

2011 -- S 0184

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LC00901
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO HEALTH AND SAFETY - REFUSE DISPOSAL

Introduced By: Senators DaPonte, DeVall, Ciccone, Miller, and Sosnowski

Date Introduced: February 09, 2011

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-18.9-8 of the General Laws in Chapter 23-18.9 entitled "Refuse
2 Disposal" is hereby amended to read as follows:

3 **23-18.9-8. Licenses.** -- (a) (1) No person shall operate any solid waste management
4 facility or construction and demolition (C&D) debris processing facility or expand an existing
5 facility unless a license is obtained from the director except as authorized by section 23-18.9-8.
6 The director shall have full power to make all rules and regulations establishing standards to be
7 met for the issuance of the licenses.

8 (2) The director shall promulgate rules and regulations governing the uses and content of
9 materials accepted and generated by a construction and demolition debris processing facility. Any
10 costs associated with testing these materials by the facility or by the department to verify the
11 results of the facility's tests shall be borne by the facility. Each facility shall be required to
12 establish a fund with the department to cover the cost of these tests.

13 (b) Any person who desires to construct a solid waste management facility or install any
14 equipment in a solid waste management facility must first submit to the director for approval
15 plans and specifications and other related data required by the director.

16 (c) Processing facilities that accept less than one hundred and fifty (150) tons per day of
17 construction and demolition debris (C&D) are exempt from the requirement of obtaining a solid
18 waste management facility license; however, they are not exempt from complying with all other
19 applicable requirements for the construction and operation of a construction and demolition

1 debris processing facility and are subject to the rules and regulations for these facilities
2 promulgated in accordance with this section.

3 (d) No construction and demolition debris processing facility shall be issued a license
4 unless it has:

5 (1) Received a letter of approval from the host municipality for the siting of or any
6 expansion of the construction and demolition debris processing facility, or any activities
7 conducted thereon;

8 (2) ~~submitted~~ Submitted a fire protection plan which has been approved by the local fire
9 chief, or his or her designee in which the facility is located; and

10 (3) For the purposes of this subsection, the letter of approval from the host municipality
11 shall issue from either:

12 (i) The town or city manager with town or city council approval in a municipality with a
13 managerial form of government; or

14 (ii) The elected mayor with town or city council approval in a municipal with a non-
15 managerial form of government.

16 (e) The local fire chief or his or her designee is authorized to conduct random,
17 unannounced inspections of facilities licensed under this section to insure continued compliance
18 with the approved fire protection plan. If any facility at the time of inspection is found not to be in
19 compliance with the approved plan that facility shall immediately cease operation until the time
20 that they correct any deficiency and the local fire chief or his or her designee finds the facility is
21 in compliance with the approved fire protection plan.

22 (f) Any facility that is found to be in violation of the fire protection plan under this
23 section on three (3) separate inspections, within any three (3) year time period, shall have its
24 license to operate under this section revoked.

25 (g) A municipality that desires to evaluate available technologies, equipment, or
26 methodologies for managing solid waste, may request approval from the director to perform a
27 limited demonstration pilot project prior to submission of an application for a license.
28 Demonstration projects shall not exceed fifty (50) tons per day maximum capacity. The
29 municipality must first submit to the director, for approval, plans and specifications including fire
30 protection plans and other related data as required by the director. The municipality shall also
31 give public notice of the request and allow a thirty (30) day period for the director to receive
32 public comment on the proposed project. After the close of the public comment period, the
33 director is authorized to approve or deny the request. Approval for a demonstration pilot project
34 shall be granted for a period not exceeding six (6) months.

1 (h) Any facility that is licensed or registered by the department under this chapter as of
2 July 1, 2006 that accepts greater than three (3) cubic yards of tree waste as defined by subsection
3 23-18.9-7(14) shall be considered an existing tree waste management facility. Existing tree waste
4 management facilities shall notify the department and the local fire chief of the existence and
5 scope of their tree waste management activities in writing no later than August 30, 2006, and
6 shall incorporate their tree waste management activities in a revised operating plan as part of the
7 next renewal of their license or registration.

8 [\(i\) Any construction and demolition \(C&D\) debris processing facility under this section](#)
9 [that is within a one thousand feet \(1000'\) radius of a residential area shall not be allowed to](#)
10 [process in excess of one hundred fifty \(150\) tons per day of construction and demolition \(C&D\)](#)
11 [debris.](#)

12 SECTION 2. This act shall take effect upon passage and shall be retroactive to January 1,
13 2011.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY - REFUSE DISPOSAL

1 This act would require any construction demolition debris processing facility to comply
2 with additional licensure requirements from the host municipality.

3 This act would take effect upon passage and would be retroactive to January 1, 2011.

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