

**2022 -- S 2788 SUBSTITUTE A**

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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2022**

**A N A C T**

**RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL**

Introduced By: Senators Lombardo, F Lombardi, Ciccone, Gallo, and Archambault

Date Introduced: March 24, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Legislative Findings.

2           The general assembly finds and declares that:

3           (1) Rhode Island is committed to a clean environment and protection of its natural  
4 resources;

5           (2) The life of Rhode Island resource recovery's central landfill is not expected to exceed  
6 2038, with limited ability to expand and/or relocate;

7           (3) Rhode Island has embarked innovative solutions to tackle its environmental challenges,  
8 including "Let's Recycle Right." In 2021 CNBC ranked Rhode Island 46th in its annual "Top States  
9 for Business." Innovative solutions are ready to put Rhode Island closer to the top of the list;

10          (4) Economic recovery in Rhode Island, post COVID is important to the well-being of all  
11 Rhode Islanders;

12          (5) Rhode Island is committed to a clean environment and protection of its natural  
13 resources. The U.S. Environmental Protection Agency has recognized that reusing and recycling  
14 materials conserves natural resources, reduces waste, prevents pollution, reduces greenhouse  
15 gasses contributing to climate change and serves as an important economic driver, helping to create  
16 jobs and tax revenue; and

17          (6) The purpose of this chapter is to facilitate globally recognized state of the art  
18 technologies in Rhode Island as they relate to clean, post-consumer recycled plastic. Rhode Island  
19 stands to be the leader in New England joining over fifteen (15) states who have adopted this

1 legislation. Rhode Island has the potential to be nationally and internationally recognized as a state  
2 that is encouraging innovation, by looking to the future in solving its environmental challenges.

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

5 **23-18.9-7. Definitions.**

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

8 ~~(1)~~(3) "Beneficial reuse material" means a processed, nonhazardous, solid waste not already  
9 defined as recyclable material by this chapter and by regulations of the Rhode Island department  
10 of environmental management that the director has determined can be reused in an environmentally  
11 beneficial manner without creating potential threats to public health, safety, welfare, or the  
12 environment or creating potential nuisance conditions.

13 ~~(2)~~(4) "Beneficial use determination" (BUD) means the case-by-case process by which the  
14 director evaluates a proposal to use a specific solid waste as a beneficial reuse material for a specific  
15 purpose at a specific location within the host municipality.

16 ~~(3)~~(5) "Cocktailing" means the adding, combining, or mixing of hazardous waste as  
17 defined in § 23-19.1-4 with construction debris and demolition debris.

18 ~~(4)~~(6) "Construction and demolition (C&D) debris" means non-hazardous solid waste  
19 resulting from the construction, remodeling, repair, and demolition of utilities and structures and  
20 uncontaminated solid waste resulting from land clearing. This waste includes, but is not limited to,  
21 wood (including painted, treated, and coated wood, and wood products); land-clearing debris; wall  
22 coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other  
23 roof coverings; glass; plastics that are not sealed in a manner that conceals other wastes, empty  
24 buckets ten (10) gallons or less in size and having no more than one inch of residue remaining on  
25 the bottom; electrical wiring and components containing no hazardous liquids; and pipe and metals  
26 that are incidental to any of the previously described waste. Solid waste that is not C&D debris  
27 (even if resulting from the construction, remodeling, repair, and demolition of utilities, structures  
28 and roads; land clearing) includes, but is not limited to, asbestos; waste; garbage; corrugated  
29 container board; electrical fixtures containing hazardous liquids, such as fluorescent light ballasts  
30 or transformers; fluorescent lights; carpeting; furniture; appliances; tires; drums; containers greater  
31 than ten gallons (10 gals.) in size; any containers having more than one inch of residue remaining  
32 on the bottom; and fuel tanks. Specifically excluded from the definition of construction and  
33 demolition debris is solid waste (including what otherwise would be construction and demolition  
34 debris) resulting from any processing technique, other than that employed at a department-approved

1 C&D debris processing facility, that renders individual waste components unrecognizable, such as  
2 pulverizing or shredding.

3 ~~(5)~~[\(7\)](#) "Construction and demolition debris processing facility" means a solid waste  
4 management facility that receives and processes construction and demolition debris. These  
5 facilities must demonstrate, through records maintained at the facility and provided to the  
6 department, that seventy-five percent (75%) of all material received by the facility is processed and  
7 removed from the site within six (6) weeks of receipt on a continuous basis, and that in no case  
8 stores material on site for over three (3) months; provided, however, these facilities do not include  
9 municipal compost facilities.

10 ~~(6)~~[\(8\)](#) "Construction and demolition debris separation facility" means a facility that  
11 receives, separates, and/or screens construction and demolition debris into its components for  
12 subsequent resale or processing that includes, but is not limited to, grinding, shredding, crushing,  
13 or landfilling at another location separate and apart from the location on which the separation  
14 occurs.

15 ~~(7)~~[\(9\)](#) "Director" means the director of the department of environmental management or  
16 any subordinate or subordinates to whom the director has delegated the powers and duties vested  
17 in him or her by this chapter.

18 ~~(8)~~[\(10\)](#) "Expansion" means any increase in volume, size, or scope, either vertically,  
19 horizontally, or otherwise; provided, however, that this section does not apply to the vertical  
20 expansion of the Charlestown municipal landfill until the closure date of July 1, 2000.

21 ~~(9)~~[\(11\)](#) "Person" includes an individual, firm, partnership, association, and private or  
22 municipal corporation.

23 ~~(10)~~[\(14\)](#) "Recyclable materials" means those materials separated from solid waste for  
24 reuse. The director of the department of environmental management, through regulations, shall  
25 specify those materials that are to be included within the definition of recyclables. The materials to  
26 be included may change from time to time depending upon new technologies, economic conditions,  
27 waste stream characteristics, environmental effects, or other factors.

28 ~~(11)~~[\(15\)](#) "Segregated solid waste" means material separated from other solid waste for  
29 reuse, but does not include, post-use polymers or recovered feedstocks that are:

30 (i) Converted at an advanced recycling facility;

31 (ii) Held at such a facility prior to conversion to ensure production is not interrupted; or

32 (iii) Stored offsite with the intent that they will be converted at an advanced recycling  
33 facility, but before delivery to such a facility.

34 ~~(12)~~[\(16\)](#) "Solid waste" means garbage, refuse, tree waste as defined by subsection (14) of

1 this section, and other discarded solid materials generated by residential, institutional, commercial,  
2 industrial, and agricultural sources, but does not include solids or dissolved material in domestic  
3 sewage or sewage sludge or dredge material as defined in chapter 6.1 of title 46, nor does it include  
4 hazardous waste as defined in chapter 19.1 of this title, nor does it include used asphalt, concrete,  
5 or Portland concrete cement. [Solid waste does not include post-use polymers or recovered](#)  
6 [feedstocks that are:](#)

7 [\(i\) Converted at an advanced recycling facility;](#)

8 [\(ii\) Held at such a facility prior to conversion; or](#)

9 [\(iii\) Stored offsite with the intent that they will be converted at an advanced recycling](#)  
10 [facility, but before delivery to such a facility.](#)

11 ~~(13)~~[\(17\)](#) "Solid waste management facility" means any plant, structure, equipment, real  
12 and personal property, except mobile equipment or incinerators with a capacity of less than one  
13 thousand pounds (1,000 lbs.) per hour, operated for the purpose of processing, treating, or disposing  
14 of solid waste but not segregated solid waste. Any solid waste management facility that stores waste  
15 materials containing gypsum on site over three (3) months must install and maintain an active gas  
16 collection system approved by the department of environment management. [Solid waste](#)  
17 [management facilities do not include advanced recycling facilities.](#)

18 ~~(14)~~[\(18\)](#)(i) "Tree waste" means all parts of a tree, including stumps, branches, and logs that  
19 shall be considered solid waste for purposes of this chapter unless the tree waste meets the following  
20 criteria:

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

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

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

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

31 ~~(15)~~[\(19\)](#) "Organic waste material" means the organic material portion of the solid waste  
32 stream, including, but not limited to, food scraps, food processing residue, and soiled or  
33 unrecyclable paper that has been separated from nonorganic material.

34 ~~(16)~~[\(20\)](#) "Composting facility" means land, appurtenances, structures, or equipment where

1 organic materials originating from another process or location that have been separated at the point  
2 or source of generation from nonorganic material are recovered using a process of accelerated  
3 biological decomposition of organic material under controlled aerobic conditions.

4 ~~(17)~~(21) "Anaerobic digestion facility" means a facility employing a closed vessel to  
5 perform a closed process of accelerated biodegradation of organic materials and/or organic solid  
6 wastes into biogas and digestate, using microorganisms under controlled conditions in the absence  
7 of oxygen.

8 ~~(18)~~(22) "Other authorized recycling method" means:

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

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

13 ~~(19)~~(23) "Covered entity" means each commercial food wholesaler or distributor, industrial  
14 food manufacturer or processor, supermarket, resort or conference center, banquet hall, restaurant,  
15 religious institution, military installation, prison, corporation, hospital or other medical care  
16 institution, and casino.

17 ~~(20)~~(24) "Covered educational institution" means a higher educational or research  
18 institution.

19 ~~(21)~~(25) "Covered educational facility" means a building or group of two (2) or more  
20 interconnected buildings owned or used by a covered educational institution at which organic waste  
21 materials are generated.

22 (1) "Advanced recycling" means a manufacturing process for the conversion of post-use  
23 polymers and recovered feedstock into basic hydrocarbon raw materials, feedstocks, chemicals,  
24 and other products like waxes and lubricants through thermochemical processes that convert  
25 plastics into their basic molecular components. The recycled products produced at advanced  
26 recycling facilities include, but are not limited to, recycled plastics, monomers, oligomers, plastics,  
27 plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings.  
28 Advanced recycling shall not be considered resource recovery, materials recovery, treatment,  
29 utilization, conversion, waste processing, reconstituting, waste management, incineration,  
30 combustion, or disposal.

31 (2) "Advanced recycling facility" means a facility that receives, stores and converts post-  
32 use polymers and recovered feedstocks it receives using advanced recycling. An advanced  
33 recycling facility is a manufacturing facility subject to applicable department manufacturing  
34 regulations for air, water, waste, and land use. Advanced recycling facilities shall not be considered

1 solid waste management facilities, waste processing facilities, resource recovery facilities,  
2 materials recovery facilities, intermediate processing facilities, or incinerators.

3 (12) "Post-use polymer" means a plastic polymer to which all of the following apply:

4 (i) It is derived from any industrial, commercial, agricultural, or domestic activities.

5 (ii) It is not mixed with solid waste or hazardous waste onsite or during conversion at the  
6 advanced recycling facility.

7 (iii) The plastic's use or intended use is as a feedstock for the manufacturing of feedstocks,  
8 other basic hydrocarbons, raw materials, or other intermediate products or final products using  
9 advanced recycling.

10 (iv) The plastic has been sorted from solid waste and other regulated waste but may contain  
11 residual amounts of solid waste such as organic material and incidental contaminants or impurities  
12 (e.g., paper labels and metal rings).

13 (v) The plastic is converted at an advanced recycling facility or held at such facility prior  
14 to conversion. Post-use polymer shall not be considered co-mingled recyclable materials.

15 (13) "Recovered feedstock" means one or more of the following materials, derived from  
16 recoverable waste, that has been converted so that it may be used as feedstock in an advanced  
17 recycling facility:

18 (i) Post-use polymers.

19 (ii) Materials for which the United States Environmental Protection Agency has made a  
20 nonwaste determination under 40 C.F.R. 241.3(c) or has otherwise determined are feedstock and  
21 not solid waste.

22 (iii) Recovered feedstock does not include unprocessed municipal solid waste.

23 (iv) Recovered feedstock is not mixed with solid waste or hazardous waste onsite or during  
24 conversion at an advanced recycling facility.

25 (v) Recovered feedstock shall not be considered co-mingled recyclable materials.

26 SECTION 3. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
27 amended by adding thereto the following chapter:

28 CHAPTER 18.18

29 PLASTICS RECYCLING MANDATE

30 **23-18.18-1. Definitions.**

31 The following terms and phrases used in this chapter shall, where context permits, be  
32 construed as follows:

33 (1) "Advanced recycling feedstocks" means post-use polymer and recovered feedstocks.

34 Advanced recycling feedstocks shall not be considered solid wastes.

1           (2) "Advanced recycling product" means materials produced through mass balance  
2 attribution and/or directly through conversion of advanced recycling feedstocks using advanced  
3 recycling processes, and include, but are not limited to, monomers, oligomers, plastics, plastics and  
4 chemical feedstocks, specialty chemicals, basic chemicals, chemical intermediates, unfinished  
5 chemicals, waxes, lubricants, coatings, asphalt blends, other basic hydrocarbons, and other  
6 products. Advanced recycling products shall not be considered solid waste.

7           (3) "Approved certification system" means an accounting and recordkeeping program  
8 developed by the director to facilitate implementation of the plastic recycling mandate.

9           (4) "Attribution" means a methodology by which a manufacturer using mass balance under  
10 an approved certification system attributes an equivalent mass of the advanced recycling feedstocks  
11 inputted into its advanced recycling process, adjusted for losses, across the mass of one or more of  
12 the advanced recycling products manufactured in connection with that process.

13           (5) "Certified compostable products" means products that are certified by a recognized  
14 third-party independent verification body as meeting international standard specifications ASTM  
15 D6400, "Specifications for Labeling of Plastics Designed to be Aerobically Composed in  
16 Municipal or Industrial Facilities" or ASTM D6868 "Standard Specification for Labeling of End  
17 Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other  
18 Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities," as  
19 amended.

20           (6) "Consumer commodity" or "commodity" means any article, product, good or  
21 commodity of any kind or class which is customarily produced or distributed for sale through retail  
22 sales agencies or instrumentalities for consumption or use.

23           (7) "Mass balance" means an auditable chain of custody method that enables the attribution  
24 of the mass of advanced recycling feedstocks to one or more advanced recycling products produced  
25 in connection with the advanced recycling process within a predefined system boundary and within  
26 a given booking period (usually one year) and adjusted for losses.

27           (8) "Marketers" means persons which:

28           (i) Either manufacture or purchase manufactured consumer commodities, food or  
29 beverages, and

30           (ii) Enclose, contain, store, protect, preserve, or identify those consumer commodities, food  
31 or beverages in plastic packaging for sale, market, or distribution within the state.

32           (9) "Mechanical recycling" means operations that recycle plastic via physical processes,  
33 such as grinding, washing, separating, drying, melting, re-granulating, and compounding.

34           (10) "Plastic" means any material made of polymeric organic compounds derived from

1 monomers and additives that can be shaped by flow.

2 (11) "Plastics packaging" means any immediate container or wrapping in which the  
3 principal structural element is composed of plastics that is used to enclose, contain, store, protect,  
4 preserve, transport, or identify consumer commodities, food, or beverages for use in the sale of the  
5 consumer commodities, food, or beverages.

6 (12) "Recycled plastics" or "recycled plastic" means plastics certified under an approved  
7 certification system and produced:

8 (i) From mechanical recycling using pre-consumer recovered materials, and post-consumer  
9 materials; or

10 (ii) From advanced recycling feedstocks or advanced recycling products using mass  
11 balance attribution. The term "recycled content" shall have the same meaning as recycled plastics.  
12 Recycled plastics shall not be considered solid waste.

13 **23-18.18-2. Mandates.**

14 (a) Applicability.

15 (1) Entities subject to the minimum mandate for recycled plastics in plastics packaging in  
16 their annual portfolios are marketers.

17 (2) Recycled plastics or the feedstocks and/or materials used to produce recycled plastics  
18 can be sourced within or outside the state.

19 (3) The mandate shall apply to marketers' total annual portfolio of plastics packaging in  
20 the state, except for plastics packaging:

21 (i) Manufactured from certified compostable products; or

22 (ii) Subject to electrostatic discharge restrictions.

23 (b) Minimum annual recycled plastics mandate. Not later 2030, a marketer's annual  
24 portfolio of plastics packaging sold, marketed, and distributed in the state shall include thirty  
25 percent (30%) recycled plastics.

26 (c) A person subject to the minimum mandate for recycled plastics in plastic packaging in  
27 their annual portfolio not in compliance with this act shall submit to the department a plan subject  
28 to departmental approval to comply with this chapter.

29 **23-18.18-3. Air monitoring.**

30 Each advanced recycling facility shall deploy and operate an air monitoring station to  
31 measure the concentrations of pollutants in the ambient air pursuant to standards set forth in federal  
32 and state law. A minimum of five (5) continuous air samplers are required. One shall be located on  
33 or near the building where the advanced recycling process takes place, and one each within one  
34 hundred feet (100') of the north, south, east and west property lines of the advanced recycling



1 facility. The air monitoring station and samplers shall be continuous and operational at all times  
2 that the facility is operational. The advanced recycling facility shall send a report of the air  
3 monitoring to the host municipality governing body at least annually. The host municipality may,  
4 by ordinance, require additional reports and specific data.

5 **23-18.18-4. Location of advanced recycling facility.**

6 (a) Notwithstanding any other law, rule, or regulation to the contrary, no permit or license  
7 shall be issued for the construction or operation of an advanced recycling facility, and no  
8 application for a permit or license for such a facility shall be granted or issued by the state unless  
9 the facility:

10 (1) Is located within a one mile radius of a state facility, which may include the Rhode  
11 Island resource recovery corporation or Narragansett Bay Commission; and

12 (2) Is located in a designated industrial zone or commercial port facility that does not abut  
13 a residential community; and

14 (3) Is located in a designated industrial zone or commercial port facility that does not abut  
15 an environmental justice area; and

16 (4) Is located within a single municipality a minimum of one mile from any bordering  
17 municipality and state border.

18 (b) State facilities located within an area zoned for residential development are prohibited  
19 from locating an advanced recycling facility within the residential area.

20 SECTION 4. Section 23-19-5 of the General Laws in Chapter 23-19 entitled "Rhode Island  
21 Resource Recovery Corporation" is hereby amended to read as follows:

22 **23-19-5. Definitions.**

23 The following words and phrases have the meanings ascribed to them in this section unless  
24 the context clearly indicates otherwise:

25 (1) "Advanced recycling" means a manufacturing process for the conversion of post-use  
26 polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals,  
27 and other products like waxes and lubricants through thermochemical processes that convert  
28 plastics into their basic molecular components. The recycled products produced at advanced  
29 recycling facilities include, but are not limited to, certified recycled plastics, monomers, oligomers,  
30 plastics, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and  
31 coatings. Advanced recycling shall not be considered resource recovery, materials recovery,  
32 treatment, utilization, conversion, waste processing, reconstituting, waste management,  
33 incineration, combustion, or disposal.

34 (2) "Advanced recycling facility" means a facility that receives, stores and converts post-

1 [use polymers and recovered feedstocks it receives using advanced recycling. An advanced](#)  
2 [recycling facility is a manufacturing facility subject to applicable department manufacturing](#)  
3 [regulations for air, water, waste, and land use. Advanced recycling facilities shall not be considered](#)  
4 [solid waste management facilities, resource recovery facilities, materials recovery facilities,](#)  
5 [intermediate processing facilities, waste processing facilities, or incinerators.](#)

6 ~~(1)~~[\(3\)](#) "Bonds and notes" means bonds, including without limitation refunding bonds,  
7 notes, including without limitation renewal notes and bond anticipation notes, and other obligations  
8 or evidences of indebtedness of the corporation issued pursuant to the provisions of this chapter  
9 and the resolutions of the corporation.

10 ~~(2)~~[\(4\)](#) "Central landfill" means the central landfill located in Johnston.

11 ~~(3)~~[\(5\)](#) "Corporation" means the Rhode Island resource recovery corporation created and  
12 established pursuant to this chapter.

13 ~~(4)~~[\(6\)](#) "Landfill revenues" means the surplus, if any, of all tipping fees and other revenues  
14 received at the central landfill over the annual costs of the landfill, and a pro-rata share of the  
15 corporation's administrative expenses.

16 ~~(5)~~[\(7\)](#) "Municipal solid waste" means that solid waste generated by the residents of a  
17 municipality in the course of their daily living, the disposal of which the governing body of that  
18 municipality has undertaken in the discharge of its duties to protect the health of the municipality.  
19 Municipal solid waste does not include solid waste generated by residents of a municipality in the  
20 course of their employment or that generated by any manufacturing or commercial enterprise.

21 ~~(6)~~[\(8\)](#) "Municipal solid waste disposal arrangements" means those arrangements entered  
22 into by a municipality which provide for the final disposal of wastes in a manner approved by the  
23 department of health, the department of environmental management, and the corporation; provided,  
24 however, that the disposal of wastes in transfer stations or facilities for interim storage shall not  
25 constitute final disposal of the wastes.

26 ~~(7)~~[\(9\)](#) "Municipality" means any town or city within the state.

27 ~~(8)~~[\(10\)](#) "Person" means any individual, firm, institution, partnership, association or  
28 corporation, public, or private, organized or existing under the laws of the state or other states  
29 including federal corporations, but excluding municipalities.

30 [\(11\) "Post-use polymer" means a plastic polymer to which all of the following apply:](#)

31 [\(i\) It is derived from any industrial, commercial, agricultural, or domestic activities.](#)

32 [\(ii\) It is not mixed with solid waste or hazardous waste onsite or during conversion at the](#)  
33 [advanced recycling facility.](#)

34 [\(iii\) The plastic's use or intended use is as a feedstock for the manufacturing of feedstocks,](#)

1 blendstocks, other basic hydrocarbons, raw materials, or other intermediate products or final  
2 products using advanced recycling.

3 (iv) The plastic has been sorted from solid waste and other regulated waste but may contain  
4 residual amounts of solid waste such as organic material and incidental contaminants or impurities  
5 (e.g., paper labels and metal rings).

6 (v) The plastic is converted at an advanced recycling facility or held at such facility prior  
7 to conversion. Post-use polymer shall not be considered co-mingled recyclable materials.

8 ~~(9)~~(12) "Project" means the design, acquisition, ownership, operation, construction,  
9 rehabilitation, improvement, development, sale, lease, or other disposition of, or the provision of  
10 financing for, any solid waste management facility or the industrial and/or business parks in the  
11 town of Johnston authorized by § 23-19-9(a)(7) and the highway access authorized by § 23-19-  
12 10.3.

13 (13) "Recovered feedstock" means one or more of the following materials, derived from  
14 recoverable waste, that has been converted so that it may be used as feedstock in an advanced  
15 recycling facility:

16 (i) Post-use polymers.

17 (ii) Materials for which the United States Environmental Protection Agency has made a  
18 nonwaste determination under 40 C.F.R. 241.3(c) or has otherwise determined are feedstocks and  
19 not solid waste.

20 (iii) Recovered feedstock does not include unprocessed municipal solid waste.

21 (iv) Recovered feedstock is not mixed with solid waste or hazardous waste onsite or during  
22 conversion at an advanced recycling facility.

23 (v) Recovered feedstock shall not be considered co-mingled recyclable materials.

24 ~~(10)~~(14) "Recyclable materials" means those materials separated from solid waste for  
25 reuse. The director of the department of environmental management through regulations shall  
26 specify those materials that are to be included within the definition of recyclables. The materials to  
27 be included may change from time to time depending upon new technologies, economic conditions,  
28 characteristics of the waste stream, environmental effects, or other factors.

29 ~~(11)~~(15) "Recycling" means the reuse of recovered resources in manufacturing, agriculture,  
30 power production, or other processes.

31 ~~(12)~~(16) "Resource recovery" means the processing of solid wastes in such a way as to  
32 produce materials or energy that may be used in manufacturing, agriculture, and other processes.

33 ~~(13)~~(17) "Resource recovery system" means the corporation's integrated system of resource  
34 recovery consisting of a series of waste processing facilities designed to process a minimum of

1 seventy percent (70%) of the municipal and commercial solid waste streams by employing an on-  
2 site waste separation technology for the purpose of recycling and/or reusing a minimum of seventy  
3 percent (70%) of the solid waste stream, and minimal use of landfills for the purpose of providing  
4 temporary backup or bypass landfill capacity and residue disposal from waste processing facilities  
5 and any other related facilities and services.

6 ~~(14)~~[\(18\)](#) "Resource recovery system costs" means all operating costs of the system; debt  
7 service and other financing costs related to the resource recovery system; the costs of recycling  
8 grants-in-aid and similar obligations of the corporation; allocations for extraordinary and  
9 unexpected costs; and a pro-rata share of the corporation's administrative expenses.

10 ~~(15)~~[\(19\)](#) "Resource recovery system revenues" means all amounts received by the  
11 corporation as municipal tipping fees, non-municipal tipping fees, energy revenues, revenues from  
12 the sale of recyclable materials, and all other revenues received with respect to the resource  
13 recovery system, but shall not include any landfill revenues and any amounts received as a state  
14 subsidy.

15 ~~(16)~~[\(20\)](#) "Revenues" means monies or income received by the corporation in whatever  
16 form, including but not limited to fees, charges, lease payments, interest payments on investments,  
17 payments due and owing on account of an instrument, contract, or agreement between the  
18 corporation, any municipality, or person, gifts, grants, or any other monies or payments to which  
19 the corporation is entitled under the provisions of this chapter or any other law, or of any agreement,  
20 contract, or indenture.

21 ~~(17)~~[\(21\)](#) "Segregated solid waste" means material which has been separated from the waste  
22 stream at the generation source for the purpose of recovering and recycling the materials [but does](#)  
23 [not include post-use polymers or recovered feedstocks](#).

24 ~~(18)~~[\(22\)](#) "Solid waste" means garbage, refuse, sludge from a waste treatment plant, water  
25 supply treatment plant, or air pollution control facility and other discarded materials, including  
26 solid, liquid, semisolid, or contained gaseous material generated by residential, institutional,  
27 commercial, industrial, and agricultural sources but does not include solids or dissolved materials  
28 in domestic sewage. [Solid waste does not include post-use polymers or recovered feedstocks](#).

29 ~~(19)~~[\(23\)](#) "Solid waste management facility" means any plant, structure, equipment, and  
30 other property, real, personal, or mixed, or the modification or replacement of any of the foregoing,  
31 for the receipt, storage, treatment, utilization, processing, transporting, or final disposition of or  
32 recovery of resources from solid waste other than segregated solid waste, or any facility which  
33 disposes of solid waste by reconstituting, converting, or otherwise recycling it into material which  
34 is not waste; or any property or system to be used in whole or in part for any of the previously

1 mentioned purposes, whether or not another purpose is also served by it; or any other property or  
2 system incidental to, or which has to do with, or the end purpose of which, is any of the foregoing;  
3 or any combination of two (2) or more of the foregoing. [Solid waste management facilities do not](#)  
4 [include advanced recycling facilities.](#)

5 ~~(20)~~[\(24\)](#) "Statewide resource recovery system development plan" means that plan which  
6 will specify the location, size, and type of solid waste management facilities that may be required  
7 to develop an integrated statewide resource recovery system for the effective management of solid  
8 waste in Rhode Island. It will also specify a proposed schedule by which the component facilities  
9 will be phased into the statewide system, and it will provide for the administrative and financial  
10 requirements for implementing the plan.

11 ~~(21)~~[\(25\)](#) "Waste management" means actions taken to effectuate the receipt, storage,  
12 transportation, and processing for resource recovery and recycling, or for the ultimate disposal, of  
13 solid waste.

14 ~~(22)~~[\(26\)](#) "Waste processing facility" means a solid waste facility employing recycling  
15 based technology employing an on-site waste separation technology designed to process both  
16 nonsource separated and source separated solid waste for the purpose of recycling, and/or  
17 composting, and/or reusing a minimum of seventy percent (70%) of the municipal and commercial  
18 solid waste streams.

19 **SECTION 5. This act shall take effect upon passage.**

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LC005514/SUB A  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL

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1           This act would provide a definition for "advanced recycling" and "advanced recycling  
2 facility" which would mean a facility and recycling process that receives, stores and converts post-  
3 use polymers and recovered feedstocks it receives using advanced recycling and would establish a  
4 plastics recycling mandate for certain businesses.

5           This act would take effect upon passage.

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LC005514/SUB A  
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