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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO HEALTH AND SAFETY -- WASTE RECYCLING

Introduced By: Senators Lombardi, Algiere, Pagliarini, Nesselbush, and Archambault

Date Introduced: February 25, 2016

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-18.8-2.1 of the General Laws in Chapter 23-18.8 entitled "Waste
2 Recycling" is hereby amended to read as follows:

3 **23-18.8-2.1. Definitions.** -- As used in this chapter:

4 (1) "Corporation" means the Rhode Island resource recovery corporation;

5 (2) "Department" means the department of environmental management;

6 (3) "Director" means the director of the department of environmental management;

7 (4) "Recyclable materials" means those materials separated from solid waste which can
8 be further sorted into commodities to be sold or delivered to a manufacturer or processor to be
9 transformed into new, usable or marketable materials. The director of Rhode Island resource
10 recovery corporation shall specify those materials that are to be included within the definition of
11 recyclable materials. The materials to be included may change from time to time depending upon
12 new technologies, economic conditions, waste stream characteristics, environmental effects, or
13 other factors;

14 (5) "Recycling" means any process in which discarded products lose their original
15 identity or form as they are transformed into new, usable or marketable materials;

16 ~~(4)~~(6) "Post-consumer waste" has the meaning given "post-consumer content" in § 37-2-
17 76.1(2).

18 ~~(5)~~(7) "Telephone directory" means a soft cover listing of telephone numbers and
19 addresses by telephone listing territories commonly listed alphabetically or by occupation and

1 distributed to households and businesses on behalf of telecommunications utilities or private
2 advertisers; and

3 ~~(6)~~(8) "Telephone directory distributor" means any party which distributes telephone
4 directories within the state, and shall include the principal of the party if the party is an agent and
5 the principal is located or doing business in the state.

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

8 **23-18.9-7. Definitions.** -- As used in this chapter, the following terms shall, where the
9 context permits, be construed as follows:

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

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

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

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

1 construction and demolition debris is solid waste (including what otherwise would be
2 construction and demolition debris) resulting from any processing technique, other than that
3 employed at a department-approved C&D debris processing facility, that renders individual waste
4 components unrecognizable, such as pulverizing or shredding.

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

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

17 (7) "Director" means the director of the department of environmental management or any
18 subordinate or subordinates to whom the director has delegated the powers and duties vested in
19 him or her by this chapter.

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

23 (9) "Person" includes an individual, firm, partnership, association, and private or
24 municipal corporation.

25 (10) "Recyclable materials" means those materials separated from solid waste ~~for reuse.~~
26 ~~The director of the department of environmental management, through regulations, shall specify~~
27 ~~those materials that are to be included within the definition of recyclables.~~ which can be further
28 sorted into commodities to be sold or delivered to a manufacturer or processor to be transformed
29 into new, usable or marketable materials. The director of Rhode Island resource recovery
30 corporation shall specify those materials that are to be included within the definition of recyclable
31 materials. The materials to be included may change from time to time depending upon new
32 technologies, economic conditions, waste stream characteristics, environmental effects, or other
33 factors.

34 (11) "Segregated solid waste" means material separated from other solid waste for reuse.

1 (12) "Solid waste" means garbage, refuse, tree waste as defined by subsection 14 of this
2 section, and other discarded solid materials generated by residential, institutional, commercial,
3 industrial, and agricultural sources, but does not include solids or dissolved material in domestic
4 sewage or sewage sludge or dredge material as defined in chapter 6.1 of title 46, nor does it
5 include hazardous waste as defined in chapter 19.1 of this title, nor does it include used asphalt,
6 concrete, or Portland concrete cement.

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

13 (14) (a) "Tree Waste" means all parts of a tree, including stumps, branches, and logs that
14 shall be considered solid waste for purposes of this chapter unless the tree waste meets the
15 following criteria:

16 (1) The tree waste remains on the property where it was generated; or

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

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

22 (b) The application of the criteria set forth in this section shall not be deemed to
23 abrogate, diminish, or impair the enforcement of the requirements established pursuant to chapter
24 28.1 of this title or the authority of the state and/or a city or town to protect the public health,
25 safety, or welfare from a public nuisance resulting from the storage and handling of tree waste.

26 (15) "Organic waste material" means the organic material portion of the solid waste
27 stream, including, but not limited to, food scraps, food processing residue, and soiled or
28 unrecyclable paper that has been separated from nonorganic material.

29 (16) "Composting facility" means land, appurtenances, structures, or equipment where
30 organic materials originating from another process or location that have been separated at the
31 point or source of generation from nonorganic material are recovered using a process of
32 accelerated biological decomposition of organic material under controlled aerobic conditions.

33 (17) "Anaerobic digestion facility" means a facility employing a closed vessel to perform
34 a closed process of accelerated biodegradation of organic materials and/or organic solid wastes

1 into biogas and digestate, using microorganisms under controlled conditions in the absence of
2 oxygen.

3 (18) "Other authorized recycling method" means:

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

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

8 (19) "Covered entity" means each commercial food wholesaler or distributor, industrial
9 food manufacturer or processor, supermarket, resort or conference center, banquet hall,
10 restaurant, religious institution, military installation, prison, corporation, hospital or other medical
11 care institution, and casino.

12 (20) "Covered educational institution" means a higher educational or research institution.

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

16 SECTION 3. Section 23-18.12-2 of the General Laws in Chapter 23-18.12 entitled
17 "Beverage Container Recyclability" is hereby amended to read as follows:

18 **23-18.12-2. Definitions.** -- (a) "Beverage container" means any sealable bottle, can, jar,
19 or carton which contains a beverage.

20 (b) "Beverage retailer" means any person who engages in the sale of a beverage
21 container to a consumer within the state, or any operator of a vending machine.

22 (c) "Beverage wholesaler" means any person who engages in the sale of beverage
23 containers to beverage retailers in this state, including any brewer, manufacturer, or bottler who
24 engages in the sales.

25 (d) "Beverages" include milk, juices, carbonated soft drinks, soda water, mineral water,
26 beer, and other malt beverages, wine and wine coolers, and all other packaged liquors and liquid
27 mixes.

28 (e) "Corporation" means the Rhode Island resource recovery corporation.

29 (f) "Department" means the department of environmental management.

30 (g) "Distributor establishments" means all sales outlets, stores, and shops located in this
31 state that sell beverages to consumers, except merchants who sell prepared food or drink for
32 consumption on the premises.

33 (h) ~~"Recyclable" means recovered resources able to be reused in manufacturing,~~
34 ~~agriculture, power production, or other processes.~~ "Recycling" means any process in which

1 discarded products lose their original identity or form as they are transformed into new, usable or
2 marketable materials and expressly excludes the use of discarded products for energy production.

3 (i) "Recycling rate" means the percentage by weight of a particular beverage container
4 that is recovered from municipal and/or commercial collection programs for recycling. The
5 recycling rate shall apply only to those beverages included in the state mandatory recycling
6 program.

7 (j) "Reusable" means able to be refilled after proper processing on an economically
8 feasible basis as a beverage container.

9 (k) "Recyclable materials" means those materials separated from solid waste which can
10 be further sorted into commodities to be sold or delivered to a manufacturer or processor to be
11 transformed into new, usable or marketable materials. The director of Rhode Island resource
12 recovery corporation shall specify those materials that are to be included within the definition of
13 recyclable materials. The materials to be included may change from time to time depending upon
14 new technologies, economic conditions, waste stream characteristics, environmental effects, or
15 other factors.

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

18 **23-19-5. Definitions.** -- The following words and phrases have the meanings ascribed to
19 them in this section unless the context clearly indicates otherwise:

20 (1) "Bonds and notes" means bonds, including without limitation refunding bonds, notes,
21 including without limitation renewal notes and bond anticipation notes, and other obligations or
22 evidences of indebtedness of the corporation issued pursuant to the provisions of this chapter and
23 the resolutions of the corporation.

24 (2) "Central landfill" means the central landfill located in Johnston.

25 (3) "Corporation" means the Rhode Island resource recovery corporation created and
26 established pursuant to this chapter.

27 (4) "Landfill revenues" means the surplus, if any, of all tipping fees and other revenues
28 received at the central landfill over the annual costs of the landfill, and a pro-rata share of the
29 corporation's administrative expenses.

30 (5) "Municipal solid waste" means that solid waste generated by the residents of a
31 municipality in the course of their daily living, the disposal of which the governing body of that
32 municipality has undertaken in the discharge of its duties to protect the health of the municipality.
33 Municipal solid waste does not include solid waste generated by residents of a municipality in the
34 course of their employment or that generated by any manufacturing or commercial enterprise.

1 (6) "Municipal solid waste disposal arrangements" means those arrangements entered
2 into by a municipality which provide for the final disposal of wastes in a manner approved by the
3 department of health, the department of environmental management, and the corporation;
4 provided, however, that the disposal of wastes in transfer stations or facilities for interim storage
5 shall not constitute final disposal of the wastes.

6 (7) "Municipality" means any town or city within the state.

7 (8) "Person" means any individual, firm, institution, partnership, association or
8 corporation, public, or private, organized or existing under the laws of the state or other states
9 including federal corporations, but excluding municipalities.

10 (9) "Project" means the design, acquisition, ownership, operation, construction,
11 rehabilitation, improvement, development, sale, lease, or other disposition of, or the provision of
12 financing for, any solid waste management facility or the industrial and/or business parks in the
13 town of Johnston authorized by § 23-19-9(a)(7) and the highway access authorized by § 23-19-
14 10.3.

15 (10) "Recyclable materials" means those materials separated from solid waste ~~for reuse.~~
16 ~~The director of the department of environmental management through regulations shall specify~~
17 ~~those materials that are to be included within the definition of recyclables.~~ which can be further
18 sorted into commodities to be sold or delivered to a manufacturer or processor to be transformed
19 into new, usable or marketable materials. The director of Rhode Island resource recovery
20 corporation shall specify those materials that are to be included within the definition of recyclable
21 materials. The materials to be included may change from time to time depending upon new
22 technologies, economic conditions, characteristics of the waste stream, environmental effects, or
23 other factors.

24 (11) "Recycling" means ~~the reuse of recovered resources in manufacturing, agriculture,~~
25 ~~power production, or other processes~~ any process in which discarded products lose their original
26 identity or form as they are transformed into new, usable or marketable materials and expressly
27 excludes the use of discarded products for energy production.

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

30 (13) "Resource recovery system" means the corporation's integrated system of resource
31 recovery consisting of a series of waste processing facilities designed to process a minimum of
32 seventy percent (70%) of the municipal and commercial solid waste streams by employing an on-
33 site waste separation technology for the purpose of recycling and/or reusing a minimum of
34 seventy percent (70%) of the solid waste stream, and minimal use of landfills for the purpose of

1 providing temporary backup or bypass landfill capacity and residue disposal from waste
2 processing facilities and any other related facilities and services.

3 (14) "Resource recovery system costs" means all operating costs of the system; debt
4 service and other financing costs related to the resource recovery system; the costs of recycling
5 grants-in-aid and similar obligations of the corporation; allocations for extraordinary and
6 unexpected costs; and a pro-rata share of the corporation's administrative expenses.

7 (15) "Resource recovery system revenues" means all amounts received by the
8 corporation as municipal tipping fees, non-municipal tipping fees, energy revenues, revenues
9 from the sale of recyclable materials, and all other revenues received with respect to the resource
10 recovery system, but shall not include any landfill revenues and any amounts received as a state
11 subsidy.

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

18 (17) "Segregated solid waste" means material which has been separated from the waste
19 stream at the generation source for the purpose of recovering and recycling the materials.

20 (18) "Solid waste" means garbage, refuse, sludge from a waste treatment plant, water
21 supply treatment plant, or air pollution control facility and other discarded materials, including
22 solid, liquid, semisolid, or contained gaseous material generated by residential, institutional,
23 commercial, industrial, and agricultural sources but does not include solids or dissolved materials
24 in domestic sewage.

25 (19) "Solid waste management facility" means any plant, structure, equipment, and other
26 property, real, personal, or mixed, or the modification or replacement of any of the foregoing, for
27 the receipt, storage, treatment, utilization, processing, transporting, or final disposition of or
28 recovery of resources from solid waste other than segregated solid waste, or any facility which
29 disposes of solid waste by reconstituting, converting, or otherwise recycling it into material which
30 is not waste; or any property or system to be used in whole or in part for any of the previously
31 mentioned purposes, whether or not another purpose is also served by it; or any other property or
32 system incidental to, or which has to do with, or the end purpose of which, is any of the
33 foregoing; or any combination of two (2) or more of the foregoing.

34 (20) "Statewide resource recovery system development plan" means that plan which will

1 specify the location, size, and type of solid waste management facilities that may be required to
2 develop an integrated statewide resource recovery system for the effective management of solid
3 waste in Rhode Island. It will also specify a proposed schedule by which the component facilities
4 will be phased into the statewide system, and it will provide for the administrative and financial
5 requirements for implementing the plan.

6 (21) "Waste management" means actions taken to effectuate the receipt, storage,
7 transportation, and processing for resource recovery and recycling, or for the ultimate disposal, of
8 solid waste.

9 (22) "Waste processing facility" means a solid waste facility employing recycling based
10 technology employing an on-site waste separation technology designed to process both nonsource
11 separated and source separated solid waste for the purpose of recycling, and/or composting,
12 and/or reusing a minimum of seventy percent (70%) of the municipal and commercial solid waste
13 streams.

14 SECTION 5. Section 37-15-3 of the General Laws in Chapter 37-15 entitled "Litter
15 Control and Recycling" is hereby amended to read as follows:

16 **37-15-3. Definitions.** -- As used in this chapter the following terms shall, where the
17 context permits, be construed as follows:

18 (1) "Community recycling center" means a central collection point in a community for
19 recyclable materials, or a point where the materials are taken after being collected to be
20 processed.

21 (2) "Department" means the department of environmental management.

22 (3) "Director" means the director of the department of environmental management.

23 (4) "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper,
24 cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary
25 nature thrown, dropped, discarded, placed, or deposited by a person on public property, on private
26 property not owned by the person, or in or on waters of the state, unless the person has:

27 (i) Been directed to do so by a public official as part of a litter collection drive;

28 (ii) Discarded, thrown, dropped, placed, or discarded the material in a litter receptacle in
29 a manner that prevented the material from being carried away by the elements; or

30 (iii) Been issued a license or permit covering the material pursuant to chapters 18.9 and
31 19.1 of title 23.

32 (5) "Litter bag" means a bag, sack, or other container made of any material which is
33 large enough to serve as a receptacle for litter inside a vehicle or watercraft.

34 (6) "Litter receptacle" means those containers adopted by the department of

1 environmental management and which may be standardized as to size, shape, capacity, and color
2 and which shall bear the state anti litter symbol, as well as any other receptacles suitable for the
3 depositing of litter.

4 (7) "Person" means any natural person, political subdivision, government agency, public
5 or private corporation, partnership, joint venture, association, firm, individual proprietorship, or
6 other entity whatsoever.

7 (8) "Program" means those activities of the department to encourage, manage, and fund
8 litter control and recycling pursuant to this chapter.

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

11 (10) "Recycling" means ~~the reuse of recovered resources in manufacturing, agriculture,~~
12 ~~power production, or other processes~~ any process in which discarded products lose their original
13 identity or form as they are transformed into new, usable or marketable materials and expressly
14 excludes the use of discarded products for energy production.

15 SECTION 6. Section 37-15.1-3 of the General Laws in Chapter 37-15.1 entitled "Hard-
16 to-Dispose Material-Control and Recycling" is hereby amended to read as follows:

17 **37-15.1-3. Definitions.** -- As used in this chapter the following terms shall, where the
18 context permits, be construed as follows:

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

22 (2) "Department" means the department of environmental management.

23 (3) "Director" means the director of the department of environmental management.

24 (4) "Hard-to-dispose of material" means and encompasses the following materials:
25 petroleum-based or synthetic lubricating oils, including, but not limited to, lubricants in internal
26 combustion engines; tires used on motorized vehicles and trailers, including cars, trucks, buses,
27 and heavy construction equipment; glycol-based antifreeze and organic solvents. A petroleum-
28 based or synthetic lubricating oil which is recycled and/or re-refined is not, nor shall it be
29 considered, a hard-to-dispose material.

30 (5) "Organic solvents" means any compounds of carbon which are liquids at standard
31 conditions, and which are used as solvers, viscosity reducers, dilutents, thinners, reagents, or
32 cleaning agents, (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides,
33 metallic carbonates, and ammonium carbonate) and which are listed as hazardous waste pursuant
34 to the state hazardous waste program pursuant to chapter 19.1, title 23.

1 (6) "Person" means any natural person, political subdivision, government agency, public
2 or private corporation, partnership, joint venture, association, firm, individual proprietorship, or
3 other entity whatsoever.

4 (7) "Program" means those activities of the department to encourage, manage, and fund
5 hard-to-dispose material control and recycling, and to aid in the monitoring and tracking,
6 reduction, recycling, and reuse of hard-to-dispose material control and recycling pursuant to this
7 chapter.

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

10 (9) "Recycling" means ~~the reuse of recovered resources in manufacturing, agriculture,~~
11 ~~power production, or other processes~~ any process in which discarded products lose their original
12 identity or form as they are transformed into new, usable or marketable materials and expressly
13 excludes the use of discarded products for energy production.

14 SECTION 7. 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 -- WASTE RECYCLING

- 1 This act would amend the definition of "recycling" and "recyclable materials" in several
- 2 chapters of the general laws.
- 3 This act would take effect upon passage.

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