AN ACT 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:


As used in this chapter:

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

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

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

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

(ii) Generates electricity from the combustion of fuel derived from the gasification or pyrolysis of solid waste, segregated regulated medical waste; or
(iii) Disposes of, processes, or treats regulated medical solid waste through combustion, 
gasification, pyrolysis, or any process that exposes waste to temperatures above four hundred 
degrees Fahrenheit (400°F).

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


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

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

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

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

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

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

(6) Is located in an environmental justice municipality.

SECTION 2. This act shall take effect upon passage.

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This act would prohibit new high-heat solid waste processing facilities from being located in certain environmentally sensitive areas.

This act would take effect upon passage.