (12), a college or university, a childcare center, a preschool, an assisted
19 living facility, or a nursing facility;

20 (5) Is within one mile of any area zoned for residential use; or

21 (6) Is located in an environmental justice municipality.

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

=====
LC006037
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- HIGH-HEAT FACILITY ACT OF 2021

- 1 This act would prohibit new high-heat solid waste processing facilities from being located
- 2 in certain environmentally sensitive areas.
- 3 This act would take effect upon passage.

=====
LC006037
=====