

**2015 -- H 5680 SUBSTITUTE A**

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LC001114/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2015**

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A N A C T

RELATING TO HEALTH AND SAFETY - AIR POLLUTION

Introduced By: Representatives Kennedy, Azzinaro, Filippi, Nardolillo, and Roberts

Date Introduced: February 26, 2015

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 23-23-3 of the General Laws in Chapter 23-23 entitled "Air  
2           Pollution" is hereby amended to read as follows:

3           **23-23-3. Definitions.** -- As used in this chapter, the following terms shall, where the  
4           context permits, be construed as follows:

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

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

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

15          (4) "Extremely toxic air contaminant" means any air contaminant which has been  
16          classified as a potential carcinogen by the International Agency for Research on Cancer (IARC),  
17          Environmental Protection Agency (EPA), Occupational Safety and Health Administration  
18          (OSHA), National Institute of Occupational Safety and Health (NIOSH), American Conference  
19          of Governmental Industrial Hygienists (ACGIH), or the National Toxicology Program (NTP); or

1 any air contaminant which induces mutagenic or teratogenic effects; or any air contaminant  
2 which, when inhaled, has caused significant chronic adverse effects in test animals; or any air  
3 contaminant having an acute toxicity of:

- 4 (i) LD50 (oral) less than 500mg/kg;
- 5 (ii) LD50 (inhalation) less than 2000ppm; or
- 6 (iii) LD50 (dermal) less than 1000mg/kg;

7 and/or has been adopted by the director pursuant to the provisions of chapter 35 of title  
8 42. In addition to the above, it may also include any hazardous air pollutant as defined in § 112(b)  
9 of the federal Clean Air Act, 42 U.S.C. § 7412(b).

10 (5) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which  
11 is propelled by electric power obtained from overhead trolley wires, but not operated upon rails,  
12 except vehicles moved exclusively by human power and motorized wheelchairs.

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

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

20 (8) "Manufactured unwashed sand" means product resulting from the mechanical  
21 crushing of rock, boulders, or large cobblestones which has a gradation of fifty percent (50%) or  
22 more of coarse fraction passing the No. 4 sieve as referenced in the standard practice for  
23 classification of soils for engineering purposes (unified soil classification system) and American  
24 Society of Testing and Materials Designations D-2487-06 which has not been subject to a  
25 mechanical process (using water) that is designed to substantially remove fine fractions passing  
26 the No. 200 sieve.

27 SECTION 2. Chapter 23-23 of the General Laws entitled "Air Pollution" is hereby  
28 amended by adding thereto the following section:

29 **23-23-31. Dust control at extractive industries.** – This section applies to all extractive  
30 industries, as that term is defined in § 45-24-31(25), that are located within one thousand five  
31 hundred feet (1,500') of any occupied dwelling structure from the location of the piles of material  
32 defined in § 23-23-3(8).

33 (1) Manufactured unwashed sand shall not be stockpiled except in a manner that prevents  
34 fugitive dust from traveling beyond the property line of the extractive industry by use of water

1 sprays.

2 (2) In determining compliance with this provision, the director may consider one or more  
3 of the following factors:

4 (i) Moisture content of the stone dust piles;

5 (ii) Atmospheric humidity;

6 (iii) Wind direction and velocity;

7 (iv) Rainfall;

8 (v) Observations of fugitive dust;

9 (vi) Location of the stone dust piles; and

10 (vii) Any other factors that may cause fugitive dust to travel beyond the property line of  
11 the extractive industry.

12 (3) The director may approve the use of alternatives to water spray, if water is not  
13 available or its use is not practical, including, but not limited to, crusting agents or enclosures;  
14 provided that such alternatives prevent fugitive dust from traveling beyond the property line of  
15 the extractive industry.

16 SECTION 3. This act shall take effect upon passage.

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

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1           This act would create a definition of the term "manufactured unwashed sand" for  
2 purposes of air pollution. The act further provides that for all extractive industries, such as rock  
3 quarries, which are located near occupied dwellings, manufactured unwashed sand could be  
4 stockpiled only in a way that would prevent dust from traveling off the property of the extractive  
5 industry. Such ways could include water sprays, crusting agents, or other methods approved by  
6 the department of environmental management.

7           This act would take effect upon passage.

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