

2019 -- S 0408

LC001896

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO HEALTH AND SAFETY - REFUSE DISPOSAL - EXEMPTING POST-USE
POLYMERS, GASIFICATION PROCESSES AND RECOVERABLE FEED STOCKS

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

Date Introduced: February 27, 2019

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-18.9-7 of the General Laws in Chapter 23-18.9 entitled "Refuse
2 Disposal" is hereby amended to read as follows:

3 **23-18.9-7. Definitions.**

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

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

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

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

16 (4) "Construction and demolition (C&D) debris" means non-hazardous solid waste
17 resulting from the construction, remodeling, repair, and demolition of utilities and structures and
18 uncontaminated solid waste resulting from land clearing. This waste includes, but is not limited

1 to, wood (including painted, treated, and coated wood, and wood products); land-clearing debris;
2 wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and
3 other roof coverings; glass; plastics that are not sealed in a manner that conceals other wastes,
4 empty buckets ten (10) gallons or less in size and having no more than one inch of residue
5 remaining on the bottom; electrical wiring and components containing no hazardous liquids; and
6 pipe and metals that are incidental to any of the previously described waste. Solid waste that is
7 not C&D debris (even if resulting from the construction, remodeling, repair, and demolition of
8 utilities, structures and roads; land clearing) includes, but is not limited to, asbestos; waste;
9 garbage; corrugated container board; electrical fixtures containing hazardous liquids, such as
10 fluorescent light ballasts or transformers; fluorescent lights; carpeting; furniture; appliances; tires;
11 drums; containers greater than ten (10) gallons in size; any containers having more than one inch
12 of residue remaining on the bottom; and fuel tanks. Specifically excluded from the definition of
13 construction and demolition debris is solid waste (including what otherwise would be
14 construction and demolition debris) resulting from any processing technique, other than that
15 employed at a department-approved C&D debris processing facility, that renders individual waste
16 components unrecognizable, such as pulverizing or shredding.

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

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

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

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

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

3 (10) "Recyclable materials" means those materials separated from solid waste for reuse.
4 The director of the department of environmental management, through regulations, shall specify
5 those materials that are to be included within the definition of recyclables. The materials to be
6 included may change from time to time depending upon new technologies, economic conditions,
7 waste stream characteristics, environmental effects, or other factors. Recyclable materials do not
8 include post-use polymers or recoverable feedstocks that are:

9 (i) Processed at a pyrolysis or gasification facility;

10 (ii) Held at a pyrolysis or gasification facility prior to processing to ensure production is
11 not interrupted; or

12 (iii) Stored off-site with the intent that they will be processed at a pyrolysis or
13 gasification facility, but before delivery to the facility.

14 (11) "Segregated solid waste" means material separated from other solid waste for reuse,
15 but does not include post-use polymers or recoverable feedstocks that are:

16 (i) Processed at a pyrolysis or gasification facility;

17 (ii) Held at a pyrolysis or gasification facility prior to processing to ensure production is
18 not interrupted; or

19 (iii) Stored off-site with the intent that they will be processed at a pyrolysis or
20 gasification facility, but before delivery to the facility.

21 (12) "Solid waste" means garbage, refuse, tree waste as defined by subsection 14 of this
22 section, and other discarded solid materials generated by residential, institutional, commercial,
23 industrial, and agricultural sources, but does not include solids or dissolved material in domestic
24 sewage or sewage sludge or dredge material as defined in chapter 6.1 of title 46, nor does it
25 include hazardous waste as defined in chapter 19.1 of this title, nor does it include used asphalt,
26 concrete, or Portland concrete cement. Solid waste does not include post-use polymers or
27 recoverable feedstocks that are:

28 (i) Processed at a pyrolysis or gasification facility;

29 (ii) Held at a pyrolysis or gasification facility prior to processing to ensure production is
30 not interrupted; or

31 (iii) Stored off-site with the intent that they will be processed at a pyrolysis or
32 gasification facility, but before delivery to the facility.

33 (13) "Solid waste management facility" means any plant, structure, equipment, real and
34 personal property, except mobile equipment or incinerators with a capacity of less than one

1 thousand pounds (1,000 lbs.) per hour, operated for the purpose of processing, treating, or
2 disposing of solid waste but not segregated solid waste. Any solid waste management facility that
3 stores waste materials containing gypsum on site over three (3) months must install and maintain
4 an active gas collection system approved by the department of environment management. [Solid
5 waste management facilities do not include pyrolysis or gasification facilities.](#)

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

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

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

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

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

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

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

26 (17) "Anaerobic digestion facility" means a facility employing a closed vessel to perform
27 a closed process of accelerated biodegradation of organic materials and/or organic solid wastes
28 into biogas and digestate, using microorganisms under controlled conditions in the absence of
29 oxygen.

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

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

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

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

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

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

9 (22) "Gasification" means a process through which recoverable feedstocks are heated and
10 converted into a fuel-gas mixture in an oxygen-deficient atmosphere, and the mixture is converted
11 to crude oil, diesel, gasoline, home heating oil or other fuels, chemicals, waxes, lubricants,
12 chemical feedstocks, diesel and gasoline blendstocks, or other raw materials or intermediate or
13 final products that are returned to the economic mainstream in the form of raw materials,
14 products, or fuels. Gasification shall not be deemed resource recovery, treatment, utilization,
15 conversion, waste processing, reconstituting, recycling, waste management, incineration, or
16 disposal.

17 (23) "Gasification facility" means a facility that receives, separates, stores, and converts
18 post-use polymers and recoverable feedstocks using gasification. A gasification facility shall not
19 be deemed a solid waste management facility, a waste processing facility, or an incinerator.

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

21 (i) It is derived from any industrial, commercial, agricultural, or domestic activities;

22 (ii) Its use or intended use is to manufacture crude oil, fuels, feedstocks, blendstocks,
23 raw materials, or other intermediate products or final products using pyrolysis or gasification; and

24 (iii) It may contain incidental contaminants or impurities, such as paper labels or metal
25 rings.

26 (25) "Pyrolysis" means a process through which post-use polymers are heated in the
27 absence of oxygen until melted and thermally decomposed, and are then cooled, condensed, and
28 converted to crude oil, diesel, gasoline, home heating oil or other fuels, chemicals, waxes,
29 lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials or
30 intermediate or final products that are returned to the economic mainstream in the form of raw
31 materials, products, or fuels. Pyrolysis shall not be deemed resource recovery, treatment,
32 utilization, conversion, waste processing, reconstituting, recycling, waste management,
33 incineration, or disposal.

34 (26) "Pyrolysis facility" means a facility that receives, separates, stores, and converts

1 post-use polymers using pyrolysis. A pyrolysis facility shall not be deemed a solid waste
2 management facility, a waste processing facility, or an incinerator.

3 (27) "Recoverable feedstock" means one or more of the following materials, derived from
4 recoverable waste, that has been processed in order that it may be used as feedstock in a
5 gasification facility:

6 (i) Post-use polymers; or

7 (ii) Materials for which the United States Environmental Protection Agency has made a
8 nonwaste determination under 40 C.F.R. 241.3(c) or has otherwise determined are not solid
9 waste. Provided, however, recoverable feedstock does not include unprocessed municipal solid
10 waste.

11 SECTION 2. Section 23-19-5 of the General Laws in Chapter 23-19 entitled "Rhode
12 Island Resource Recovery Corporation" is hereby amended to read as follows:

13 **23-19-5. Definitions.**

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

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

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

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

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

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

31 (6) "Municipal solid waste disposal arrangements" means those arrangements entered
32 into by a municipality which provide for the final disposal of wastes in a manner approved by the
33 department of health, the department of environmental management, and the corporation;
34 provided, however, that the disposal of wastes in transfer stations or facilities for interim storage

1 shall not constitute final disposal of the wastes.

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

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

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

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

16 recyclable materials do not include post-use polymers or recoverable feedstocks that are:

17 (i) Processed at a pyrolysis or gasification facility;

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

19 (iii) Stored off-site with the intent that they will be processed at a pyrolysis or
20 gasification facility, but before delivery to such a facility.

21 (11) "Recycling" means the reuse of recovered resources in manufacturing, agriculture,
22 power production, or other processes.

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

25 (13) "Resource recovery system" means the corporation's integrated system of resource
26 recovery consisting of a series of waste processing facilities designed to process a minimum of
27 seventy percent (70%) of the municipal and commercial solid waste streams by employing an on-
28 site waste separation technology for the purpose of recycling and/or reusing a minimum of
29 seventy percent (70%) of the solid waste stream, and minimal use of landfills for the purpose of
30 providing temporary backup or bypass landfill capacity and residue disposal from waste
31 processing facilities and any other related facilities and services.

32 (14) "Resource recovery system costs" means all operating costs of the system; debt
33 service and other financing costs related to the resource recovery system; the costs of recycling
34 grants-in-aid and similar obligations of the corporation; allocations for extraordinary and

1 unexpected costs; and a pro-rata share of the corporation's administrative expenses.

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

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

12 (17) "Segregated solid waste" means material which has been separated from the waste
13 stream at the generation source for the purpose of recovering and recycling the materials; but
14 does not include post-use polymers or recoverable feedstocks that are:

15 (i) Processed at a pyrolysis or gasification facility;

16 (ii) Held at a pyrolysis or gasification facility prior to processing to ensure production is
17 not interrupted; or

18 (iii) Stored off-site with the intent that they will be processed at a pyrolysis or
19 gasification facility, but before delivery to the facility.

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. Solid waste does not include post-use polymers or recoverable feedstocks
25 that are:

26 (i) Processed at a pyrolysis or gasification facility;

27 (ii) Held at a pyrolysis or gasification facility prior to processing to ensure production is
28 not interrupted; or

29 (iii) Stored off-site with the intent that they will be processed at a pyrolysis or
30 gasification facility, but before delivery to the facility.

31 (19) "Solid waste management facility" means any plant, structure, equipment, and other
32 property, real, personal, or mixed, or the modification or replacement of any of the foregoing, for
33 the receipt, storage, treatment, utilization, processing, transporting, or final disposition of or
34 recovery of resources from solid waste other than segregated solid waste, or any facility which

1 disposes of solid waste by reconstituting, converting, or otherwise recycling it into material which
2 is not waste; or any property or system to be used in whole or in part for any of the previously
3 mentioned purposes, whether or not another purpose is also served by it; or any other property or
4 system incidental to, or which has to do with, or the end purpose of which, is any of the
5 foregoing; or any combination of two (2) or more of the foregoing. [Solid waste management
6 facilities do not include pyrolysis or gasification facilities.](#)

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

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

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

21 [\(23\) "Gasification" means a process through which recoverable feedstocks are heated and
22 converted into a fuel-gas mixture in an oxygen-deficient atmosphere, and the mixture is converted
23 to crude oil, diesel, gasoline, home heating oil or other fuels, chemicals, waxes, lubricants,
24 chemical feedstocks, diesel and gasoline blendstocks, or other raw materials or intermediate or
25 final products that are returned to the economic mainstream in the form of raw materials,
26 products, or fuels. Gasification shall not be deemed resource recovery, treatment, utilization,
27 conversion, solid waste processing, reconstituting, recycling, solid waste management,
28 incineration, or disposal.](#)

29 [\(24\) "Gasification facility" means a facility that receives, separates, stores, and converts
30 post-use polymers and recoverable feedstocks using gasification. A gasification facility shall not
31 be deemed a solid waste management facility, a waste processing facility, or an incinerator.](#)

32 [\(25\) "Post-use polymer" means a plastic polymer to which all of the following apply:](#)

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

34 [\(ii\) Its use or intended use is to manufacture crude oil, fuels, feedstocks, blendstocks,](#)

1 raw materials, or other intermediate products or final products using pyrolysis or gasification; and
2 (iii) It may contain incidental contaminants or impurities, such as paper labels or metal
3 rings.

4 (26) "Pyrolysis" means a process through which post-use polymers are heated in the
5 absence of oxygen until melted and thermally decomposed, and are then cooled, condensed, and
6 converted to crude oil, diesel, gasoline, home heating oil or other fuels, chemicals, waxes,
7 lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials or
8 intermediate or final products that are returned to the economic mainstream in the form of raw
9 materials, products, or fuels. Pyrolysis shall not be deemed resource recovery, treatment,
10 utilization, conversion, waste processing, reconstituting, recycling, waste management,
11 incineration, or disposal.

12 (27) "Pyrolysis facility" means a facility that receives, separates, stores, and converts
13 post-use polymers using pyrolysis. A pyrolysis facility shall not be deemed a solid waste
14 management facility, a waste processing facility, or an incinerator.

15 (28) "Recoverable feedstock" means one or more of the following materials, derived from
16 recoverable waste, that has been processed in order that it may be used as feedstock in a
17 gasification facility:

18 (i) Post-use polymers; or

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 not solid
21 waste. Provided, however, recoverable feedstock does not include unprocessed municipal solid
22 waste.

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

=====
LC001896
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY - REFUSE DISPOSAL - EXEMPTING POST-USE
POLYMERS, GASIFICATION PROCESSES AND RECOVERABLE FEED STOCKS

1 This act would exempt recoverable plastics from the materials classified as solid waste
2 and provide for the converting of recoverable plastics to plastic and chemical feedstocks, crude
3 oil, lower carbon transportation fuels or other valuable raw materials.

4 This act would take effect upon passage.

=====
LC001896
=====