

**NOTICE OF PROPOSED AMENDMENTS OF
SOLID WASTE REGULATIONS NO. 1 (GENERAL REQUIREMENTS) AND
NO. 8 (COMPOSTING REGULATIONS)
AND PUBLIC HEARING**

December 22, 2015

The Director of the Rhode Island Department of Environmental Management (DEM) is proposing amendments to the **“Rules and Regulations for Solid Waste Management Facilities and Organic Waste Management Facilities”, effective January 1997, as amended April 2001 and October 2005” (Solid Waste Regulation No. 1) and the “Organics Waste Recycling Facilities (Composting Regulations), effective January 1997, as amended April 2001 and October 2005” (Solid Waste Regulation No. 8)** and gives notice of intent to hold a public hearing to afford interested parties an opportunity to submit comments orally and/or in writing on the regulations.

A formal public hearing will be held at **10:00 AM on Tuesday, January 19, 2016** in Room 300 of RIDEM’s Headquarters at 235 Promenade Street in Providence. The Department of Environmental Management building is accessible to those with disabilities. A recording of the public hearing will be made and the DEM will provide interpreter services for the hearing impaired, provided such a request is made at least three (3) business days prior to the hearing date. A request for this service can be made in writing or by calling (401) 222-6800 or dialing 711 (RI Relay).

The changes that were made to Solid Waste Regulation Number 1 were done to support the revisions to Solid Waste Regulation Number 8. Several definitions were added and some definitions were revised for clarification purposes or to make them consistent with recent changes to the Refuse Disposal Act. In addition, we have revised the facility registration frequency for composting facilities from annual registration to renewal once every three years.

In regards to Solid Waste Regulation Number 8, the proposed regulation classifies composting operations based on size and creates Small-Scale Composting Operations and Medium-Scale Composting Facility classifications, in addition to the current Large-Scale Composting Facilities. In addition, since the Food Waste Ban (RIGL Section 23-18.9-17) goes into effect on January 1, 2016, we have added Anaerobic Digestion Rules to the Solid Waste Regulations to encourage development of these types of facilities.

An electronic copy of the proposed regulations is available on the DEM website at, Solid Waste Regulation No. 1: <http://www.dem.ri.gov/programs/benviron/waste/pdf/pnsw115.pdf> and Solid Waste Regulation No 8: <http://www.dem.ri.gov/programs/benviron/waste/pdf/pnsw815.pdf>.

Pursuant to the requirements of Section 42-35-1 et seq. of the Rhode Island General Laws, as amended, DEM has made the following determinations:

DEM has considered alternative approaches to the proposed regulations and has determined that none of the alternatives would be as effective and less burdensome. DEM has determined that the proposed regulations do not overlap or duplicate other regulatory or statutory provisions nor will they result in significant adverse economic impact on small businesses or any city or town.

The DEM encourages the submission of written comments on the proposed regulations. All written comments should be sent to the Attention: Chris Shafer, RIDEM/Office of Waste Management, 235 Promenade Street, Providence, RI 02908 or by e-mail to christopher.shafer@dem.ri.gov no later than 4:00 PM on Wednesday, January 27, 2016.

Signed this 22nd day of December, 2015

Leo Hellested, Chief
Office of Waste Management
Department of Environmental Management



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF WASTE MANAGEMENT
235 Promenade Street, Room 380
Providence, Rhode Island 02908

Concise Summary of “Rules and Regulations for Solid Waste Management Facilities and Organic Waste Recycling Facilities” (Solid Waste Regulation No. 1) and “Organic Waste Recycling Facilities” (Solid Waste Regulation Number 8 (Composting Regulations)).

DEM had two goals in revising these Solid Waste Regulations No. 1 and No. 8. Our first goal was to encourage and simplify composting requirements for small-scale composting operations and medium-scale composting facilities. Our second goal was to create Anaerobic Digestion Rules so as to encourage the development of these types of facilities in the State of Rhode Island since the Refuse Disposal Act was revised to include a ban on disposing food residuals for large generators (greater than 104 tons per year). The Food Waste Ban (R.I.G.L. Section 23-18.9-17) goes into effect on January 1, 2016.

Solid Waste Regulation Number 1 provides supporting information and common requirements for the various types of facilities receiving and/or processing solid waste that are further regulated in Solid Waste Regulations, Numbers 2 – 8. This includes definitions, prohibited types of activities, general requirements and procedures to apply for a facility license or registration, general operating standards for facilities, licensing, registration and other fees, variance procedures, hearing procedures for violations or denials of permits, additional requirements for facilities sited in Johnston’s environmental management district, and policies regarding management of street sweepings.

Solid Waste Regulation Number 8 regulates composting facilities and anaerobic digestion facilities. This Regulation provides registration/licensing requirements, operation requirements/standards, design standards for facilities. In addition, compost quality standards and compost distribution standards are included.

An electronic copy of the proposed regulations is available on the DEM website at the following locations:

Solid Waste Regulation No. 1:

<http://www.dem.ri.gov/programs/benviron/waste/pdf/pnsw115.pdf>

Solid Waste Regulation No. 8:

<http://www.dem.ri.gov/programs/benviron/waste/pdf/pnsw815.pdf>

Pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations:

DEM has considered alternative approaches to the proposed regulations and has determined that none of the alternatives would be as effective and less burdensome. DEM has determined that the proposed regulations do not overlap or duplicate other regulatory or statutory provisions nor will they result in significant adverse economic impact on small businesses or any city or town. DEM has provided outreach to the regulated entities and accepted written comments pertaining to development of these proposed regulations.

SOLID WASTE REGULATION NO. 1: GENERAL REQUIREMENTS

1. Addition of the following definitions in Rule 1.3.00:
 - Anaerobic Digestion Facility
 - Arrangements
 - Biogas
 - Digestate
 - Large-Scale Leaf and Yard Waste Composting Facility
 - Leaf and Yard Waste
 - Medium-Scale Composting Facility
 - Operating an Organic Waste Recycling Facility
 - Organic Material or Organic Waste Materials
 - Organic Waste Recycling Facility
 - Large-Scale Putrescible Waste Composting Facility
 - Processible Material
 - Small-Scale Composting Operation

2. Revision of the following definitions in Rule 1.3.00:
 - Agricultural Composting Facility
 - Applicant
 - Buffer Zone
 - Construction Certification Report
 - Construction and Demolition Debris Processing Facility
 - Farmer
 - Materials Recovery Facility (MRF) or Intermediate Processing Facility (IPF)
 - Mixed Solid Waste Composting Facility
 - Operating a Solid Waste Management Facility
 - Operator
 - Owner
 - Person
 - Project Engineer
 - Recyclable Material
 - Registered Composting Facility
 - Segregated Solid Waste
 - Solid Waste Management Facility
 - Source Segregated Recyclable Materials

3. Deletion of the following definitions in Rule 1.3.00:
 - Leaf and Yard Waste Composting Facility
 - Leaves
 - Organic Material
 - Putrescible Waste Composting Facility

4. Substitution of the terms “Organic Waste Recycling Facility” and “Organic Waste Recycling Facilities” in place of the terms “composting facility” and “composting

facilities”, respectively, in the Table of Contents and in many sentences of Rules 1.1.00, 1.2.00, 1.4.00 – 1.10.00, 1.12.00, and 1.14.00 , since composting facilities and anaerobic digestion facilities are both subject to the requirements or details within those sentences and since the term organic waste recycling facility means composting facilities and anaerobic digestion facilities.

5. Revision to Rule 1.4.01 to clarify that all types of organic waste recycling facilities (except for small-scale composting operations), as well as solid waste management facilities must obtain from DEM a registration or license, as pertinent to the type of facility, prior to commencing operation. Also, revision of Rule 1.4.02(b) to clarify that small-scale composting operations (i.e., having operational areas rather than licensed or registered areas) are also subject to this groundwater pollution rule.
6. Revisions to Rules 1.5.00 - Rule 1.7.00 and Rule 1.14.00 to clarify that large-scale leaf and yard waste composting facilities, large-scale putrescible waste composting facilities, mixed solid waste composting facilities and anaerobic digestion facilities, in addition to solid waste management facilities (i.e., those regulated in Solid Waste Regulation No. 2 - 7), are all subject to the requirements of Rules 1.5.00 - 1.7.00 and Rule 1.14.00. Additionally, small-scale composting operations and medium-scale composting facilities are subject to the DEM inspection, inspection reporting, and deficiencies reporting details of Rule 1.6.08 and Rule 1.6.09 and medium scale composting facilities are subject to the administrative penalty provision of Rule 1.6.10(b), if they fail to submit a registration form to DEM prior to commencing operation.
7. Revisions to Rule 1.08.04 to update the cited Rules and Regulations to our version currently in effect , as amended April 2001 and October 2005.
8. Revisions to rule 1.13.00 including:
 - Rule 1.13.01 - addition of registration fees for large scale putrescible waste composting facilities and addition of licensing fees for anaerobic digestion facilities.
 - Rule 1.13.02 - deletion of composting facility operation (registration) fees, since they are now covered in Rule 1.13.01.
 - Rule 1.13.02 - deletion of annual reporting and sales fees, since those matters fall within the auspices of the Agriculture and Forestry groups in DEM.
 - Deletion of Rule 1.13.04, i.e., elimination of the \$1/ton State disposal fee (for the Department’s emergency response fund) for certain wastes disposed at the RIRRC landfill.
9. Updating of the RIGL citation number, to the correct current citation, in several cited laws throughout Solid Waste Regulation number 1.

SOLID WASTE REGULATION NO. 8: ORGANIC WASTE RECYCLING FACILITIES

1. Addition of Rule 8.A.00 “Findings and Policy” which provides an introduction to and defines the purpose of Solid Waste Regulation No. 8.
2. Addition of Rule 8.B.00 which provides a table showing compost operation/facility size classification, based on amount of solid waste on site, for small, medium and large-scale leaf, yard waste and/or putrescible waste composting.
3. Addition of Rule 8.C.00 regulations applying to small-scale leaf, yard waste and/or putrescible waste composting operations.
4. Addition of Rule 8.D.00 regulations applying to medium-scale leaf, yard waste and/or putrescible waste composting facilities., also including elements of registration in Rule 8.D.2.
5. Revision of existing Rule 8.1.00 - per new Rule 8.1.1, changed Rule 8.1.01 to be consistent with large-scale leaf and yard waste composting facility size in the table in new Rule 8.B.00. Also added seaweed as an allowable composting waste at large-scale leaf and yard waste composting facilities and clarified that this type of facility shall also comply with Rule 1.5.00 general requirements.
6. Revision of existing Rule 8.2.00 - per new Rule 8.2.1, changed Rule 8.2.01 to be consistent with large-scale leaf and yard waste composting facility size in the table in new Rule 8.B.00. Also clarified in new Rule 8.2.1 that this type of facility shall also comply with the general operating standards in Rule 1.7.00. Also revised Rules 8.2.16 and 8.2.18(H), by increasing the maximum allowed windrow width from 24 feet wide to 26 feet wide.
7. Revision of existing Rule 8.3.00 - per new Rule 8.3.1, changed Rule 8.3.01 to be consistent with large-scale putrescible waste composting facility size in the table in new Rule 8.B.00. Also clarified in new Rule 8.3.1 that this type of facility shall also comply with Rule 1.5.00 general requirements.
8. Revision of existing Rule 8.4.00 - per new Rule 8.4.1, changed Rule 8.4.01 to be consistent with large-scale putrescible waste composting facility size in the table in new Rule 8.B.00. Also clarified in new Rule 8.4.1 that this type of facility shall also comply with the general operating standards in Rule 1.7.00. Also revised Rules 8.4.16, 8.4.18(I), and 8.4.25(D), by increasing the maximum allowed windrow width from 24 feet wide to 26 feet wide.
9. Revision of existing Rule 8.6.00 - revised Rule 8.6.11(F), by increasing the maximum allowed windrow width from 24 feet wide to 26 feet wide.
10. Revision of existing Rule 8.8.01 - per new Rule 8.8.1, changed Rule 8.8.01, clarifying that all types of composting facilities and operations, including also small-scale

composting operations and medium-scale composting facilities, are subject to compost quality standards, when offering finished compost for sale or freely distributing it.

11. Revision of existing Rule 8.8.02 - per new Rule 8.8.2, changed Rule 8.8.02, stating that small-scale composting operations and medium-scale composting facilities are also required to do finished compost sampling and testing, if they sell or freely distribute their compost. Also allows for reduced frequency of sampling and testing, if certain conditions are met, for all types of composting operations and facilities.
12. Revision of existing Rule 8.8.03 - per new Rule 8.8.3, changed Rule 8.8.02, stating that small-scale composting operations and medium-scale composting facilities can only sell or freely distribute class “A” compost and restricts utilization to those options defined for class “A” compost in Rule 8.8.3(A)1.
13. Revision of existing Rule 8.8.04 - per new Rule 8.8.4, changed Rule 8.8.04, clarifying that out of state composting operations or facilities that are small-scale or medium-scale in size similar to those described in Rule 8.B.00 and that distribute their compost in Rhode Island, are also subject to Rule 8.8.4 distribution requirements.
14. Addition of Rules 8.9.00, 8.10.00, and 8.11.00, establishing licensing requirements, design standards, and operating standards, respectively, for anaerobic digestion facilities. Per Rule 8.9.2, this set of rules applies to any anaerobic digester that accepts and processes organic waste received from offsite sources.
15. Revisions to existing Rule 8.1.01 and Rule 8.3.01- changed to reference the “Rules and Regulations for Solid Waste Management Facilities and Organic Waste Recycling Facilities” in place of the “Rules and Regulations for Solid Waste Management Facilities”, to be consistent with the changes made in Solid Waste Regulation No. 8.
16. Revisions to existing Rule 8.1.01(D), 8.3.01(D), 8.5.02, and 8.8.03(F) to reference the Department’s Division of Agriculture in place of the previous Office of Natural Resource Services.
17. Updating of the RIGL citation number, to the correct current citation, in several cited laws throughout Solid Waste Regulation No. 8.



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF WASTE MANAGEMENT
235 Promenade Street, Room 380
Providence, Rhode Island 02908

FACT SHEET

**Revisions to Solid Waste Regulations, Numbers 1 and 8
December 2015**

The Rhode Island Department of Environmental Management has made changes to Solid Waste Regulation Number 1 (Rules and Regulations for Solid Waste Management Facilities and Organic Waste Recycling Facilities) and Solid Waste Regulation Number 8 (Organic Waste Recycling Facilities (Composting Regulations)). This Fact Sheet summarizes and describes the changes to these Regulations.

Solid Waste Regulation Number 1 provides supporting information and common requirements for the various types of facilities receiving and/or processing solid waste that are further regulated in Solid Waste Regulations, Numbers 2 – 8. This includes definitions, prohibited types of activities, general requirements and procedures to apply for a facility license or registration, general operating standards for facilities, licensing, registration and other fees, variance procedures, hearing procedures for violations or denials of permits, additional requirements for facilities sited in Johnston’s environmental management district, and policies regarding management of street sweepings.

Solid Waste Regulation Number 8 regulates composting facilities and anaerobic digestion facilities. This Regulation provides registration/licensing requirements, operation requirements/standards, design standards for facilities. In addition, compost quality standards and compost distribution standards are included.

A significant driving force behind this proposed revision of the Solid Waste Regulations includes the 2014 enacted RIGL 23-18.9-17 (“food waste ban”) which takes effect starting January 1, 2016. This new law will provide an incentive for increasing the number of composting facilities (including both large and medium scale facilities) sited in Rhode Island, as well as an incentive to site and build anaerobic digestion facilities in Rhode Island. Also, there is an increased interest and development in developing and operating small-scale composting operations. The proposed Solid Waste Regulation Number 8 addresses these driving forces by creating a tiered system of small, medium, and large scale composting facilities, with correspondingly tiered levels of regulation details and requirements, based on facility size. It also establishes, for the first time, regulations for anaerobic digestion facilities. The changes made to Solid Waste Regulation Number 8, required making appropriate changes to Solid Waste Regulation Number 1, to complement and create compatibility/consistency between these two Regulations. Also, some definition changes in Regulation Number 1 were made to make them consistent with current recycling details and based on recent RIGL changes regarding C & D processing.

The main areas of proposed changes are summarized in the paragraphs below.

Solid Waste Regulation Number 1, “Rules and Regulations for Solid Waste Management Facilities and Organic Waste Recycling Facilities”:

The changes that were made to Solid Waste Regulation Number 1 were done in order to support the revisions to Solid Waste Regulation Number 8. Several definitions were added for the different new classifications of compost facilities (i.e Small-Scale Composting Operations, Medium-Scale Composting Facilities, etc...) and those definitions that were related to anaerobic digestion facilities (Anaerobic Digestion Facilities, Biogas, Digestate, etc). In addition, some definitions were revised for clarification purposes or to make them consistent with recent changes to the Refuse Disposal Act (i.e. Construction and Demolition Debris Processing Facility).

We revised the Rule 1.13.01 to reflect the changes to the frequency of registration renewal for composting facilities. Under the current regulations, compost facilities are required to renew their registration annually and each composting registration expires on December 31st each year. The proposed regulations have reduced the frequency for composting registration renewals to once every three years.

Lastly, in Rule 1.13.02, Additional Compost Fees, we have removed all fees except the \$50.00 Product Registration Fees. Agricultural and municipal facilities are exempt from these fees and there is no fee for leaf and yard waste composting facilities, so therefore no fees have been collected. Our purpose in removing these fees is to simplify the regulations for these composting facilities and encourage development.

Solid Waste Regulation Number 8, “Organic Waste Recycling Facilities (Composting Regulations)”:

Composting Facilities/Operations

Under the current Regulations, all composting facilities, regardless of size, are required to apply for and receive a composting registration from DEM prior to beginning operations. The proposed regulation classifies composting operations based on size:

Classification	Small-Scale Composting Operation	Medium-Scale Composting Facility	Large-Scale Composting Facility
Total Pile Size (excludes finished compost)	Pile Size < 25 yd ³	25 ≤ Pile Size ≤ 600 yd ³	Pile Size > 600 yd ³

Small-Scale Composting Operations (Rule 8.C.00) will not be required to obtain a registration from DEM and can begin operations at any time without DEM approval. Small-Scale Composting Operations are restricted to only accepting leaf and yard waste, certain food wastes (including fruits and vegetables, tea leaves, coffee grounds and egg shells) hair sawdust and manures from animals that only eat plants.

Medium-Scale Composting Facilities (8.D.00) will be required to register with DEM; however, they simply need to complete a form that is prescribed by the Director and submit it to DEM. If DEM does not contact them within twenty-one (21) days then the Medium-Scale Composting Facility may commence operations. Formal approval from the Department is not required. Medium-Scale Composting Facilities are restricted to accepting the same types of waste as Small-Scale operations; however they do have an opportunity to accept other wastes such as meats, fats, grease, fish scrapes, bones, shellfish, dairy products if they can demonstrate with a sixty (60) day pilot program that these types of wastes will not create objectionable odors or nuisance conditions.

Large Scale Composting Facilities (Rule 8.1.00 Leaf and Yard Waste Composting Facilities and Rules 8.3.00, 8.4.00 Putrescible Waste Composting Facilities) will continue to have the same design and operating requirements. As stated above in the Solid Waste Regulation Number 1 summary, we have reduced the registration renewal frequency from an annual registration to once every three years (the same as solid waste licenses).

Anaerobic Digestion Facilities

Rules for Anaerobic Digestion facilities are being added to Regulation No. 8. Requirements include design and operating standards for these types of facilities.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WASTE MANAGEMENT

RULES AND REGULATIONS FOR
SOLID WASTE MANAGEMENT FACILITIES AND
ORGANIC WASTE RECYCLING FACILITIES ~~FOR COMPOSTING~~
~~FACILITIES~~
~~AND SOLID WASTE MANAGEMENT FACILITIES~~



JANUARY 1997

AS AMENDED APRIL 2001,
~~AND OCTOBER 2005 AND XXX 2016~~ ~~SEPTEMBER 2007~~

Regulation #DEM OWM-SW09-07

SHORT TITLE: "SOLID WASTE REGULATIONS"

AUTHORITY: These Rules and Regulations are adopted pursuant to the requirements and provisions of Chapters 2-1, 2-22, 2-23, 5-51, 23-18.8, 23-18.9, 23-19, 23-19.1, 23-23, 23-63, 37-15.1, 42-17.1, 42-17.6, 42-35, 44-27, and 46-12 of the General Laws of Rhode Island of 1956, as amended.

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1. Solid Waste Regulation No. 1: "General Requirements"
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3. Solid Waste Regulation No. 3: "Transfer Stations and Collection Stations"
4. Solid Waste Regulation No. 4: "Incinerators and Resource Recovery Facilities"
5. Solid Waste Regulation No. 5: "Waste Tire Storage and Recycling Facilities"
6. Solid Waste Regulation No. 6: "Petroleum Contaminated Soil Processing Facilities"
7. Solid Waste Regulation No. 7: "Construction and Demolition Debris Facilities"
8. Solid Waste Regulation No. 8: "[Organic Waste Recycling](#)~~Solid Waste Composting~~ Facilities"
([Composting Regulations](#))
- ~~9. Solid Waste Regulation No. 9: "Recycling"~~
- ~~10. Solid Waste Regulation No. 10: "Tree Waste Management Facilities"~~

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WASTE MANAGEMENT



SOLID WASTE REGULATION NO. 1
GENERAL REQUIREMENTS

EFFECTIVE DATE - JANUARY 1997

AS AMENDED - APRIL 2001,
~~AND SEPTEMBER~~ OCTOBER 2005 AND XXX 20167

GENERAL REQUIREMENTS

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1.1.00 FINDINGS AND POLICY

- 1.1.01 Purpose: These Rules and Regulations are intended to minimize environmental hazards associated with the operation of solid waste landfills, transfer stations and collection stations, incinerators and resource recovery facilities, waste tire storage and recycling facilities, petroleum-contaminated soil processing facilities, construction and demolition debris facilities, and ~~composting facilities~~[Organic Waste Recycling Facilities](#). They are also designed to promote planning and implementation of solid waste management facilities and ~~composting facilities~~[Organic Waste Recycling Facilities](#) where necessary and desirable throughout the State.
- 1.1.02 Authority: These Rules and Regulations are promulgated pursuant to the requirements and provisions of Chapter 2-1, "Agricultural Functions of Department of Environmental Management", Chapter 2-22, "Rhode Island Soil Amendment Law", Chapter 2-23, "Rhode Island Right to Farm Act", Chapter 5-51, "Rhode Island State Board of Examiners of Landscape Architects", Chapter 23-18.8, "Rhode Island Recycling Act", Chapter 23-18.9, "Refuse Disposal", Chapter 23-19, "Rhode Island Resource Recovery Corporation Act", Chapter 23-19.1, "Hazardous Waste Management Act", Chapter 23-23, "Air Pollution", Chapter 23-63, "Vehicle Tire Storage and Recycling", Chapter 37-15.1, "Hard-to-Dispose Material-Control and Recycling", Chapter 42-17.1, "Department of Environmental Management", Chapter 42-17.6, "Administrative Penalties for Environmental Violations", Chapter 44-27, "Taxation of Farm, Forest, and Open Space Land", and Chapter 46-12, "Water Pollution", in accordance with the provisions of Chapter 42-35, "Administrative Procedures Act", of the Rhode Island General Laws of 1956, as amended.
- 1.1.03 Application: The terms and provisions of these Rules and Regulations shall be liberally construed to allow the Department to effectuate the purposes of state law, goals, and policies.
- 1.1.04 Function: The primary functions of the Department are the regulation of solid waste and to grant, deny, suspend or revoke licenses and registrations for the operation of solid waste management facilities and ~~composting facilities~~[Organic Waste Recycling Facilities](#) and to grant, deny, suspend or revoke approval of the plans and specifications for the construction of solid waste management facilities and ~~composting facilities~~[Organic Waste Recycling Facilities](#) and the installation of any equipment in such facilities. Any and all solid waste management facilities and ~~composting facilities~~[Organic Waste Recycling Facilities](#), licensed or not licensed (or registered or not registered), and projects including control and remediation, shall be subject to the regulatory and enforcement activities of the Department.

- 1.1.05 Severability: If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules And Regulations shall not be affected thereby.
- 1.1.06 Superseded Rules and Regulations: On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of the pertinent sections of the chapters of the Rhode Island General Laws listed in Rule 1.1.02 shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

1.2.00 ORGANIZATION AND METHOD OF OPERATION

- 1.2.01 Organization: Sections 23-18.9-8 and 23-18.9-9 of the 1956 R.I.G.L., as amended, establishes the Department of Environmental Management as the licensing agency for solid waste management facilities, and grants the Director the authority to establish rules and regulations to ensure proper, adequate, and sound solid waste management. Section 2-22-5 establishes the Department as the agency for purposes of registering composting facilities and grants the Director the authority to establish rules and regulations ~~governing this governing this~~ registration process. Section 42-17.1-2 (~~16p~~), as amended, grants the Director the authority to establish minimum standards, subject to the approval of the Environmental Standards Board, for permissible types of refuse disposal facilities, the design, construction, operation, maintenance and location of disposal facilities. Subsection 42-17.1-2(~~19s~~), as amended, authorizes the Department to issue and enforce rules, regulations and orders as may be necessary to carry out its duties. Subsection 42-17.1-2(~~21u~~) authorizes the Department to give notice of alleged violations of law and to issue compliance orders, where appropriate.
- 1.2.02 Method of Operations and Powers:
- (a) The Department shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to all solid waste management facilities, ~~composting facilities~~Organic Waste Recycling Facilities, and projects to be licensed or registered to further the accomplishment of the purposes of Chapters 2-1, 2-22, 2-23, 5-51, 23-18.8, 23-18.9, 23-19, 23-19.1, 23-23, 23-63, 37-15.1, 42-17.1, 42-17.6, 44-27, and 46-12.
 - (b) The Department shall receive applications from persons desirous of being licensed or registered as a ~~solid waste management facility~~Solid Waste Management Facility, ~~composting facility~~Organic Waste Recycling Facility, or other facility specified by the Rules and Regulations or from applicants desirous of constructing such a facility or installing any equipment in such a facility. The application must be made upon

forms provided by the Department and shall also contain such other information as the Department requires, which may include affirmative evidence of ability to comply with such rules, regulations and standards as are lawfully prescribed pursuant to Chapters 2-1, 2-22, 2-23, 5-51, 23-18.8, 23-18.9, 23-19, 23-19.1, 23-23, 23-63, 37-15.1, 42-17.1, 42-17.6, 44-27, and 46-12.

1.2.03 Office of Waste Management:

A unit of the Department of Environmental Management designated the Office of Waste Management shall perform all duties related to administration of these Rules and Regulations. Such duties include the receipt, analysis, investigation, and processing of complaints, applications for licenses, registrations, and approvals, conducting of inspections, and determination of violations.

1.3.00 **DEFINITIONS**

"Active Life" - shall mean, relative to Solid Waste Landfill Units, the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities per Rule 2.1.09.

"Active Portion" - shall mean, relative to Solid Waste Landfill Units, that part of a facility or unit that has received or is receiving wastes and that has not been closed in accordance with Rule 2.1.09.

"Adulterated Wood Waste": Shall mean wood waste that has been treated, painted, coated, stained, soiled, contaminated, or similarly altered from its clean or virgin state.

"Aerated Static Pile Composting" - shall mean a method of composting in which oxygen and temperature levels are mechanically controlled by forced aeration using blowers. A series of perforated pipes (or equivalent) air distribution system runs underneath the compost pile and is connected to a blower that either draws or blows air through the pile. Little or no pile turning is performed.

"Aeration" (for composting) - shall mean bringing about contact of air and composting solid organic matter, by means of turning or ventilating, to allow aerobic microbial metabolism of the organic matter.

"Aerobic" - shall mean occurring in the presence of oxygen.

"Aerobic Composting" - shall mean decomposition of organic materials by bacteria in the presence of oxygen.

~~"Agency" means any commission, board, department, public or quasi public corporation~~

~~(including, but not limited to, Rhode Island Public Transit Authority, Rhode Island Public Telecommunications Authority, Rhode Island Higher Education Assistance Authority, and Rhode Island Turnpike and Bridge Authority) either public or private and including state, county, and municipal government.~~

"Agricultural by-product" - shall mean discarded organic materials produced from the raising of plants and animals as part of agronomic, floricultural, horticultural, silvicultural, vinicultural or viticultural operations including, but not limited to, animal manure, bedding materials, plant stalk, leaves, other vegetative matter and discarded by-product from the on-farm processing of fruits and vegetables.

"Agricultural Composting" - shall mean the composting of agricultural by-products and/or other specified compostable materials on an "agricultural unit", resulting in compost products for agricultural and horticultural uses.

"Agricultural Composting Facility" - shall mean that part of an agricultural unit upon which agricultural composting takes place. Such facilities must meet the requirements of the Division of Agriculture~~Office of Natural Resource Services~~.

"Agricultural Unit" - shall mean farmland as designated under RIGL 44-27-3 upon which agricultural operations as defined in RIGL 2-23-4 are undertaken by a farmer.

"Airport" shall mean a public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities, as defined in 40 CFR 257.3-8 (e) (1) (1979).

"Anaerobic" - shall mean occurring in the absence of oxygen.

"Anaerobic Digestion" - shall mean decomposition of organic material in the absence of oxygen.

"Anaerobic Digestion Facility" - shall mean an Organic Waste Recycling facility licensed by the Department that employs a closed vessel to perform a closed process of accelerated biodegradation of Organic Materials and/or organic solid~~an~~ wastes into biogas and digestate, using microorganisms under controlled conditions in the absence of oxygen.~~anaerobic digester to decompose organic material.~~

"Apparent Opening Size" shall mean the number of the U.S. Bureau of Standards sieve, or its opening size in millimeters or inches, having openings closest in size to the diameter of uniform particles which will allow 5 percent or less by weight to pass through.

"Applicant" shall mean a person seeking a new license or license renewal for a ~~solid waste management facility~~Solid Waste Management Facility or Organics Waste Recycling

Facility or a new registration or registration renewal for a Composting Facility, ~~if registration is required.~~ It shall also include persons seeking to construct or add new equipment to an existing ~~solid waste management facility~~ Solid Waste Management Facility or Organics Waste Recycling ~~composting Facility~~, whether licensed or registered. ~~or not.~~

"Aquifer" shall mean a geologic formation, group of formations, or part of a formation that contains sufficient saturated, permeable material to yield significant quantities of water to wells and springs.

"Arrangements" shall mean the process by which cities and towns plan for, implement and carry out the separation, weighing, collecting, hauling and disposal of municipal solid waste and recyclable materials.

"Asbestos" shall mean actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Ash Residue" shall mean all the solid residue and any entrained liquids resulting from the combustion of solid waste or solid waste in combination with fossil fuel at a solid waste incinerator, including bottom ash, boiler ash, fly ash, and the solid residue of any air pollution control device used at a solid waste incinerator.

"Backyard Composting" shall mean the composting on a residential site of certain wastes generated only at that site and where the compost produced is utilized on site and is not distributed or marketed. Wastes which may be composted include leaf and yard waste, certain food wastes including fruits and vegetables, tea leaves, coffee grounds, and egg shells; hair, sawdust, manures from animals that eat only plants, and other wastes acceptable to the Department for backyard composting.

"Base Flood" shall mean a flood that has a 1 percent or greater chance of recurring in any year or a flood of magnitude equaled or exceeded once in 100 years on the average over a significantly long period, as defined in 40 CFR 257.3-1 (b) (1), as is or as amended.

"Bedrock" shall mean solid rock, commonly called ~~ledge, that~~ ledge that forms the earth's crust.

"Biodegradable" - shall mean capable of being broken down (degraded) by micro-organisms into simpler compounds or natural elements.

"Biogas" - shall mean the gas mixture produced in an anaerobic digestion process which is primarily composed of methane and carbon dioxide and also contains impurities such as hydrogen sulfide.

~~"Beneficial Reuse material" shall mean a processed, nonhazardous, solid waste not already defined as recyclable material in Solid Waste Regulation 9: Recycling and that the Director of the Department has determined can be reused in an environmentally beneficial manner without creating potential threats to public health, safety, welfare or the environment or creating potential nuisance conditions. {RIGL Refuse disposal 23-18.9-16}~~

~~"Beneficial Use Determination" (BUD) shall mean the case-by-case process by which the director evaluates a proposal to use a specific solid waste as a beneficial reuse material for a specific purpose at a specific location within the host municipality.~~

~~"Bird Hazard" shall mean an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants (40 CFR 257.3-8 (e) (2)), as is or as amended.~~

"Bottom Ash" shall mean the ash residue remaining after combustion of solid waste or solid waste in combination with fossil fuel in a solid waste incinerator that is discharged through and from the grates, combustor, or stoker.

"Buffer" - shall mean any distance, topographical feature, vegetative, or man-made structure that allows for mitigation of impacts of composting or other ~~solid waste management facility~~ Solid Waste Management Facility activity on neighboring land uses.

"Buffer Zone" - shall mean an area of land between an ~~composting facility~~ Organic Waste Recycling Facility or ~~solid waste management facility~~ Solid Waste Management Facility and neighboring facilities or homes which shield these abutters from negative impacts of the ~~composting facility~~ Organic Waste Recycling Facility or ~~solid waste management facility~~ Solid Waste Management Facility operations.

"Bulking Agent" - shall mean a material added to composting wastes to provide structure to those wastes, to lower total moisture content and to allow air to reach and be held in small pockets within the waste, by preventing settling and compaction of the waste. Most bulking agents are carbonaceous, thereby providing a source of carbon to the composting mix, and are frequently chipped or shredded wastes, such as sawdust, wood chips or yard trimmings.

"Bulky Waste" shall mean large items of solid waste such as appliances, furniture, auto parts, stumps, etc.

"Bypass Waste" shall mean any solid waste that is either within the control of the operator of a solid waste incinerator or processing facility or within the control of another person, that requires treatment at the facility but cannot be so treated, and includes:

- (a) "downtime waste", meaning any treatable or burnable solid waste accumulated during a scheduled or unscheduled maintenance period of the facility; or
- (b) "excess waste", meaning solid waste which cannot be treated because the facility is operating at the approved design capacity.

For the purposes of this definition, "control" means control exercised by contract, local law, or any other means.

"Carbon To Nitrogen Ratio" (C:N ratio) - shall mean the numerical ratio of the mass of carbon to the mass of nitrogen in an organic material or in a mix of materials and which determines the composting potential of the organic material or the mix of materials.

"Cell" shall mean compacted solid wastes that are completely enclosed by natural soil or cover material.

"Co-Composting" - shall mean a composting operation which includes the use of septic waste or sewage sludge as part of its process for composting portions of the solid waste stream.

"Coefficient of Permeability" and "Hydraulic Conductivity" shall mean the rate of laminar flow of water through a unit cross-sectional area of a porous medium under a unit hydraulic gradient at a standard temperature. The units of "Coefficient of Permeability" and "Hydraulic Conductivity" shall be expressed in centimeters per second.

"Collection Station" shall mean a ~~solid waste management facility~~ Solid Waste Management Facility where refuse arrives by automobile or vehicles other than collection vehicles from sites separate from the collection station for transfer to another ~~solid waste management facility~~ Solid Waste Management Facility.

"Combined Ash" shall mean the mixture of bottom ash and fly ash.

"Combustion" shall mean the thermal treatment of solid waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character and composition of the waste.

Examples of combustion processes include incineration, pyrolysis, and fluidized bed.

"Commercial-Solid Waste" shall mean solid waste generated by stores, offices, institutions, restaurants, warehouses, ~~multi-family housing units for which the city or town does not except~~ accept responsibility for collecting waste, and activities at industrial facilities. ~~It includes all solid waste except Hazardous Waste as defined in Chapter 23-19.1 of the RIGL, Regulated Medical Waste as defined in Chapter 23-19.2 of the RIGL, radioactive waste; and Mmunicipal sSolid Wwaste as defined in these regulations.~~

"Compost" - shall mean a soil amending material resulting from the aerobic, thermophilic, microbial processing of organic materials.

"Compostable" - shall mean organic material that can be biologically decomposed under aerobic conditions.

"Compost Class" - shall mean the designation of compost, according to its physical, chemical, and biological characteristics.

"Composting" - shall mean any aerobic, thermophilic process which allows for the conversion of raw organic materials into a stable soil amendment.

"Composting Facility" - shall mean a facility, excluding any facility which composts only sewage sludge, which employs a composting process to produce compost from the organic fraction of the received solid waste stream.

"Composting Pad" - shall mean the surface area within the Composting Facility upon which organic materials are composted.

"Construction Certification Report" shall mean a report submitted to the Department upon completion of the construction of a solid Waste Management Facility which includes, at a minimum, the resulting information prepared in accordance with the Department's Solid Waste Regulations requirements of this Rule and the license issued thereto.

~~"Construction and Demolition Debris Facility" shall mean a solid waste management facility that receives construction and demolition debris. Construction and Demolition Debris Facility includes but is not limited to Construction and Demolition Debris Processing Facility and Construction and Demolition Debris Separation Facility.~~

"Construction and Demolition Debris Processing Facility" shall mean a solid Waste Management Facility that receives and processes construction and demolition debris, ~~of more than fifty (50) tons per day. Processing includes but is not limited to grinding, shredding, crushing, or landfilling at another location separate and apart from the location in which the separation occurs. These~~ Said facilities shall demonstrate, through records maintained at the facility and provided to the Department, that seventy-five percent (75%) of all material received by the facility is processed and removed from the site within six (6) weeks of receipt on a continuous basis, and that in no case stores material on site for over three (3) months, provided, however, such facilities do not include e-municipal compost facilities.

"Construction and Demolition Debris Separation Facility" shall mean a ~~solid waste management facility~~ Solid Waste Management Facility that receives, separates, and/or screens construction and demolition debris into its components for subsequent resale or processing which includes but is not limited to grinding, shredding, crushing, or landfilling at another location separate and apart from the location in which the separation occurs.

"Construction and Demolition (C&D) Debris" shall mean non-hazardous solid waste resulting from the construction, remodeling, repair, and demolition of utilities and structures; and uncontaminated solid waste resulting from land clearing. Such waste includes, but is not limited to wood (including painted, treated and coated wood and wood products), land clearing debris, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles and other roofing coverings, glass, plastics that are not sealed in a manner that conceals other wastes, empty buckets ten gallons or less in size and having no more than one inch of residue remaining on the bottom, electrical wiring and components containing no hazardous liquids, and pipe and metals that are incidental to any of the above. Solid waste that is not C&D debris (even if resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads and land clearing) includes, but is not limited to, asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent lights, carpeting, furniture, appliances, tires, drums, containers greater than ten gallons in size, any containers having more than one inch of residue remaining on the bottom, and fuel tanks. Also excluded from the definition of C & D debris is solid waste resulting from any processing technique that renders individual waste components unrecognizable, such as pulverizing or shredding, at a facility that processes C&D debris.

"Corporation" shall mean the Rhode Island Resource Recovery Corporation.

"Corrugated cardboard" – shall mean corrugated containers, substantially clean and dry, empty and free of wood, plastic, polystyrene and other packing materials. Wax coated and/or wood reinforced corrugated is excluded from this definition.

"Cover Material" – shall mean clean soil or earth or other material approved by the Director that is used to cover compacted solid waste in a sanitary landfill.

"Critical Habitat" for a threatened or endangered species is defined in the Endangered Species Act, 16 U.S.C. 1532, as is or as amended, and shall also include State species of concern as identified by the Natural Heritage Program.

"Curing" - shall mean the final stage of composting, after much of the readily metabolized organic material has been decomposed, in which the compost material further stabilizes at a slower rate and at a lower temperature than during the initial active composting phase.

"Curing Area" - shall mean the area of the composting facility where curing of the compost occurs.

"Decomposition" - shall mean the breakdown of organic matter by microbial activity.

"Department", "DEM", or "RIDEM" - shall mean the Rhode Island Department of Environmental Management.

"Destruction or Adverse Modification" (of a critical habitat of endangered or threatened species) - shall mean a direct or indirect alteration of a critical habitat which appreciably diminishes the likelihood of the survival and recovery of threatened or endangered species using that habitat, as defined in 40 CFR 257.3-2 (c) (2), as is or as amended.

"Digestate" - shall mean the solid and liquid substances remaining following anaerobic digestion of organic materials and wastes.

"Director"- shall mean the Director or the Commissioner of the Rhode Island Department of Environmental Management and his or her designee.

"Discharge" is defined in the Clean Water Act of 1977, 33 U.S.C. Section 1322 (a) (9), as is or as amended, and for the purposes of these Rules and Regulations, it shall include leaching and releases.

"Disposal" - shall mean the abandonment, discard or final disposition of waste.

"Distribute" - shall mean to offer for sale, sell, barter, or otherwise supply compost products derived from organic solid waste.

"Distributor" - shall mean the person or company which distributes or markets composted products derived from organic solid waste.

"Diversion Rate" - shall mean the total amount (reflected as a percentage) of a material, diverted from disposal through waste prevention, recycling, or reuse.

"Dredged Material" is defined in the Clean Water Act of 1977, 33 U.S.C. Section 1402, as is or as amended.

"Enclosed Vessel" (In-vessel Composting) - shall mean the composting of materials within an enclosed vessel in which adequate mixing, aeration, and moisture control are provided.

"Endangered or Threatened Species" is defined in the Endangered Species Act, as amended, 16 U.S.C. Section 1532 (6) (15), as is or as amended, and shall also include State species of concern as identified by the National Heritage Program.

"Energy Recovery" shall mean treatment by which energy is derived or extracted from solid waste.

"Energy Recovery Incinerator" shall mean an incinerator in which household waste and nonhazardous industrial/commercial waste are combusted for energy production.

"Environmental Management District" shall mean the area located in the Town of Johnston and the City of Cranston bounded by Plainfield Pike on the South; Peck Hill Road on the west; Central Avenue on the north; and I-295 on the east.

~~"Electronics Waste (e waste)" — Electronics Waste shall mean "Computers" and "Printers" "Computer", often referred to as a personal computer or PC, means a desktop or notebook computer as further defined below, but does not mean an automated typewriter, electronic printer, mobile telephone, portable hand held calculator, portable digital assistant (PDA), MP3 player, or other similar device. Computer does not include computer peripherals, commonly known as cables, mouse, or keyboard; computer servers marketed to professional users; or retail store terminals or cash registers, used at customer checkout in the retail industry. "Printer" means desktop printers, multifunction printer copiers, and printer/fax combinations taken out of service that are designed to reside on a work surface, and include various print technologies, including without limitation laser and LED (electrographic), ink jet, dot matrix, thermal, and digital sublimation, and multi-function or all in one devices that perform different tasks, including without limitation copying, scanning, faxing, and printing. Printers do not include floor standing printers, printers with optional floor stand, point of sale (POS) receipt printers, household printers such as a calculator with printing capabilities or label makers, or non standalone printers that are embedded into products that are not covered electronic products. {<http://www.dem.ri.gov/ewaste/pdf/ewastepn.pdf>~~

~~"Rules and Regulations Governing the Administration and Enforcement of the Electronic Waste Prevention, Reuse and Recycling Act" currently in draft form.}~~

"Existing SWLF Unit" - shall mean, relative to Solid Waste Landfill Units, any solid waste landfill that is receiving solid waste as of October 9, 1993. Waste placement in existing units must be consistent with past operating practices or modified practices to ensure good management.

"Facility" (see "Solid Waste Management Facility").

"Facilities That Process Construction and Demolition Debris" shall mean facilities that receive and process construction and demolition debris.

"Farmer" - shall mean an individual, partnership or corporation who operates a farm and meets the requirements of RIGL 2-1-22(j)(1).

"Final Cover" shall mean cover material which will be permanently exposed to the environment.

"Finished Compost" (finished product) - shall mean compost that meets at least minimum requirements for public health, safety and environmental protection and is suitable for use as defined by compost quality standards or as approved by the Department.

"Flood Plain" is defined in the R.I. Fresh Water Wetlands Act 1956 R.I.G.L., as is or as amended, Section 2-1-20, and in the "Rules and Regulations Governing the Enforcement of the Fresh Water Wetlands Act" (effective March, 1981), as is or as amended.

"Fly Ash" shall mean the ash residue from the combustion of solid waste or solid waste in combination with fossil fuel that is entrained in the gas stream of a solid waste combustion facility and removed by the air pollution control equipment.

"Food Chain Crops" - shall mean crops consumed by humans as well as crops grown as feed for animals whose products, in-turn, are consumed by humans.

"Foreign Matter" - shall mean the inorganic and organic constituents that are not readily decomposed and which may be present in finished compost. Examples include, but are not limited to, glass, plastics, metals, rubber, bones and leather.

"Friable Asbestos Material" shall mean any material that contains more than 1 percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure.

"Generator" shall mean any person whose act or process produces a solid waste or whose act first causes solid waste to be subject to regulation under this Title.

"Geocomposite" shall mean a manufactured material using geotextiles, geogrids, geomembranes, or combinations of same, in a laminated or composite form.

"Geogrid" shall mean a deformed or non-deformed netlike polymeric material used with foundation, soil, rock, earth, or any other geotechnical engineering-related material as an integral part of the man-made structure or system to provide reinforcement to soil slopes.

"Geomembrane" shall mean an essentially impermeable membrane used with foundation, soil, rock, earth, or any other geotechnical engineering-related material as an integral part of a man-made structure or system designed to limit the movement of liquid or gas in the system.

"Geonet" shall mean a type of geogrid that allows planar flow of liquids and serves as a drainage system.

"Geosynthetics" shall mean the generic classification of all synthetic materials used in geotechnical engineering applications, including geotextiles, geogrids, geomembranes, and geocomposites.

"Geotextile" shall mean any permeable textile used with foundation, soil, rock, earth, or any other geotechnical engineering-related material as an integral part of a man-made structure or system designed to act as a filter to prevent the flow of soil fines into drainage systems, to provide planar flow for drainage, or to serve as a cushion to protect geomembranes, or to provide structural support.

"Groundwater" shall mean water found underground which completely fills the open spaces between particles of sediment and within rock formations.

"Groundwater Recharge Area" shall refer to the land surface from which water is added to the zone of saturation. The recharge area for a particular well or aquifer, for instance, is that land surface from which water moves to the well or aquifer or may move to the well or aquifer under certain hydraulic conditions.

"Groundwater Reservoir" shall refer to those stratified drift deposits having a saturated thickness greater than or equal to 40 feet and a transmissivity greater than or equal to 4000 feet squared per day which have been determined by the Director to be potentially significant sources of water.

"Hazardous Waste" shall mean any waste as defined in the Rhode Island Hazardous Waste Management Act, Section 23-19.1.4(4), or in regulations adopted pursuant thereto, as are or as amended.

"HEALTH", "RIDOH", or "DOH" – shall mean the Rhode Island Department of Health.

"Heavy Metals" - shall mean metallic elements with higher molecular weights and at certain concentrations, some of these elements may present health risks to humans and animals and may be toxic to plants.

~~"HDPE" shall mean high density polyethylene plastics labeled with a #2 recycling symbol in accordance with standards established by the plastics industry.~~

~~"Humus" - shall mean a complex amorphous aggregate, formed during the microbial decomposition or alteration of plant and animal residues and products synthesized by soil organisms; principal constituents are derivatives of lignins, proteins, and cellulose combined with inorganic soil constituents and for water absorption.~~

"Impermeable" (Impervious) - shall mean not permitting the passage of liquids through its substance.

"Impermeable Liner" shall mean a layer of natural or man-made material of sufficient thickness, density and composition so as to impede the passage of a fluid to a degree that will satisfy the standards required by the Department. For natural materials, this standard shall be 1×10^{-7} cm/sec. For man-made materials, this standard shall be 1×10^{-12} cm/sec.

~~"Implementation Date" shall mean the date by which the Department and a city or town specify that the city or town shall be in compliance with these rules and regulations.~~

"Incinerator" shall mean an arrangement of chambers and equipment designed for burning solid, semi-solid or gaseous combustible waste to a gas and residue. Incinerators used only for the combustion of solid waste generated on site shall not be covered by this definition.

"Initial Cover" shall mean cover material that is spread and compacted on the top, side slopes, and the face of compacted solid waste at least at the end of each operating day in accordance with Rule 2.3.04(a).

"Inocula/Inoculum" - shall mean preconditional microorganisms or compost added to a raw material to assure that appropriate microorganisms are present so as to sustain decomposition of organic material in a composting process.

"Inorganic Materials" - shall mean materials in which there are no carbon-to-carbon bonds, such as minerals, and which, therefore, will not undergo biological decomposition.

"Intermediate Cover" - shall mean cover material which must resist erosion for a longer period of time because it is applied in accordance with Rule 2.3.04(b) on areas where additional cells are not to be constructed for extended periods of time.

"Landfill Cell" shall mean a discrete volume of a landfill which uses a liner system to provide isolation of solid waste from adjacent cells of solid waste.

"Landfill Gas Recovery Facility" shall mean a facility in which gases produced from the decomposition of solid wastes are collected for the purpose of the control of landfill gas migration and/or for the recovery of energy.

"Land Reclamation" shall mean the restoration of productivity to lands made barren through processes such as erosion, mining, or land clearing.

"Large-Scale Leaf and Yard Waste Composting Facility" - shall mean a facility that is required to be registered with the Department and is designed and operated to receive and compost only leaf and yard waste. The facility's capacity is greater than ~~exceeds~~ six

hundred (600) cubic yards or more of leaf and yard waste in the staging, storing, processing and curing stages. Finished compost is excluded.

"Large-Scale Putrescible Waste Composting Facility" - shall mean a facility that is required to be registered with the Department and is designed and operated to receive and compost only putrescible waste. The facility's capacity is greater than ~~exceeds~~ six hundred (600) cubic yards or more of waste in the staging, storing, processing and curing stages. Finished compost is excluded.

"Lateral Expansion" - shall mean, relative to Solid Waste Landfill Units, a horizontal expansion of the waste boundaries of an existing SWLF unit.

"Leachate" shall mean a liquid that has percolated through, or originated in solid waste and is presumed by these Rules and Regulations to contain dissolved or suspended materials from solid waste.

"Lead-Free" - shall mean any soil, compost, sludge, or other designated medium that either contains no lead, or contains lead in amounts less than the maximum acceptable environmental lead levels established in the Rhode Island Department of Health "Rules and Regulations for Lead Poisoning Prevention", as amended.

"Lead-Safe" - shall mean any soil, compost, sludge, or other designated medium that contains lead in amounts less than the maximum permissible environmental lead levels established in the Rhode Island Department of Health "Rules and Regulations for Lead Poisoning Prevention", as amended; which poses no significant environmental lead exposure hazard despite having a lead concentration above that required for a designation as "Lead Free".

"Leaf and Yard Waste" - shall mean seasonal deposition of leaves from deciduous and coniferous trees and shrubbery, grass clippings, weeds, herbaceous garden waste, shrub and tree prunings, seaweed, Christmas trees and brush.

~~"Leaf and Yard Waste Composting Facility" shall mean a facility that is required to be registered with the Department that is designed and operated to compost only leaf and yard waste.~~

"Licensing Agency" shall mean the Department of Environmental Management.

"Lift" shall mean a compacted layer of solid waste plus its overlying cover material in a sanitary landfill.

"Liner System" shall mean a continuous layer of natural and man-made materials, beneath or on the sides of a surface impoundment, landfill, or landfill cell, which restricts the downward or lateral escape of solid waste, any constituents of such wastes, or leachate and which complies with these Rules and Regulations.

"Manure" shall mean a waste composed of excreta of animals.

~~"Materials Recovery Facility (MRF) or Intermediate Processing Facility (IPF)" or Intermediate Processing Facility (IPF)"~~ shall mean a facility consisting of structures, machinery, or devices utilized to sort, bale, or otherwise process or ready to transport to processors, only Source Segregated Recyclable Segregated Recyclable Materials prior to conveyance to market outlets.

Facilities meeting the above requirements are not required to apply for a Solid Waste Management Facility license except for facilities that accept, store, or process waste tires pursuant to RIGL 23-63. ~~Facilities meeting the above requirements are required to register with the Office of Waste Management pursuant to Rule 9.7.00.~~

"Mature Compost" - shall mean compost that has stabilized and has undergone a reduction of pathogens below the level of human risk. It is characterized as containing readily available forms of plant nutrients, poor in phytotoxic acids and phenols, and low in available carbon compounds.

~~"Medium-Scale Composting Facility Operation Containing Equipment"~~ shall mean a composting facility operation that is required to be registered with the Department and is designed and operated to compost between twenty-five (25) cubic yards and no more than six hundred (600) cubic yards of ~~ny electrical~~ leaf, yard and/or putrescible waste on the property at any given time. The maximum quantity includes unincorporated feedstock and feedstock that is staged, stored, processed or in the curing stage. Finished compost is excluded.

~~product or component, excluding batteries, lamps, and thermostats, which contains elemental mercury that is necessary for its operation and is housed within an outer metal, glass, or plastic casing. Mercury Containing Equipment include, but are not limited to, thermometers, barometers, electric switches and relays, thermocouples, manometers, and sphygmomanometers.~~

~~"Mercury Containing Lamp" shall mean an electric lamp in which mercury is purposely introduced by the manufacturer for the operation of the lamp. For the purposes of universal waste management, mercury-containing lamps include fluorescent lamps and high intensity discharge (HID) lamps, including mercury vapor, metal halide and high pressure sodium lamps, which would otherwise be a characteristic hazardous waste.~~

"Microorganisms" - shall mean living organisms visible only with a microscope.

"Mixed Solid Waste" - shall mean heterogeneous and commingled solid waste, which may include readily biodegradable organic wastes, as well as other organic wastes which are not readily biodegradable and may also contain inorganic, non-compostable wastes.

"Mixed Solid Waste Composting Facility" - shall mean a Solid Waste Management Facility that utilizes organic waste recycling by~~that is designed and operated to produce~~ compost from the compostable portion of a mixed solid waste input stream.

"Monofill" shall mean a landfill or landfill cell into which only one homogeneous type of waste is placed.

"Municipal Solid Waste" – shall mean that solid waste generated by the residents of a municipality in the course of their daily living, the disposal of which the governing body of the municipality has undertaken in the discharge of its duties to protect the health of the municipality. Municipal Solid Waste does not include Solid Waste generated by residents of a municipality in the course of their employment or that is generated by any manufacturing or commercial enterprise.

~~"Multi-Family Unit" shall mean any housing which the governing body of that municipality has designated as a multi-unit dwelling, and doesn't provide trash pickup, and which said Multi-Family Unit generates Commercial Solid Waste.~~

"New SWLF Unit" - shall mean, relative to Solid Waste Landfill Units, any solid waste landfill unit that has not received waste prior to October 9, 1993.

"Non-compostable" - shall mean incapable of decomposing naturally or of yielding safe, non-toxic end products, after decomposition.

"Non-hazardous Liquid and Semi-Liquid Waste" shall mean any discarded material that is liquid or semi-liquid and which is not hazardous waste as defined in the Hazardous Waste Management Act, R.I.G.L. 23-19.1, or rules and regulations promulgated pursuant to such Act, as is or as amended.

~~"Office paper" shall mean a paper suitable for pen and ink, pencil, typewriter, or printing, which have a similar fiber and filler content and which are free of treated, coated, padded and heavily printed paper, carbon paper and non-paper materials.~~

"Oil Spill Cleanup Debris" shall mean waste resulting from the cleanup of debris caused by spilling, depositing or placing of petroleum distillates, including but not limited to crank case oil, lubricants and hydraulic oil, penetrant oils, tramp oils, quenching oils,

kerosene, gasoline, aviation fuels, diesel, and Nos. 2, 4, and 6 heating oil, onto the land or into the waters of the State.

"On-Farm" - On farmland owned by the agricultural composting facility owner.

"Open Burning" shall mean the combustion of solid waste without:

- (a) Control of combustion air to maintain adequate temperature for efficient combustion,
- (b) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and
- (c) Control of the emission of the combustion products.

"Operating an Organic Waste Recycling Facility" shall mean receiving Organic Waste Materials at any facility, whether knowingly or unknowingly. Any property owner is considered to be operating an Organic Waste Recycling Facility if an amount of Organic Waste Materials greater than twenty-five (25) cubic yards exists on their property. For purposes of disposal, any property owner considered to operating a Solid Waste Management Facility if an amount of solid waste greater than three (3) cubic yards exists on their property. ~~such receipt must be in an amount greater than three cubic yards, per Rhode Island General Law § 23-18.9-5.~~

"Operating a Solid Waste Management Facility" shall mean receiving solid waste at any facility, whether knowingly or unknowingly. For purposes of disposal, such receipt must be in an amount greater than three cubic yards, per Rhode Island General Law § 23-18.9-5; and any property owner is considered to be operating a Solid Waste Management Facility if an amount of solid waste greater than three cubic yards exists on their property.

"Operator" - shall mean the person, corporation, or entity responsible for daily operations or activities at an ~~composting facility~~ Organic Waste Recycling Facility or Solid Waste Management Facility, whether licensed, ~~or unlicensed,~~ registered or unregistered.

"Organic Material or Organic Waste Materials" - shall mean materials that are the organic portion of the solid waste stream, contain carbon-to-carbon bonds and are biodegradable, such as paper, wood, food ~~scraps~~waste, food processing residue, leaves, and yard waste.

"Organic Waste Recycling Facility" - shall mean a compost facility or Anaerobic Digestion Facility.

"Owner" - shall mean any person, corporation, or entity who owns an ~~composting facility~~ Organic Waste Recycling Facility or Solid Waste Management Facility and who

may also own the real property upon which the facility is located and/or constructed, whether licensed-~~or~~, unlicensed, registered or unregistered.

"Passive Windrow Composting" - shall mean composting of wastes in windrows in which wastes are turned at least twice per year.

"Pathogens" - shall mean organisms or microorganisms including viruses, bacteria, fungi, helminth, and protozoa capable of producing an infection or disease in a susceptible host.

"Percent Moisture" (relative to composting) - shall mean weight of water in a material divided by the total weight of the material, multiplied by one hundred (100).

"Percolation" - shall mean the downward movement of water or liquids through the pores or spaces of material or soil.

"Permeability" - shall mean the ability of water or liquids to percolate through a material or soil.

"Person" - shall mean an individual, firm, joint stock company, partnership, association, private or municipal corporation, government or quasi-governmental corporation, state, commission, political subdivision of a state, any interstate body, municipality or the federal government or any agency or subdivision thereof.

~~"PET" or "PETE" - shall mean polyethylene terephthalate plastics labeled with #1 recycling symbol in accordance with standards established by the plastics industry.~~

~~"Petroleum Contaminated Soil"~~ - shall mean soil that is contaminated from an above-ground or under-ground leak or spill of a petroleum product. The soil must be contaminated with only virgin (unused) petroleum products. Included in this group are the following products:

- (a) unused distillate and residual oil including, but not limited to, gasoline, aviation fuels, kerosene, diesel, and Nos. 2, 4, and 6 heating oil;
- (b) unused crankcase oil, lubricants, hydraulic oils, penetrant oils, tramp oils, quench oils, and other industrial oils.

"pH" - shall mean the logarithm of the reciprocal of the hydrogen ion concentration (base 10) and shall be a measure of how acidic (pH less than 7) or basic (pH greater than 7) a material is. A pH of 7 is considered neutral.

"Physical Contaminants" - shall mean any non-biodegradable material such as plastic, metal, glass, stones or masonry debris.

"Phytotoxic" - shall mean detrimental, because of toxicity, to plant growth.

"Pollutant" - shall mean any material or effluent which may alter the chemical, physical, biological, or radiological characteristics and/or integrity of water, including but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, cellar dirt or industrial, municipal, agricultural, or other waste, petroleum or petroleum products, including but not limited to oil.

"Pollution"- shall mean the entrance or discharge of any pollutant into any waters of the state including groundwaters, in such quantity, either by itself or in connection with other materials so discharged, as to alter the physical, chemical, biological or radiological characteristics and/or integrity of said waters, including change in temperature, taste, color, turbidity or odor, and, to cause or be likely to cause damage to the public, or to any person having a right to use said waters for human consumption, commercial or domestic uses, for boating, fishing or other purposes, or owning property in, under or bordering upon same.

"Practice" - shall mean the act of disposal of solid waste, as defined in 40 CFR Section 257.2 (1979) and as may be amended.

"PFRP" - shall mean the Process to Further Reduce Pathogens required during the composting process.

"Processable Material" - shall mean those Recyclable Materials that meet criteria of purity and condition as defined by the Corporation and the Department in conjunction with the operator of the MRF.

"Project Engineer" - shall mean the official representative of the permittee who is licensed to practice engineering in the State of Rhode Island, who will direct an engineering design team in development projects throughout the entire cycle from initial permit application through completion. In addition, the project engineer shall be ~~is~~ responsible for documenting and certifying that the construction ~~observing, documenting, and certifying that~~ activities related to Solid Waste Management Facilities were performed in accordance with applicable Solid Waste Regulations, engineering standards and approved engineering plans. ~~the quality assurance of the construction of the solid waste management facility conform to the engineering design contained in the permit to construct and the regulations specified in these Rules and Regulations.~~ All certifications must bear his seal, his signature, and the date of certification.

"Putrescible Waste" - shall mean solid waste including, but not limited to, fish waste and other food wastes which contains organic matter capable of being decomposed by microorganisms and that has a tendency to form foul-smelling by-products, during decomposition, and may provide food for vectors or birds.

~~"Putrescible Waste Composting Facility" shall mean a facility, that is required to be registered with the Department, that is designed and operated to receive and compost putrescible waste with or without other waste.~~

~~"Quality Assurance" - shall mean the application of standards and procedures to insure that a product or facility meets or exceeds desired performance criteria, and documentation to verify the results obtained. "Quality assurance" includes "quality control" and refers to actions taken to assure conformity of the construction with the Department approved quality assurance plan, engineering plans, reports, and specifications.~~

~~"Quality Control" - shall mean those actions which provide a means to measure and regulate the characteristics of an item or service to contractual and regulatory requirements. Quality control includes those actions taken before construction to ensure that the materials chosen and workmanship comply with the Department approved quality control plan, engineering plans, reports and specifications.~~

~~"RCRA Empty Aerosol Can" shall mean an aerosol can that meets the definition of RCRA empty according to 40CFR261.7 if after pouring, pumping, and aspirating, it then holds less than one inch of residue.~~

~~"Municipal Solid Waste" shall mean that solid waste generated by the residents of a municipality in the course of their daily living, the disposal of which the governing body of the municipality has undertaken in the discharge of its duties to protect the health of the municipality. Municipal solid waste does not include solid waste generated by residents of a municipality in the course of their employment or that generated by any manufacturing or commercial enterprise.~~

~~"Recycling" - shall mean the reuse or remanufacture of recovered resources in manufacturing, agriculture, power production or other processes.~~

~~"Recyclable Materials" - shall mean any material listed as a recyclable material in the Rhode Island "Rules and Regulations for Reduction and Recycling of Municipal Solid Waste" and the "Rules and Regulations for Reduction and Recycling of Commercial and Non-Municipal Residential Solid Waste" or the Rhode Island Battery Deposit and Control Regulations, or oil subject to the hard-to-dispose-of tax as stated in Chapter 37-15.1 of the Rhode Island General Law.- those materials, which shall be separated from solid waste for processing, reuse or remanufacture, as listed in Solid Waste Regulation No~~

~~"Recyclables" - for purposes of these Rules and Regulations, shall mean any residual recyclable material remaining in a solid waste stream after removal (source segregation) of recyclable material by the original generator(s) of the solid waste, in accordance with the "Rules and Regulations for Reduction and Recycling of Municipal Solid Waste" and~~

the “Rules and Regulations for Reduction and Recycling of Commercial and Non-Municipal Residential Solid Waste” and/or other recyclable material not defined as such or not regulated by these municipal and commercial recycling rules and regulations.

9.

"Refining" (relative to composting) - shall mean screening and other procedures (if applicable) which may be required to meet product quality standards and meet market requirements.

"Refuse" (see "Solid Waste").

"Refuse Derived Fuel" - shall mean treated solid waste that is used as a fuel.

"Refuse Derived Fuel Processing Facility" - shall mean the combination of structures, machinery, or devices utilized to reduce or alter the volume of mixed solid waste before delivery to a solid waste incinerator.

"Registered Compost Facility" - shall mean, ~~relative to these Rules and Regulations,~~ a Medium-Scale Composting Facility Operation, a Large-Scale Leaf and Yard Waste Composting Facility or a Large-Scale Putrescible Waste Composting Facility, ~~that facility that~~ has received registration acceptance from the Department. The Registered Compost Facility ~~and~~ shall operate in accordance with the information submitted on the Composting Operation/Facility ~~facility~~ registration form on file at the Department and in accordance with the Department's Solid Waste Regulation Number 8 for Organic Waste Recycling Facilities, Leaf and Yard Waste Composting Rules and Regulations, or Putrescible Waste Composting Rules and Regulations.

"Release" - shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. For purposes of these Rules and Regulations, release also includes any storage, disposal, or abandonment of any substance or material in a manner which presents a substantial threat of release as herein defined.

"Resident" of a city or town shall mean anyone residing in that municipality for any period of time.

"Residue" - shall mean any solid that remains after completion of solid waste processing including incineration products such as bottom ash, fly ash and grate siftings.

"Resource Recovery" - shall mean the processing of solid waste in such a way as to produce materials or energy which may be used in manufacturing, agriculture and other processes.

"Resource Recovery Facility" - shall mean a processing facility which accepts solid waste for the purpose of resource recovery.

"Run - Off" - shall mean any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Run - On" - shall mean any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Sanitary Landfill" shall mean a licensed land disposal site employing an engineered method of disposal of solid waste in a manner that absolutely minimizes environmental hazards, including: spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume; and applying cover material at the end of each operating day, or at such more frequent intervals as may be necessary. A sanitary landfill shall also mean a solid waste landfill.

"Screening of Compost" - shall mean the process of passing compost through a screen or sieve to remove large particles of organic and inorganic materials, so as to improve the consistency and quality of the end product.

"Screenings", as referred to facilities that separate or process construction and demolition debris, shall mean that material that is separated out of the construction and demolition debris waste stream by passage through or retention on a screen.

"Seed Materials" - shall mean, relative to composting, additives or inocula added to the waste to accelerate or activate the composting process.

"Segregated Solid Waste" - shall mean solid waste that has been separated into Recyclable Materials and non-recyclable ~~materials~~ wastes in compliance with these regulations.

"Septic Waste" - shall mean any solid, liquid, or semi-solid waste removed from septic tanks or cesspools, lagoons, trucks, or other sources.

"Sewage Sludge" - shall mean a semi-liquid substance consisting of settled sewage solids combined with water and dissolved materials in varying amounts.

"Shredding" - shall mean breaking up waste materials into small pieces, usually in the form of irregularly shaped strips that is generally performed by mechanical methods.

"Size Reduction" - shall mean the breaking up of solid waste or other materials into smaller pieces, through abrasion, thermal dissociation, tearing, screening, tumbling, rolling, crushing, chipping, shredding, grinding, shearing, etc., in order to make the waste material easier to separate and relative to composting processes, to increase the surface area for composting.

"Small-Scale Composting Operation" - ~~shall~~ mean a composting operation that is designed and operated to compost ~~between twenty-five (25) cubic yards or less and no more than six hundred (600) cubic yards of leaf, yard and/or putrescible waste on the property at any given time.;~~ The maximum quantity includes unincorporated feedstock and feedstock that is staged, stored, processed or in the curing stage. Finished compost is excluded.

"Soil Amendment" - shall mean a soil additive which stabilizes the soil, improves the resistance to erosion, increases its permeability to air and water, improves its texture and the resistance of the surface to crusting, makes it easier to cultivate, or otherwise improves its quality.

"Soil Amendment Ingredient" - shall mean a substitute which improves the physical characteristics of the soil.

"Solid Waste" - shall mean garbage, refuse and other discarded solid materials generated by residential, institutional, commercial, industrial and agricultural sources but does not include solids or dissolved material in domestic sewage or sewage sludge, nor does it include hazardous waste as defined in the Rhode Island Hazardous Waste Management Act, Chapter 23-19.1, nor does it include used asphalt, concrete, Portland concrete cement, or tree stumps. For purposes of these Rules and Regulations, solid waste shall also include non-hazardous liquid, semi-solid, and containerized gaseous wastes, subject to any special conditions contained in these Rules and Regulations.

"Solid Waste Landfill (SWLF) Unit" - shall mean a discrete area of land or an excavation that receives solid waste and that is not a land application unit, surface impoundment, injection well, or a waste pile as defined per 40 CFR 257.2. A SWLF unit may receive all types of RCRA Subtitle D wastes, such as commercial solid waste, C & D wastes, certain non-hazardous sludges, and industrial solid waste. Such a landfill may be publicly or privately owned. A SWLF unit may be a new SWLF unit, an existing SWLF unit or a lateral expansion.

"Solid Waste Management Facility" - shall mean any plant, structure, equipment, real and personal property that receives solid waste, except mobile equipment or incinerators with a capacity of less than one thousand (1,000) pounds per hour.

"Source -Segregated Recyclable Materials" shall mean useful material which has been separated from the waste stream at the point of generation for the purpose of recovering and recycling these materials.

"Source Separated (Segregated) Solid Waste" shall mean solid waste that has been segregated into ~~recyclable~~ Recyclable Materials and non-recyclable materials~~waste~~

~~materials~~ at the point of generation and in compliance with the [“Rules and Regulations for Reduction and Recycling of Municipal Solid Waste”](#) and the [“Rules and Regulations for Reduction and Recycling of Commercial and Non-Municipal Residential Solid Waste”](#) ~~“Solid Waste Regulation No 9”~~.

"Stability" (relative to composting) - shall mean the degree to which a composted material can be stored or used without giving rise to nuisances (odors or vectors) or can be applied to the soil without causing problems.

"Stabilization" - shall mean the second stage of composting (following decomposition) characterized by slow metabolic processes, lower heat production, and the formation of humus-like material.

"Staging Area" - shall mean the temporary holding area where solid waste is received, mixed, or debugged before moving it to the processing and/or composting area.

"State" - shall mean the State of Rhode Island.

"Surface Public Water Supply" - shall refer to surface water that supplies piped water for human consumption by means of a system having at least fifteen (15) service connections or regularly serving at least twenty-five (25) individuals for at least sixty (60) days of the year.

"Surface Water" - shall mean a body of water whose top surface is exposed to the atmosphere including rivers, ponds, lakes, etc.

"Take" or "Taking" is defined in the Endangered Species Act, 16 U.S.C. Section 1533, as is or as amended.

~~"Telephone directory" shall mean a soft cover listing of telephone numbers and addresses by telephone listing territories commonly listed alphabetically or by occupation and distributed to households and businesses in behalf of telecommunications utilities or private advertisers.~~

"Thermophylic" - shall mean occurring in a high temperature range, usually 45 degrees to 75 degrees centigrade.

"Toe" - shall mean the bottom of the working face or side slope of a land disposal site where deposited solid waste is in contact with virgin ground or a previous lift.

"Transfer Station" - shall mean a [Solid Waste Management Facility](#), other than a materials recovery facility or intermediate processing facility that can have a combination of structures, machinery, or devices where solid waste is taken from collection vehicles and

ultimately placed in other transportation units for movement to another Solid Waste Management Facility.

~~“Tree Waste Storage Facility” shall mean a tree waste management facility that stores tree waste above ground.~~

~~“Tree Waste Landfill” shall mean a tree waste management facility that disposes tree waste underground.~~

~~“Uppermost Aquifer” - shall mean, relative to Solid Waste Landfill Units, the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.~~

~~“Used Cooking Oil” shall mean grease generated from using vegetable oil or animal fat for cooking.~~

~~“Used Cooking Oil Generation” means the creation of used cooking oil as a byproduct of cooking, etc. by commercial facilities.~~

~~“Used lubricating oil” shall mean a petroleum based oil which, after sale to a consumer, through use, storage or handling has become unsuitable for its original purpose.~~

~~“Vector” - shall mean a carrier, usually an insect or rodent, that rodent that is capable of transmitting a pathogen from one organism to another.~~

“Washout” - shall mean the carrying away of solid waste by waters of the base flood, as defined in 40 CFR 257.3-1 (1979), as is or as amended.

“Waste” - shall mean discarded or abandoned solid, semi-solid or liquid material.

“Waste Management” - shall mean actions taken to effectuate the receipt, storage, transportation, processing for resource recovery, recycling, and/or the ultimate disposal of solid waste.

“Waste Management Unit Boundary” - shall mean, relative to Solid Waste Landfill Units, a vertical surface located at the hydraulically down gradient limit of the unit. This vertical surface extends down into the uppermost aquifer.

“Waste Tire Storage and Recycling Facility” - shall mean a facility for used vehicle tire recycling or recovery and/or where greater than four hundred used vehicle tires are stored or are intended to be stored.

"Water Table" - shall mean the upper surface of the zone of saturation in an unconfined aquifer.

"Wellhead Protection Area" - shall mean the critical portion of a three-dimensional zone, designated by the Director, surrounding a public well or well-field through which water will move toward and reach such well or well-field.

~~"White goods" shall mean large, predominantly metal appliances such as, but not limited to refrigerators, ovens, and laundry washing and drying machines.~~

"Windrow" - shall mean an elevated pile of solid waste, formed for the purpose of composting, no larger than any dimension constraints specified in these Rules and Regulations, and which is oriented along the fall line of the compost pad and fits within the perimeter of the compost pad.

"Windrow Composting" - shall mean the composting of organic materials that are arranged in a series of windrows and which are turned periodically to aerate and mix the waste materials to speed up decomposition and reduce or prevent odors.

~~"Wood waste" shall mean lumber, pallets, crates, plywood, and particle board, substantially free of contaminants. Contaminants include: lead paint, banding, bolts over 1/4 inch diameter, shingles, pipe, Formica, plastics, and preservatives. Construction and demolition debris that cannot be readily separated is excluded from this definition.~~

"Working Face" - shall mean that portion of a land disposal site where solid waste is discharged by collection and/or haulage vehicles and is spread and compacted prior to placement of cover material.

"Yard Waste" - shall mean leaves, grass clippings, weeds, herbaceous garden waste, shrub and tree prunings, and brush.

1.4.00 PROHIBITIONS

1.4.01 General: No person shall construct, develop, establish, manage, own or maintain a ~~solid waste management facility~~Solid Waste Management Facility or ~~composting facility~~Organic Waste Recycling Facility, without first having obtained approval issued by the Department. No person shall operate a ~~solid waste management facility~~Solid Waste Management Facility or ~~composting facility~~Organic Waste Recycling Facility without first having obtained a license or registration to operate from the Department. Small-Scale Composting Operations are excluded from these requirements.

1.4.02 Water:

- (a) Surface Water Pollution: A ~~solid waste management facility~~Solid Waste Management Facility, ~~composting facility~~Organic Waste Recycling Facility, or practice, whether licensed or unlicensed, shall not cause pollution of the waters of the United States so as to violate the Water Pollution Act, 1956 R.I.G.L., Chapter 46-12, as is or as amended, or Section 402 of the Clean Water Act, 33 U.S.C. 12.51 et seq., nor shall the facility or practice cause a discharge of dredged material or fill in violation of Section 404 of the Clean Water Act, as is or as amended.
- (b) Groundwater Pollution: A ~~solid waste management facility~~Solid Waste Management Facility, ~~composting facility~~Organic Waste Recycling Facility, or practice, whether licensed or unlicensed, shall not cause pollution of groundwater beyond the licensed, registered or operational ~~or registered~~ area of the facility. In addition, the facility shall comply with the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq., and the regulations adopted pursuant to the Act, specifically 40 CFR Section 257.3-4, as are or as amended.

1.4.03 Air:

- (a) Open Burning: Open burning of any type at a ~~solid waste management facility~~Solid Waste Management Facility or ~~composting facility~~Organic Waste Recycling Facility, whether licensed or unlicensed, shall be prohibited.
- (b) Air Standards: A ~~solid waste management facility~~Solid Waste Management Facility or ~~composting facility~~Organic Waste Recycling Facility, whether licensed or unlicensed, shall not violate the following:
 - (1) State implementation plans approved or promulgated pursuant to Chapter 23-23, 1956 RIGL, as is or as amended; the rules and regulations adopted to implement such Chapter, and any applicable provisions of the Clean Air Act, 42 U.S.C. 7410, as are or as amended.
 - (2) The State Air Pollution Control Act, and the rules and regulations promulgated thereunder.
- (c) Odors: A ~~solid waste management facility~~Solid Waste Management Facility or ~~composting facility~~Organic Waste Recycling Facility, whether licensed or unlicensed, shall not emit or cause to be emitted into the atmosphere any air contaminant or combination of air contaminants which creates an objectionable odor beyond the property line of said facility. Odor evaluations shall be conducted by Department personnel to determine if an odor is objectionable by taking into account its nature, concentration, location, duration, and source.

1.4.04 Low Level Radioactive Waste: The disposal of low level radioactive waste at a ~~composting facility~~Organic Waste Recycling Facility or ~~solid waste management~~

~~facility~~Solid Waste Management Facility is prohibited. All low level radioactive waste must be managed in accordance with Rhode Island's Radioactive Waste Policy, 22 December 1989, and any subsequent amendments certified by the Governor of the State of Rhode Island.

- 1.4.05 Facilities Prohibited from Operating: Facilities that meet any of the following characteristics shall be prohibited from operating in the State of Rhode Island, and shall be subject to any and all enforcement actions under the authority of the 1956 Rhode Island General Laws, Chapters 23-18.9 (1989 Reenactment), 23-19 (1979 Reenactment) and 42-17.1 (1977 Reenactment), as are or as amended.
- (a) Facilities that accept or store co-mingled recyclable materials, including wood waste and construction and demolition debris, without obtaining a license, registration, or approval from the Department.
 - (b) Facilities that accumulate material speculatively and/or facilities that accept or store co-mingled recyclable materials and operate outside the confines of a closed structure without obtaining a license, registration, or approval from the Department.

1.5.00 GENERAL REQUIREMENTS AND PROCEDURES

Note: Rule 1.5.00 does not apply Small-Scale Composting Operations and Medium-Scale Composting Facilities~~Operations~~, except for 1.5.05.

1.5.01 Plans and Specifications

- (a) Initial Application: Applications for licenses and registrations must include plans and specifications. All applicants, regardless of facility type, must demonstrate their ability to comply with all General Operating Standards set forth in Section 1.7.00 of these Rules and Regulations, as well as the general requirements in this rule. Each applicant must also submit all plans and specifications required for the particular type of facility, as enumerated in Solid Waste Regulations Numbers 2 through 8.
- (b) Renewal Application: Applications for renewal of licenses and registrations must include the submission of the facility's operating plan as required for the particular type of facility enumerated in Solid Waste Regulations Numbers 2 through 8. The operating plan must be updated to include all changes, additions or deletions that have occurred within the last licensing or registration period and that are anticipated for the new licensing or registration period.

- 1.5.02 Time of Application: The application for approval to construct, develop, establish, manage, own, or maintain a license or registration to operate a ~~solid waste management facility~~Solid Waste Management Facility or ~~composting facility~~Organic Waste Recycling Facility shall be submitted at least nine (9) months prior to the planned opening date for

an original license or registration, and three (3) months prior to the expiration date for renewal of a license or registration.

1.5.03 Documentation of Ownership: Each application shall be accompanied by:

- (a) A list of the direct and indirect owners of the proposed ~~composting facility~~Organic Waste Recycling Facility or ~~solid waste management facility~~Solid Waste Management Facility and the underlying real property, whether individual, partnership, corporation, or other form of organization. If a corporation, the list shall include all officers, directors and other persons owning ten percent (10%) or more of the corporate stock.
- (b) In the event that a person other than the owner of the underlying real property or of the facility is responsible for the operation of the ~~composting facility~~Organic Waste Recycling Facility or ~~solid waste management facility~~Solid Waste Management Facility, each person shall comply with the requirements of Rule 1.5.03 (a) above.

1.5.04 Certification: Each application, plan, report, or document or any associated progress reports shall include the following statements signed by an authorized representative of the party specified:

- (a) (1) A statement signed by an authorized representative of the person who prepared _____ the application, plan, report, or document certifying, to the best of their _____ knowledge, the accuracy of the information contained in the submittal; and
- _____ (2) A statement signed by the facility owner or operator responsible for the _____ preparation and submittal of the application, plan, report, or document certifying, _____ to the best of their knowledge, that the submittal is a complete and accurate _____ representation, and that it includes all known facts required therein.
- _____ (3) If the owner of the real property is different from the operator of the facility, then _____ the owner must certify that he allows the operation, and is the guarantor of proper _____ closure of the facility.
- (b) Construction Certification Report: RI DEM has the right to request an additional certification in regards to specific Solid Waste Management Facilities (e.g.; Incinerators, Resource Recovery Facilities and Landfills) due to the engineering complexity and technical difficulties associated with their construction. This report must include, at a minimum, the information prepared in accordance with the Department's approved project's Quality Assurance/Quality Control Plan. In addition, the Construction Certification Report must contain as-built drawings noting any deviation from the approved engineering plans and must also contain a comprehensive analysis including, but not limited to, daily reports from the project engineer.

- 1.5.05 Zoning: Granting of a license, license renewal, registration or permission for an equipment addition shall in no way affect the applicant's or owner/operator's responsibility to meet all zoning and other local ordinances, nor the applicant's or owener/operator's responsibility to obtain any local permits, except as provided by Rhode Island General Laws.
- 1.5.06 General Plan Requirements:
- (a) All required plans and reports shall be stamped by a professional engineer, land surveyor, or landscape architect as appropriate and in accordance with each professional's discipline, as required by Rhode Island General Law 5-51-1.
 - (b) At the time of application, the applicant shall submit for approval all operating, engineering, and other plans required by these rules. Said plans shall comprehensively identify all activities at the facility(s), and address impacts of activities on regulated operations.
- 1.5.07 Need: Application for a ~~solid waste management facility~~Solid Waste Management Facility license shall meet the criteria established by R.I.G.L. Section 23-18.9-8.1. All public projects shall meet the criteria for need established in Section 23-19-4(b), and the Director shall require no further demonstration of need. Private facilities shall meet all relevant criteria established by regulation to protect human health and the environment, and the Director shall require no further demonstration of need.
- 1.5.08 Equipment Addition: Plans as required by the Department must be submitted prior to the addition of any equipment to an existing facility.
- 1.5.09 Groundwater Quality Certification: In order to determine compliance with groundwater classification, groundwater quality certification in accordance with and pursuant to Section 17 of the Rules and Regulations for Groundwater Quality is required for the issuance of a solid waste disposal facility license.
- (a) Groundwater quality certification review shall be by the Department's Groundwater Section in accordance with and pursuant to Section 17.02 of the Rules and Regulations for Groundwater Quality, as is or as amended.
 - (b) Criteria for groundwater quality certification approvals shall be in accordance with and pursuant to Section 17.03 of the Rules and Regulations for Groundwater Quality, as is or as amended.
- 1.5.10 Closure Procedures:

- (a) General: Each applicant shall submit a closure plan with the application for license or renewal or registration (where applicable) that shall contain information required by this rule. Each applicant shall also submit a closure plan required for the particular type of facility as enumerated in Solid Waste Regulations Numbers 2 through 8.
- (b) Financial Responsibility:
 - (1) The applicant and/or licensee shall file an estimate of the costs of closing the facility after its capacity is reached or operations have otherwise terminated, or when the Director may require it. The estimate shall take into account both the general information listed in this rule, as well as closure plans stipulated for the particular type of facility as enumerated in Solid Waste Regulations Numbers 2 through 8.
 - (2) Financial Requirement: Every applicant shall post a bond or other suitable form of financial assurance approved by the Director, unless the Director determines that such financial assurance is not necessary to insure proper closure, closures and/or post closure monitoring. Financial assurance shall equal the estimate in Rule 1.5.10(b)(1) or it may exceed such estimate if the Director determines that such estimate is not adequate to fund closure procedures, post closure monitoring or compliance with these Rules and Regulations.

Whenever the Director finds that the operator is in violation of any closure requirements for the facility, or at any other time deemed necessary by the Director to insure that these Rules and Regulations are complied with, the Director shall have the right to use part or all of the financial assurance to complete such closure or other requirements. Part or all of the financial assurance shall be forfeited upon receipt of an order entered after a hearing by the Director stating that the operator is in violation of any closure or other requirements for the facility. Upon issuance of a certificate of closure, part of the financial assurance shall be released and a portion of said financial assurance may be kept by the Director as he determines is necessary to insure that the required monitoring procedures shall be completed.
- (c) Notification of Closure: The operator shall notify the Director of the impending closure of the facility at least ninety (90) days prior to such closure.

1.6.00 ISSUANCE, RENEWAL, AND CONDITIONS OF LICENSES AND REGISTRATIONS

Note: Rule 1.6.00 does not apply to Small-Scale Composting Operations and Medium-Scale ~~and Medium-Scale~~ Composting Facilities Operations, except for the requirements in 1.6.08(a)(a), 1.6.08(d), ~~1.6.08(d)~~, 1.6.09, 1.6.10(a) and (b).

- 1.6.01 General Issuance and Renewal of Licenses and Registrations: Any person who desires to construct, develop, establish, manage, own, operate, or maintain a ~~solid waste management facility~~Solid Waste Management Facility or ~~composting facility~~Organic Waste Recycling Facility must obtain a license or registration from the Department. A license or license renewal shall be issued for a period of three years from the date of issuance, unless sooner suspended or revoked. Relative to any ~~composting facilities~~Organic Waste Recycling Facilities that require registration, the registration or registration renewal shall be issued to cover the calendar year or remaining portion thereof, unless sooner suspended or revoked. Each license, license renewal, registration, or registration renewal shall be issued only for the facility named in the application and shall not be transferable or assignable except with the written approval of the Department. Each license, license renewal, registration, or registration ~~renewal shall~~renewal shall show compliance with these Rules and Regulations.
- 1.6.02 Posting of License or Registration: A license or registration issued hereunder shall be the property of the State. It shall be kept posted in a conspicuous place on the licensed or registered facility and must be kept legible and protected from the weather. The license or registration conveys no property right to the licensee or registrant and the licensee or registrant acknowledges this fact through its submission of an application for a license or registration.
- 1.6.03 Change of Ownership, Administration and/or Location:
- (a) Change in ownership or membership of the legal entity conducting, maintaining, or operating the facility:
- (1) Prior to this change, all information requested by the Department shall be submitted for its review and approval, as required to perform an appropriate background check on the prospective new owner or legal entity.
 - (2) Prior to this change, an updated operating plan shall be submitted to the Department that shows all operating changes that will occur as a consequence of the owner or legal entity change. Note, any significant amendments and/or revisions to the operating plan or facility will require the issuance of a new license or registration (versus renewal).
 - (3) If the prospective new owner or legal entity is acceptable to the Department, per the background check, and if the updated operating plan is also acceptable to the Department, then the prospective new owner or legal entity shall submit a fee equal to the license renewal fee or registration renewal fee for the applicable type of ~~solid waste management facility~~Solid Waste Management Facility or ~~composting facility~~Organic Waste Recycling Facility, respectively. The Department shall, in turn, issue a full term renewal license for a facility that

must be licensed or a registration renewal for any facility that must be registered.

- (4) When the change in ownership or legal entity becomes effective, the previous owner's or legal entity's license or registration becomes void and must be immediately returned to the Department.

(b) Change in Facility Location or Sale or Lease of Facility:

- (1) Prior to any of these changes, the Department shall be notified and the Department shall provide further guidance on the prospective change and any additional requirements. See also Rule 1.6.04.
- (2) When the change becomes effective, the previous license or registration becomes void and must be immediately returned to the Department.

1.6.04 Approval for New Areas and/or Services: The license or registration shall apply only to the ~~solid waste management facility~~Solid Waste Management Facility or ~~composting facility~~Organic Waste Recycling Facility operating at the time the license or registration is issued. Additional areas or services shall be subject to the approval of the Department and requirements of licensure or registration.

1.6.05 Separate Licenses or Registrations:

- (a) Separate licenses or registrations shall be required for ~~S~~Solid ~~W~~Waste ~~M~~Management ~~F~~Facilities or ~~composting facilities~~Organic Waste Recycling Facilities which are located in separate geographical areas even though they are under the same management.
- (b) A separate license or registration may be issued to a distinct part of a facility which can be identified as a separate unit.

1.6.06 Fees: The license or registration fee as well as any other necessary charges shall be determined by R.I.G.L. Section 23-18.9-9, as is or as amended or by R.I.G.L. Section 2-22-5 for composting facilities that must register. Licenses and registrations shall expire three years from the date of issue, unless sooner suspended or revoked. ~~A license may be renewed every three years at a fee as determined by Section 23-18.9-9, as is or as amended.~~ A fee schedule for ~~composting facility~~Organic Waste Recycling Facility or ~~solid waste management facility~~Solid Waste Management Facility applications and renewals is provided in Rule 1.13.00. Additional Compost Facility fees ~~Relative to any composting facilities that require facility registration, December 31 of each year is the expiration date of the registration, unless sooner suspended or revoked. The registration renewal fee structure~~ are provided in Rule 1.13.02.

1.6.07 Denial, Suspension, or Revocation of License or Registration:

- (a) Procedure and Grounds: The Department, after notice and opportunity for hearing to the applicant or licensee, is authorized to deny, suspend or revoke a license or deny a license renewal where it finds there has been a failure to comply with regulations established by the licensing agency, or where the applicant or licensee is not in compliance with any approved operating or engineering plans adopted pursuant to these Rules and Regulations. The Department may, after notice and opportunity for hearing to the registrant, deny, suspend, or revoke a facility registration or deny a facility registration renewal where it finds there has been a failure to comply with regulations established by the Department, or where the registrant is not in compliance with any approved operating or engineering plans adopted pursuant to these Rules and Regulations.
- (b) Corrective Action: Whenever the Department determines that a licensed ~~solid waste management facility~~Solid Waste Management Facility is not being operated in conformance with all of the regulations established by the licensing agency, or, that the licensed facility is not being operated in conformance with an approved operating or engineering plan adopted pursuant to these Rules and Regulations, it may, in lieu of or in addition to suspension or revocation of the license of that facility, order the licensee to take whatever corrective action is necessary to secure compliance with the regulations established by the licensing agency, subject to the provisions of R.I.G.L. Section 42-17.1-2 (~~21~~), as is or as amended. Whenever the Department determines that a registered facility is not being operated in conformance with all of the regulations established by the Department, or, that the registered facility is not being operated in conformance with an approved operating or engineering plan adopted pursuant to these Rules and Regulations, it may, in lieu of or in addition to suspension or revocation of the registration of that facility, order the registrant to take whatever corrective action is necessary to secure compliance with the regulations established by the Department, subject to the provisions of Section 42-17.1-2(~~21~~), as is or as amended.
- (c) No person shall operate any ~~solid waste management facility~~Solid Waste Management Facility, ~~composting facility~~Organic Waste Recycling Facility, or solid waste processing device which is subject to license, registration or approval by the Department without a license, registration or approval of the Department. No facility may operate after a license, registration or approval ~~or license~~ has been denied. Any license, registration or approval ~~or license~~ issued under these Rules and Regulations may be suspended, revoked or amended by the Director at any time upon ~~a~~-showing, after notice and hearing, that the permittee has failed to comply with the provisions of this chapter, rules and regulations promulgated by the Director pursuant to this chapter, or the terms and conditions of the license, registration or approval~~approval or license~~ or upon ~~a~~-showing, after notice and hearing, that the continued operation of the licensed, registered or approved ~~or licensed~~ source

constitutes a threat to the health and safety of the public or to the environment. In any proceeding for revocation, suspension, or amendment of a license, registration or approval~~n approval or license~~ pursuant to this regulation, the Director will provide the affected party with the opportunity for an adequate hearing. No revocation, annulment, or withdrawal of any license, registration or approval ~~or license~~ is lawful unless the agency sent notice by mail to the licensee or possessor of a registration or approval of the facts or conduct or violation which warrants the action, and the permittee or possessor of a license or registration is given an opportunity at hearing to show compliance with all lawful requirements for the retention of the license, registration or approval. If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of license, registration or approval ~~or license~~ may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

1.6.08 Inspections:

- (a) The Department shall make or cause to be made such inspections, take such tests and specimens and to make such investigations as it deems necessary.
- (b) The Department or other designated authorized personnel shall conduct inspections and shall have the right to enter without prior notice to inspect any ~~solid waste management facility~~Solid Waste Management Facility or ~~composting facility~~Organic Waste Recycling Facility for which an application has been received or for which a license or registration has been issued. Any application shall constitute permission for or willingness to comply with inspections, tests and investigations by the Director or his agents.
- (c) The Department shall be afforded reasonable opportunity by the applicant, licensee or registrant to view the facility, examine records (including any and all on-site or off-site locations where records are kept), and obtain such information as may be required for the inspection, testing and investigation. Refusal to permit reasonable inspections, tests and investigations shall constitute valid grounds for denial, revocation or suspension of a license; denial, revocation or ~~suspension of~~suspension of a registration; and/or issuance of a Notice of Violation with Administrative Penalty.
- (d) The inspector may leave a copy of the inspection report at the facility and such report shall constitute notice of any deficiencies. Such deficiencies as are noted in the inspection report may be used as the basis of a notice of violation and may be taken into account in any license or registration renewal proceeding, in any request for new areas and/or services, and in any equipment addition request.

- (e) All ~~S~~solid ~~W~~waste ~~M~~management ~~F~~facilities and ~~composting facilities~~Organic Waste Recycling Facilities shall maintain records and report to the Department, as required, relative to the amounts of materials received and recycled.

1.6.09 Inspection Reports and Correction of Deficiencies: Every ~~composting facility~~Organic Waste Recycling Facility or ~~solid waste management facility~~Solid Waste Management Facility shall be given prompt notice by the Department of deficiencies reported as a result of an inspection, test or investigation. Such notification may be made by regular mail -- postage prepaid from the Director to the person or facility inspected, tested or investigated. Notice may also be made by leaving a copy of the inspection report with an employee at the facility.

1.6.10 Penalties:

- (a) ~~(a)~~—Any person who constructs a ~~S~~solid ~~W~~waste ~~M~~management ~~F~~facility or ~~e~~Organic Waste Recycling Facility~~composting facility~~, or installs equipment in the facility without first obtaining approval of the plans and specifications for the facility, or any person who operates the facility without obtaining a license or registration to do so from the Director, may be assessed an administrative penalty of up to \$25,000. For purposes of these Rules and Regulations, each and every day during which the violation shall be repeated shall be a separate and distinct offense.

- (b) Any person who operates a Medium-Scale Composting Operation without first submitting a “Registration Form for Medium-Scale Composting Facility Operations” to the Department in accordance with Rule 8.D.1(A) requirements may be assessed an administrative penalty up to \$25,000.

- (b) Any person who disposes of solid waste at other than a licensed ~~S~~solid ~~W~~waste ~~M~~management ~~f~~Facility may be assessed an administrative penalty of up to five thousand dollars (\$5,000). For the purposes of these Rules and Regulations, each and every day during which the violation shall be repeated shall be a separate and distinct offense.

1.6.11 Demonstration Pilot Projects:

- (a) A municipality that desires to evaluate available technologies, equipment, or methodologies for managing solid waste, may request approval from the director to perform a limited demonstration pilot project prior to submission of an application for a license.
- (b) Demonstration projects shall not exceed fifty (50) tons per day maximum capacity.
- (c) The municipality shall first submit to the director, for approval, a description of the proposed operations and plans and specifications in accordance with Rule 1.5.01 of

these regulations including fire protection plans and other related data as required ~~by the~~ by the director.

- (d) The municipality shall give public notice of the request and allow a thirty (30) day period for the director to receive public comment on the proposed project. After the close of the public comment period, the director is authorized to approve or deny the request.
- (e) Approval for a demonstration project shall be granted for a period not exceeding six (6) months.

1.7.00 **GENERAL OPERATING STANDARDS**

Note: Rule 1.7.00 does not apply to Small-Scale Composting Operations and Medium-Scale Composting Facilities.

1.7.01 Applicability: The following regulations contained in this rule shall apply to ~~all~~ Organic Waste Recycling Facilities ~~composting facilities~~ and Solid Waste Management Facilities. In addition, operating regulations for the particular type of facility must also be complied with as enumerated in these Rules and Regulations.

1.7.02 Access:

- (a) Time: Access to the facility ~~composting facility or Solid Waste Management Facility~~ shall be limited to the hours in which authorized operating personnel are on duty at the facility. Additional time shall be designated before and after normal operating hours to allow for "housekeeping chores", such as initial and intermediate cover application at sanitary landfills, wind-blown refuse control at all facilities, etc. There shall be no access to the facility for the acceptance of solid waste during these times.
- (b) Physical Restraints: There shall be gates at all entrances to the facility ~~ies~~ which will prevent access to the facility, except at such times as permitted under Rule 1.7.02(a) above. These gates should be locked when the site is unsupervised. Fences will be required around the facility to limit unauthorized access.

1.7.03 Salvage: Only controlled removal and handling of waste for utilization shall be permitted at the site. Material to be salvaged should be unloaded at a salvage area. Salvaging of refuse shall be conducted in such a manner so as not to impede the proper operation of the facility and to insure the health and safety of all persons engaging in such activities.

1.7.04 Processing of Bulky Waste:

Bulky wastes including, but not limited to, clothes washers and dryers, stoves, refrigerators, freezers, microwave ovens, dishwashers, air conditioners, fluorescent

lighting fixtures and computer parts potentially containing PCB capacitors, must meet the following requirements for disposal at all solid waste management facilities:

- (a) All capacitors must be removed prior to processing or disposal.
- (b) Once they are removed, capacitors must be stored in Department of Transportation approved 55 gallon drums with attachable covers. The drums shall contain a 6 inch layer of an approved absorbent material at the bottom. The attachable drum cover shall be secured at the end of each working day or before the drum is transported by any means.
- (c) Storage, transportation and final disposal of drums containing capacitors must be in accordance with all applicable State and Federal regulations including, but not limited to, the Rules and Regulations for Hazardous Waste Management and regulations promulgated in accordance with the Federal Toxic Substances Control Act.
- (d) Procedures for identifying, removing, storing and disposing of PCB capacitors must be outlined in the facility's ~~sies~~ operating plan.
- (e) Procedures for identifying, removing, storing and recycling of chlorinated fluorocarbons (CFCs or freon) must be outlined in the facility's operating plan.
- (f) Disposal facilities may contract with outside vendors to meet the requirements of this Rule. Details of the contract must be included in the facility's operating plan.

1.7.05 Vector Control: The facility shall not operate unless an on-site vector population is minimized by periodic application of cover material and by other appropriate techniques that will protect public health.

- (a) Conditions shall be maintained that are sanitary and therefore unfavorable for the harboring, feeding, and breeding of vectors.
- (b) Control of insects and rodents, where needed, shall be effected by means of a program directed by a professional exterminator utilizing insecticides and/or rodenticides or other means approved by the Department.

1.7.06 Signs:

- (a) There shall be erected at the entrance to the ~~facility composting facility or solid waste management facility~~ Solid Waste Management Facility a sign, clearly legible and visible, which shall contain the following:
 - (1) Name of facility and operator

- (2) Emergency phone number
 - (3) Restricted materials (if applicable)
 - (4) Operating hours
- (b) There must be adequate directional signs within the facility to direct drivers to the appropriate unloading area, assist in traffic control, and to regulate speed within the facility.
- 1.7.07 Communication: A suitable means of communication (telephone, two-way radio, etc.) shall be available at the facility. ~~every composting facility and Solid Waste Management Facility.~~
- 1.7.08 Inspections: All land, buildings, facilities and equipment used in the disposal, transfer, or processing of solid waste must be available for inspection by the Director at any time. Failure to allow an inspection will be sufficient grounds for revocation of a facility's license or registrations in accordance with Rule 1.6.07 and/or issuance of a Notice of Violation with Administrative Penalty.
- 1.7.09 Endangered Species: No facility or practice shall cause or contribute to the taking of any endangered or threatened species pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq., and/or the regulations adopted to implement such Act, as is or was amended. The facility or practice shall not cause or contribute to the destruction or adverse modification of the critical habitat of endangered or threatened species.
- 1.7.10 Dust Control: The operator must take suitable measures at all times to control dust at the facility. ~~every composting facility or Solid Waste Management Facility~~, access roads to the facility and all other areas related to the facility's operation. This may be accomplished by spraying small amounts of water over the dust producing area and/or by the application of suitable chemicals or paving materials on access roads.
- 1.7.11 Control of Litter: Measures must be taken to eliminate the scattering of refuse. The operator shall provide for routine maintenance and general cleanliness of all areas related to the facility's operation.
- 1.7.12 Safety Provisions:
- (a) General: The facility ~~Composting facilities and solid waste management facilities~~ shall be designed, operated and maintained in such a manner as to protect the health and safety of users of the facility and personnel associated with the operation of the facility, and persons in close proximity to the facility.

- (b) Bird Hazard shall mean an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.
 - (c) The facility~~Composting facilities and solid waste management facilities~~ shall be designed, operated, and maintained so as not to pose a bird hazard to aircraft.
- 1.7.13 Operating and Engineering Plans: A facility shall be operated in conformity with its approved operating and engineering plans. Variances from such plans shall be permitted only after prior written approval from the Director.
- 1.7.14 Closure Procedure:
- (a) The facility~~All composting facilities and solid waste management facilities~~ must notify the Department at least three (3) months prior to the anticipated date that closure operations are to begin.
 - (b) The facility must implement the approved closure plan.
 - (c) Requests for deviations from previously approved closure plans shall be in writing, and written approval from the Department must be obtained prior to implementation.
 - (d) After the closure plans have been fully implemented, the Department shall be notified so that an inspection may be made by Department personnel. A list of the deficiencies, if any, will be returned to the owner of the facility. A final inspection will be required after all deficiencies are corrected.
 - (e) A professional engineer registered in the State of Rhode Island must certify that the facility is properly closed in accordance with the approved closure plan.
- 1.7.15 Buffer Zones: The facility~~All composting facilities and solid waste management facilities~~ shall be required to maintain a buffer zone area that serves to mitigate nuisance impacts such as dust, litter, odor, and noise from the facility~~composting facilities or solid waste management facilities~~ to human activities. The buffer zone must be an area of undeveloped vegetated land retained in its natural undisturbed condition, or created to resemble a naturally occurring vegetated area, or approved equal, that is not used for any facility~~composting facility or solid waste management facility~~Solid Waste Management Facility operations. The buffer zone may be utilized for vegetated drainage controls such as swales or storage ponds.
- 1.7.16 Active Gas Collection System: Any ~~solid waste management facility~~Solid Waste Management Facility that stores waste materials containing gypsum on site for more than~~over~~ three (3) months shall install and maintain an active gas collection system approved by the Department.

1.8.00 ~~EXISTING COMPOSTING FACILITIES~~ ORGANIC WASTE RECYCLING FACILITIES AND SOLID WASTE MANAGEMENT ~~FACILITIES~~

Note: Rule 1.8.00 does not apply Small-Scale Composting Operations.

1.8.01 General Applicability: Existing ~~composting facilities~~ Organic Waste Recycling Facilities and Solid Waste Management Facilities shall comply with the provisions of these Rules and Regulations on and after the effective date, except for the following:

- (a) Existing sanitary landfills shall comply with Rules 2.1.08(a)8, 2.1.08(a)9, and 2.1.08(a)10 for the placement of new groundwater monitoring wells. Water quality sampling and analysis must be performed in accordance with Rule 2.1.08(a)11 and Rule 2.1.08(c). Existing sanitary landfills must revise their facility operating plans to comply with these rules within (6) months of the effective date.
- (b) Existing sanitary landfills shall comply with Rules 2.1.09., 1.7.14, and 2.2.12 relating to closure of the facility. A revised closure plan in compliance with these rules must be submitted at the time of the facility's next license renewal date. An existing sanitary landfill that closes prior to its next license renewal date may do so in accordance with its existing approved closure plan.
- (c) Existing sanitary landfills shall continue to comply with its existing approved operating plan and with the General Operating Standards described in Rule 1.7.00 and with the Sanitary Landfill Operating Standards described in Rule 2.3.00, except for Rule 2.3.02. Existing sanitary landfills may continue to operate within the 200-foot buffer rule only in areas approved in their existing license and operating plan.
- (d) All lateral expansions into unfilled areas that have also been approved for landfilling in a facility's existing license and operating plan must comply with the liner requirements described in Rules 2.1.00, 2.2.00, and 2.3.00. These liner requirements apply to the placement of wastes in any unfilled licensed areas after October 9, 1993, as required by 40 CFR Parts 257 and 258.

1.8.02 Currently Licensed or Registered Facilities: Operators of all Solid Waste Management Facilities or ~~composting facilities~~ Organic Waste Recycling Facilities which are operating pursuant to a license or registration shall comply with these Rules and Regulations within six (6) months of the effective date, except as noted in Rule 1.8.01 provided, however, that if there is less than six (6) months time between the effective date of these Rules and Regulations and the expiration of said license or registration, the operator shall have an additional ninety (90) days beyond said expiration date to comply with these Rules and Regulations.

1.8.03 Other Existing Facilities: Operators of ~~S~~olid ~~W~~aste ~~M~~anagement ~~F~~acilities or ~~composting facilities~~Organic Waste Recycling Facilities which are operating pursuant to R.I.G.L. Section 42-35-14(c), or by agreement with or orders of the Department, or which have applied but have not yet received a license or registrations for the current year during which these Rules and Regulations take effect shall have six (6) months from the effective date of these Rules and Regulations to comply.

1.8.04 Existing Rules and Regulations:

~~(a)~~ — Where operators of existing facilities are given time to comply with the provisions of these Rules and Regulations pursuant to Rules 1.8.01, 1.8.02, and 1.8.03, such operators shall continue to operate the facility in compliance with the provisions of the "Rules and Regulations for Composting Facilities Solid Waste Management Facilities", effective ~~January~~December 1, 1997~~82~~, as amended ~~April~~February 6, 2001~~1991~~ and ~~October~~April, 2005~~1992~~ and any licenses, approvals, or orders issued prior to the effective date of these Rules and Regulations.

~~(b)~~ — ~~All notices and orders issued pursuant to the "Rules and Regulations for Operating and Licensing Solid Waste Management Facilities", effective March 16, 1975, December 11, 1975 and December 1, 1982 respectively, shall remain in full force and effect until further action of the Director.~~

1.9.00 NEW ~~COMPOSTING FACILITIES~~ORGANIC WASTE RECYCLING FACILITIES OR SOLID WASTE MANAGEMENT FACILITIES:

Persons proposing new ~~composting facilities~~Organic Waste Recycling Facilities or ~~S~~olid ~~W~~aste ~~M~~anagement ~~F~~acilities or expansion or modification of existing facilities shall comply with these Rules and Regulations.

1.10.00 PROCEDURES FOR APPROVAL OR DENIAL OF VARIANCES

1.10.01 Application for Variance: The application for a license, license renewal, registration, registration renewal or other approval under these Rules and Regulations may include or be amended to include a request for a variance from the provisions of the "Rules and Regulations for ~~Composting Facilities~~Organic Waste Recycling Facilities and Solid Waste Management Facilities". Such request for a variance shall be in writing and signed by the owner and operator of the facility, and a registered professional engineer.

1.10.02 Review by Department: The Director, through the Office of Waste Management, shall evaluate each request for a variance. Such variance may be granted provided that the Director finds that such variance will not be contrary to the purposes and policy expressed in Rules 1.1.01 and 1.1.04 and that alternative methods proposed by the operator fulfill

the purposes of the rule from which a variance is requested. The Director may require a public hearing prior to approving any variance where a substantial question exists as to the environmental or public health impacts of such variance. Denial of such variance may be appealed in accordance with the procedures delineated below.

1.11.00 OPPORTUNITY FOR HEARING

- 1.11.01 Denials: Any person whose application for a registration, registration renewal, license, license renewal, other approval, or a variance has been denied by the Department, acting through the Office of Waste Management, may appeal to the Administrative Adjudication Division for review of the decision on which the denial is based.
- 1.11.02 Violations: Any person who has been issued a notice of violation of any of the provisions of these Rules and Regulations, may request a hearing from the Department's Administrative Adjudication Division, subject to the provisions of R.I.G.L. 42-17.1-2(21~~4~~) and 42-17.7-9.
- 1.11.03 Time of Filing: All requests for a hearing shall be made in writing and must be filed with the clerk of the Administrative Adjudication Division within twenty (20) calendar days of receipt of any contested enforcement action. All license and registration appeals must be filed with the clerk of the Administrative Adjudication Division within thirty (30) calendar days of receipt of the contested action.
- 1.11.04 Hearings and Administrative Procedures: Pursuant to the authority granted to the Department in Chapter 42-17.1, 42-17.7, and Chapter 42-35, hearings and administrative procedures shall conform to the "Administrative Rules of Practice and Procedure for the Department of Environmental Management, Administrative Adjudication Division for Environmental Matters."

1.12.00 EFFECTIVE DATES: These Rules and Regulations shall take effect on the date specified in the attached certification of promulgation by the Director of the Department of Environmental Management.

1.13.00 FEES

1.13.01 General Information:

This Rule has been prepared pursuant to R.I.G.L. Section 23-18.9-9(a), (b), and (c). Each application for a new or renewal license or registration to construct and operate a ~~solid waste management facility~~Solid Waste Management Facility or Organic Waste Recycling Facility, ~~or application to renew a license to operate a solid waste~~

~~management facility~~Solid Waste Management Facility, must include a fee in accordance with the following schedule:

<u>Facility</u>	<u>Application Fee</u>	<u>Renewal Fee</u>
<u>Lined Solid Waste Landfill</u>	<u>\$100,000.00</u>	<u>\$15,000.00</u>
<u>Existing Unlined Solid Waste Landfill</u>	<u>---</u>	<u>\$3,000.00</u>
<u>Transfer Collection or Collection Station</u>	<u>\$10,000.00</u>	<u>\$3,000.00</u>
<u>Resource Recovery Facility Solid Waste Incinerator</u>	<u>\$100,000.00</u>	<u>\$15,000.00</u>
<u>Medical Waste Incinerator</u>	<u>\$20,000.00</u>	<u>\$10,000.00</u>
<u>Petroleum Contaminated Soil Processing Facility</u>	<u>\$20,000.00</u>	<u>\$10,000.00</u>
<u>Waste Tire Storage and Recycling Facility</u>	<u>\$50.00</u>	<u>\$25.00</u>
<u>Construction and Demolition Debris Facility</u>	<u>\$10,000.00</u>	<u>\$3,000.00</u>
<u>Medium-Scale Composting Facility</u> Operation	<u>No Fee</u>	<u>No Fee</u>
<u>Large-Scale Leaf and Yard Waste Composting Facility</u>	<u>No Fee</u>	<u>No Fee</u>
<u>Large-Scale Putrescible Waste Composting Facility</u>	<u>\$1,000.00</u>	<u>\$1,000.00</u>
<u>Mixed Solid Waste Composting Facility</u>	<u>\$10,000.00</u>	<u>\$3,000.00</u>
<u>Anaerobic Digestion Facility</u>	<u>\$10,000.00</u>	<u>\$3,000.00</u>

~~Facility~~ ~~Application Fee~~ ~~Renewal Fee~~

~~Lined Solid Waste Landfill~~ ~~\$100,000.00~~ ~~\$15,000.00~~

~~Resource Recovery Facility Solid Waste Incinerator~~ ~~\$100,000.00~~ ~~\$15,000.00~~

~~Transfer Station or~~

Collection Station	\$ 10,000.00	\$ 3,000.00
Medical Waste Incinerator	\$ 20,000.00	\$10,000.00
Petroleum Contaminated Soil Processing Facility	\$ 20,000.00	\$10,000.00
Waste Tire Storage and Recycling Facility	\$ 50.00	\$ 25.00
Existing Unlined Solid Waste Landfill		\$ 3,000.00
Construction and Demolition Debris Facility	\$ 10,000.00	\$ 3,000.00
Mixed Solid Waste Composting Facility License Fee	\$ 10,000.00	\$ 3,000.00
Putrescible Waste Composting Facility Registration Fee	\$ 31,000.00	\$ 31,000.00
Anaerobic Digestion Facility	\$10,000.00	\$ 3,000.00
Tree Waste Storage Facility	\$ 1,000.00	\$ 1,000.00
Tree Waste Landfill	\$10,000.00	\$ 3,000.00

1.13.02 Additional Compost Facility Fees:

(a) ~~(a)Product Operation Fees~~ - ~~The composter shall also be required to register each separately identified products produced in accordance with R.I.G.L. 2-22-5. The registration shall be accompanied by a fee of fifty dollars (\$50.00) per product. All product registrations expire on December 31st of each year~~large scale composting facilityer shall register the operation with the Department and shall identify their organic and any inorganic inputs used in the making of their compost. Per R.I.G.L. 2-22-5, the large scale composting facilityer shall pay an annual a registration fee for the operation based on the organic inputs allowed under the following compost designations.

Agricultural Composting Facilities and municipally owned composting facilities shall be exempt from the payment of the product fees described above.

(b) Penalties for Violations - Any person not in compliance with any provision of these rules and regulations for the compost facility fees in Rules 1.13.01 and 1.13.02 shall be subject to a penalty of not less than one hundred dollars (\$100.00). The penalty shall not be greater than five thousand dollars (\$5,000.00) or in addition to the penalty, the violator's registration or license fee shall be increased four hundred percent (400%) for the four years subsequent to the penalty. All penalties shall be enforced by a summary proceeding in a court of competent jurisdiction. Nothing in this rule shall be constructed as requiring the Director to report for prosecution or for the institution of seizure proceedings as a result of minor violations when he or she believes that the public interest will best be served by a suitable written warning.

~~Horticultural Grade, general use—no fee required. Organic inputs for this classification shall consist of leaf and yard waste only.~~

~~(b) Horticultural Grade, general use, no fee required. Organic inputs for this classification shall consist of leaf and yard waste Horticultural Grade, mixed general use—no fee required. Organic inputs for this classification shall consist of Putrescible Waste only XXXXX.~~

~~Non Food Crop Use—one thousand dollars (\$1,000.00 per year) Organic inputs for this classification shall consist of leaves, yard waste, animal manures, organic putrescible wastes, and/or organic wastes generated from commercial or industrial sources, including but not limited to paper, cardboard, and maizeorb. Sludges of any kind shall not be included in this classification. A composting facility receiving these types of organic inputs is considered a putrescible waste composting facility and this registration fee is also listed in 1.13.01.~~

~~Limited Landscape Use, twoseven thousand five hundred dollars (\$27,500.00 per year) registration, occurring once every three years) Organic inputs for this classification shall consist of leaves, yard waste, animal manures, organic putrescible wastes, organic wastes from commercial and industrial sources, and/or municipal waste water sludges, or any other sludges from commercial or industrial sources, and/or organic wastes generated from municipal solid waste collections.~~

~~Product Fee—The composter shall also be required to register each separately identified products produced in accordance with RIGL 2-22-5. The registration shall be accompanied by a fee of fifty dollars (\$50.00) per product. All product registrations expire on December 31 of each year.~~

~~—Agricultural Composting Facilities and municipally owned composting facilities shall be exempt from the payment of the product fees described above.~~

~~Annual Reporting and Sales Fees—In accordance with RIGL 2-22-15, the composter shall submit an annual report of compost sales quantity and a fee for these sales to the Department according to the following:~~

- ~~(1) Eight cents (\$.08) per ton of horticultural grade general use compost sales, per Rule 1.13.02(b).~~
- ~~(2) Twenty cents (\$.20) per ton of non food crop use compost sales, per Rule 1.13.02(c).~~
- ~~(3) Twenty five cents (\$.25) per ton of limited landscape use compost sales, per Rule 1.13.02(d).~~

~~Penalties for Violations—Any person convicted of violating any provision of these rules and regulations for compost facility fees shall be subject to a penalty of not less than one hundred dollars (\$100.00). The penalty shall not be greater than five thousand dollars (\$5,000.00) or in addition to the penalty, the violators registration fee shall be increased four hundred percent (400%) for the four years subsequent to the penalty. All penalties shall be enforced by a summary proceeding in a court of competent jurisdiction. Nothing in this rule shall be constructed as requiring the only.~~

~~(c) Non Food Crop Use, one three thousand dollars (\$31,000.00 per year registration, occurring once every three years) Organic inputs for this classification shall consist of leaves, yard waste, animal manures, organic putrescible wastes, and/or organic wastes generated from commercial or industrial sources, including but not limited to paper, cardboard, and maizeorb. Sludges of any kind shall not be included in this classification. A composting facility receiving these types of organic inputs is considered a putrescible waste composting facility and this registration fee is also listed in 1.13.01.~~

~~(d) Limited Landscape Use, two seven thousand five hundred dollars (\$72,500.00 per year registration, occurring once every three years) Organic inputs for this classification shall consist of leaves, yard waste, animal manures, organic putrescible wastes, organic wastes from commercial and industrial sources, and/or municipal waste water sludges, or any other sludges from commercial or industrial sources, and/or organic wastes generated from municipal solid waste collections.~~

~~(e) Product Fee The composter shall also be required to register each separately identified products produced in accordance with RIGL 2-22-5. The registration shall be accompanied by a fee of fifty dollars (\$50.00) per product. All registrations expire on December 31 of each year.~~

~~Agricultural Composting Facilities and municipally owned composting facilities shall be exempt from the payment of the fees described above.~~

~~(f) Annual Reporting and Sales Fees In accordance with RIGL 2-22-15, the composter shall submit an annual report of compost sales quantity and a fee for these sales to the Department according to the following:~~

~~(1) Eight cents (\$.08) per ton of horticultural grade general use compost sales, per Rule 1.13.02(b).~~

~~(2) Twenty cents (\$.20) per ton of non food crop use compost sales, per Rule 1.13.02(c).~~

~~(3) Twenty five cents (\$.25) per ton of limited landscape use compost sales, per Rule 1.13.02(d).~~

~~(g) Penalties for Violations Any person convicted of violating any provision of these rules and regulations for compost facility fees shall be subject to a penalty of not less than one hundred dollars (\$100.00). The penalty shall not be greater than five thousand dollars (\$5,000.00) or in addition to the penalty, the violators registration fee shall be increased four hundred percent (400%) for the four years subsequent to the penalty. All penalties shall be enforced by a summary proceeding in a court of competent jurisdiction. Nothing in this rule shall be constructed as requiring the Director to report for prosecution or for the institution of seizure proceedings as a result of minor violations when he or she believes that the public interest will best be served by a suitable written warning.~~

1.13.03 Multiple Operations at One Facility - Facilities that perform multiple operations shall apply for but may not be required to pay for separate licenses. A disposal facility, such as a landfill or incinerator, that includes recycling operations as part of its operating plans, would be required to pay for a license for a landfill or incinerator only. A transfer station that includes recycling operations as part of its operating plans would be required to pay for only a transfer station license. Two or more independently staffed facilities operating on the same site would require separate licenses for each independent facility, as well as both fees.

1.13.04 Solid Waste Disposal Fee: (DELETED)

1.14.00 SOLID WASTE MANAGEMENT FACILITIES, -ORGANIC WASTE RECYCLING FACILITIES OR ACTIVITIES LOCATED WITHIN THE ENVIRONMENTAL MANAGEMENT DISTRICT (EMD)

Note: Rule 1.14.00 does not apply to Small-Scale Composting Operations and Medium-Scale Composting Facilities.

1.14.01 General Information:

- (a) Applicability: This section shall apply to all Solid Waste Management Facilities, Organic Waste Recycling Facilities or activities regulated pursuant to R.I.G.L. 23.18.9-1 et seq. that are undertaken within the area known as the Environmental Management District. The Department may at its sole discretion require facilities or activities in the vicinity of the Environmental Management District to comply with the onsite and offsite monitoring requirements pursuant to these regulations.
- (b) Onsite Monitoring:
- (1) Currently Licensed or Registered Facilities: All existing facilities shall submit air and water monitoring plans to the Department for approval within ninety (90) days after the Effective Date of these Regulations. In addition, at the time of license or registration renewal, all facilities shall include a monitoring plan as part of their renewal application.
 - (2) New Facilities: New facilities shall submit to the Department for approval air and water monitoring plans as part of their license or registration application.
 - (3) Solid Waste Management Activities and Organic Waste Recycling Activities: Any person who processes, treats or disposes of solid waste or recycles Organic Waste Materials within or in the vicinity of the Environmental Management District shall submit to the Department air and water monitoring plans for the Department's approval.
 - (4) Implementation: All facilities and persons shall implement their approved monitoring plan within thirty (30) days of approval by Department.
 - (5) Notification: The facility or person shall provide written notice to the Department at least one week prior to each monitoring event.
 - (6) Duration: Onsite monitoring plans shall be implemented by the facility(s) or persons until notified in writing by the Department.
 - (7) Modifications: Any modifications of plans shall be submitted in writing to the Department and shall require written approval from the Department prior to implementation. The Department also reserves its right to require plan modification by the facility or person as deemed necessary.
- (c) Offsite Monitoring:
- (1) Any facility subject to the offsite monitoring requirement shall develop a

monitoring plan within thirty (30) days of notification by the Department. Offsite monitoring plans must be implemented within thirty (30) days of Department approval.

- (2) Offsite monitoring plans shall be implemented by the facility(s) or persons until notified otherwise in writing by the Department. Termination of offsite monitoring shall only be authorized after demonstration to the satisfaction of the Department that all impacts and adverse effects identified in the evaluation of the onsite data have been corrected.
- (d) Evaluation: Data collected under the onsite and offsite ambient air and water monitoring plans shall be evaluated by both the Department and HEALTH. HEALTH shall provide a written evaluation of these data to the host community(s), the facility(s), any oversight council or organization that focuses on the Environmental Management District, and any members of the public who request said evaluation.

1.14.02 Onsite Monitoring Plan Requirements:

- (a) General Requirements: All monitoring plans shall address air, surface water, and groundwater quality concerns at each facility, ~~or~~ solid waste management activity or organic waste recycling activity. In addition all monitoring plans shall include a site plan and a radius plan with the information required herein, in addition to information required in accordance with the Solid Waste Regulations for that type of facility or activity.
 - (1) All monitoring plans shall include detailed sampling and analysis criteria for both water and air monitoring. Said plans shall include, but not be limited to, a list of parameters to be monitored, sampling frequency, analytical methods including detection limits, and sampling locations.
 - (2) Site Plans: In addition to the site plan requirements in the Solid Waste Regulations relating to the type of operation or activity, all site plans shall show the topography of the facility or activity location and the locations of all activities and all operations conducted onsite. The site plan shall include the location of onsite buildings, paved areas, areas used for outdoor storage and/or disposal, and the location of all existing and/or proposed control measures used to reduce pollutants.
 - (3) Radius Plans: In addition to the radius plan requirements in the Solid Waste Regulations relating to the type of operation, all radius plans shall show the topography within one mile of the facility or activity location as illustrated in the appropriate US Geological Survey Topographic Map, 7.5 minute series, and the location of all activities and operations conducted

onsite. The radius plan shall also show the location of any waterbodies, including wetlands, located both onsite and offsite within a radius of one-half mile of the site, and the location of residential and commercial areas within a one mile radius of the perimeter of the site.

(4) Monitoring Reports: Monitoring reports for each air or water sampling event shall be submitted by the facility or person to the Department within 45 days of the monitoring event unless directed otherwise by the Department. The facility or person shall notify the Department by telephone within 24 hours of receipt of the data if results warrant immediate action, and follow up in writing within seven (7) days of receipt of the data by the facility or person.

(A) Four (4) copies of the monitoring report shall be submitted to the Department in a hard copy report format that includes a detailed discussion of the sampling event, analytical results, and evaluation of data results.

(B) Reports of water data shall include maps clearly indicating sampling locations, location and nature of site activities during the sampling period, and any other pertinent information.

(C) The discussion of water data results shall incorporate and evaluate information from all groundwater and surface water sampling conducted at the site, including sampling required by other program or regulations, so as to produce a comprehensive assessment of the potential contribution of pollutants from the facility or activity.

(D) Reports of air data shall include maps clearly indicating sampling locations, and shall include information about meteorological conditions and locations and nature of site activities during the sampling period, and any other pertinent information.

(E) The facility or person shall submit reports upon request to the Department, in an electronic format to be determined by the Department.

(5) All plans must be approved by the Department prior to implementation.

(b) Air Monitoring Requirements: In addition to the general monitoring plan requirements set forth above, the air section of the monitoring plan shall include, but may not be limited to, the requirements set forth below:

- (1) A list of air pollutants including substances which may be emitted from the facility or activity that have been classified by the EPA as Hazardous Air Pollutants or Criteria Air Pollutants or by the Department as Air Toxics. In addition, the plan shall identify all indicator gases to be sampled such as, but not limited to, methane for landfills.

- (2) Landfills and C&D Processing Facilities: Air monitoring at landfills and facilities that process construction & demolition (C&D) debris shall be conducted at least quarterly (four times per year) at a minimum of four locations: at the facility's upwind perimeter; at two locations downwind of major activities on the facility's property, including one location immediately downwind of the active working face, processing area or storage area; and at the facility's downwind perimeter.
 - (A) In addition, sampling shall include, at a minimum, a quarterly survey of hydrogen sulfide concentrations at representative locations onsite and along the perimeter of the facility using a direct reading instrument.
 - (B) The air monitoring section of the plan shall also provide for an increased monitoring frequency if modeling or monitoring demonstrates exceedances of Regulation No. 22 Acceptable Ambient Levels (AALs) or other health criteria, or by objectionable odor violations. Increased monitoring frequency requirements shall include continuous monitoring at the perimeter of the facility.
 - (C) The air monitoring frequency may revert to quarterly if the exceedances or odors that triggered the increased frequency do not recur in a six month period, and if no other trigger situations have occurred in that time period.

- (3) All other Solid Waste Management Facilities, Organic Waste Recycling ~~or~~ Facilities or Activities: Air monitoring plans for other types of ~~S~~olid ~~W~~aste ~~M~~anagement ~~F~~acilities, Organic Waste Recycling Facilities or activities within or in the vicinity of the Environmental Management District shall provide for monitoring for pertinent pollutants and be conducted at least annually upwind and downwind of the facility. The Department may require, at its discretion, a greater frequency and greater number of locations if warranted by the nature of the facility.
 - (A) Air monitoring at the above facilities or activities may be reduced with the approval of the Department if no exceedances of AALs or other health criteria are observed in two consecutive sampling

rounds, the type and magnitude of solid waste management activities or organic waste recycling activities at the facility have remained constant, and no objectionable odors are observed by the Department during that period.

- (B) Sampling frequency may be increased if objectionable odors are observed by the Department or exceedances of AALs or other health criteria are measured or modeled from the results of sampling.
- (C) Any increase in sampling frequency may then be reduced if the situation does not recur in two consecutive test rounds and if none of the conditions listed in Rule 1.14.02 (b) (3) (B) have occurred in that time period.

(c) Water Monitoring Requirements: In addition to the general monitoring plan requirements set forth above, the water section of the monitoring plan shall address, but may not be limited to, the requirements set forth below:

- (1) The water section of the monitoring plan shall describe how the facility or person shall evaluate and quantify the contribution of pollutants to the surface water from the site, including both point and non-point contributing sources.
- (2) Groundwater monitoring shall be required and shall include a sufficient number of wells to properly determine groundwater flow on the site and to properly characterize the hydrogeology of the site and surrounding area where required.
- (3) The list of water pollutants to be sampled shall include, but not be limited to, potential air (where applicable) and water pollutants associated with the activities conducted at the site; the list of parameters the facility is required to monitor and analyze for by any other state and federal program; a list of parameters for which the waterbody is known to be impaired as identified in the most current Rhode Island 303(d) List of Impaired Waters; and any other identified surface or groundwater parameters of concern.
- (4) The surface water monitoring plan shall include a description of wet weather sampling ~~procedures, that~~ procedures that shall be implemented at least once annually. The wet weather sampling events shall be collected during a storm event that follows an antecedent dry period of at least three days. The storm event must be at least 0.5 inches per twenty-four hours in magnitude.

- (5) Quarterly water monitoring at the onsite location(s) shall be the minimum for all facilities or activities except where additional requirements exist. The Department may require more frequent monitoring based upon, but not limited to, verified complaints, enforcement actions, increase in pollutant loading or groundwater criteria, or other regulatory requirements. Additional requirements may also include monitoring of waterbody sediment, macroinvertebrate community, and/or fish tissue. Any increased monitoring that is required may be reduced if indicated by at least two acceptable monitoring results, or submitting and implementing a corrective action plan to the satisfaction of the Department.

1.14.03 Plan Review: The following criteria shall be utilized by the Department in review of submitted monitoring plans and reports.

- (a) References: In the evaluation of the monitoring plans, the Department may consider, but is not limited to, the following: any impacts that may be injurious to human, plant, animal, or aquatic life, or cause damage to property or which unreasonably interfere with the enjoyment of life and property; the Rhode Island Air Pollution Control Regulations; the Ambient Air Quality Standards; the Rhode Island Rules and Regulations for ~~Composting Facilities and~~ Solid Waste Management Facilities and Organic Waste Recycling Facilities; the Rhode Island Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases; Rhode Island Water Quality Regulations; Rhode Island Pollutant Discharge Elimination System Regulations; Rules and Regulations for Governing the Administration and Enforcement of the Fresh Water Wetlands Act; Rules and Regulations for Groundwater Quality; the Rhode Island Soil Erosion and Sediment Control Handbook, State of Rhode Island Stormwater Design and Installation Standards Manual, the Technical Support Document for Water Quality-based Toxics Control, March 1991, EPA/505/2-90-001; Water Quality Standards Handbook, 2nd. Ed., August 1994, EPA-823-B-94-005a; and any other relevant standards, guidance, technical reference materials, or policies identified by the Department.
- (b) Decisions: The Department may decide on the adequacy of the monitoring plan by approving the plan, denying the plan, or approving the plan with conditions.

1.14.04 Public Notice Procedures: The following public notice procedures shall be followed prior to final onsite monitoring plan approval by the Department.

- (a) General:
 - (1) Currently Licensed or Registered Facilities: For all existing facilities, public notice shall be published in accordance with the Administrative

Procedures Act, Rhode Island General Laws Section 42-35-1 et seq., after the air and water monitoring plan is reviewed and found to be substantially complete by the Department. The Department shall hold a public hearing when so requested in accordance with the Administrative Procedures Act, Rhode Island General Laws Section 42-35-1 et seq.

- (2) New Licenses: All new ~~Ssolid Wwaste~~ Management Ffacility licenses or Organic Waste Recycling Facility licenses shall follow the public hearing process defined by state statute.
 - (3) New Registrations: For all new ~~solid waste facility~~ Organic Waste Recycling Facility registrations, public notice shall be published in accordance with the Administrative Procedures Act, Rhode Island General Laws Section 42-35-1 et seq., after the air and water monitoring plan is reviewed and found to be substantially complete by the Department. The Department shall hold a public hearing when requested in accordance with the Administrative Procedures Act, Rhode Island General Laws Section 42-35-1 et seq.
 - (4) Solid Waste ~~Management~~ Management Activities or Organic Waste Recycling Activities: For all solid waste management activities or organic waste recycling activities, public notice shall be published in accordance with the Administrative Procedures Act, Rhode Island General Laws Section 42-35-1 et seq., after the air and water monitoring plan is reviewed and found to be substantially complete by the Department. A written copy of the proposed notice shall be submitted to the Department by the facility for review and approval prior to publication. The Department shall hold a public hearing when so requested in accordance with the Administrative Procedures Act, Rhode Island General Laws Section 42-35-1 et seq.
- (b) Distribution: All facilities or persons shall provide written copies of the monitoring plan for distribution to the appropriate town halls, town libraries, the Department and HEALTH. The facilities or persons shall also provide an electronic copy of the monitoring plan to the Department and HEALTH to facilitate distribution and for publication on the Department and HEALTH websites. Each facility or person shall pay for the costs of distribution, public notice, and stenographic services associated with the public notice and hearing procedures for their facility.
 - (c) Petitions and Appeals: Petitions and appeals shall be submitted in accordance with the Administrative Procedures Act, Rhode Island General Laws Section 42-35-1 et seq.

1.14.05 Offsite Monitoring Plan Requirements: The Offsite monitoring plan shall address, but

may not be limited to, the requirements set forth below.

- (a) General:
 - (1) The development and implementation of offsite monitoring will be in accordance with the Rhode Island General Laws Section 23-18.9-14.
 - (2) If, upon the evaluation of the results of the onsite monitoring, the Department and HEALTH Directors jointly determine that any facility or activity within or in the vicinity of the Environmental Management District is causing emissions of air or water pollutants at levels that may cause adverse health impacts, create objectionable or nuisance odors, or otherwise adversely impact human health or the environment, either individually or in conjunction with other sources in the surrounding community(s), the Department Director, in consultation with the HEALTH Director, shall require the facility(s) or activity(s) to develop and implement offsite ambient air and/or water monitoring plans within and in the vicinity of the Environmental Management District and for areas impacted by the facilities as determined by Department or HEALTH.
 - (3) The offsite monitoring plans shall include all the requirements set forth in Rule 1.14.02.
- (b) Any facility or activity subject to the offsite monitoring requirement shall develop the monitoring plan within thirty (30) days of notification by the Department. Offsite monitoring plans must be implemented within thirty (30) days of Department approval.
- (c) Offsite monitoring plans shall address all impacts and adverse effects identified in the evaluation of the onsite data. The plan shall be adequate to evaluate impacts to human health and the environment in the vicinity of the Environmental Management District. Onsite monitoring shall continue during the development and implementation of the offsite monitoring plan.
- (d) Plan Review: The criteria specified in Rule 1.14.03 shall be utilized by the Department in reviewing submitted offsite monitoring plans and reports.
- (e) Duration: Offsite monitoring plans shall be implemented by the facility(s) or persons until notified in writing by the Department. Termination of offsite monitoring shall only be authorized after demonstration to the satisfaction of the Department that all impacts and adverse effects identified in the evaluation of the onsite data have been corrected.

(f) Access to Offsite Properties:

- (1) The facility or person shall use best efforts to secure access to offsite properties owned or controlled by persons other than the facility owner for implementation of the approved offsite monitoring plan.
- (2) If any access required to conduct monitoring is not obtained within 45 days of the date the Department notifies the Facility or person in writing that offsite monitoring shall be performed, the facility or person shall promptly notify the Department in writing, and shall include in that notification a summary of the steps the facility or person has taken to attempt to attain access.
- (3) If the facility or person is unable to obtain access, the Department may require the next best alternative location on accessible property, public or private.

1.14.06 Enforcement:

- (a) Any Facility or person not complying with any of the above requirements may be subject to enforcement action at the discretion of the Department including the assessment of penalties or other action pursuant to Rhode Island General Laws Chapter 23-18.9-1 et seq. The Department may also prepare and implement onsite and/or offsite monitoring plans for a non-compliant facility or person. Non-compliant facilities or persons shall be responsible for and required to reimburse the Department for all costs, including interest, incurred in developing and implementing such a plan(s). Failure to develop and/or implement such plans, or reimburse the Department for preparing and implementing such plans, shall be grounds for suspension, denial, and/or revocation of the facility license or registration.

APPENDIX A

MANAGEMENT OF STREET SWEEPINGS IN RHODE ISLAND

- (a) Street Sweepings shall mean sand that may be mixed with salt used on streets, roads, highways, and parking areas, both public and private, during winter storm operations and that is ultimately swept or cleaned from these areas.
- (b) Acceptable Uses for Street Sweepings: Street sweepings are exempt from the Refuse Disposal Act, Rhode Island General Law 23-18.9-1 and the rules and regulations promulgated thereto and may be reused in the following ways without a requirement for analytical testing of petroleum hydrocarbon content, Toxicity Characteristic Leaching Procedure, and total lead content:
- (1) Landfill cover material (may require screening);
 - (2) Road base or any base course application that will be covered with an asphalt or concrete layer;
 - (3) Backfill for public works construction projects such as drain pipes, culverts, and other drainage structures;
 - (4) Excess sand from resurfacing projects may be mixed with salt and reused for winter storm operations;
 - (5) Mixed with new or virgin sand and salt and reapplied during winter storm operations.

Any use of street sweepings beyond those listed above are subject to the requirements of the Refuse Disposal Act, RIGL 23-18.9-1, and the rules and regulations promulgated pursuant thereto.

- (c) Unacceptable Uses for Street Sweepings: Street sweepings may not be used as an unrestricted clean fill that may be placed in areas that will expose the street sweepings to human contact. This would include fill on residential properties, public parks or playgrounds. Street sweepings may not be used as a fill in environmentally sensitive areas such as near pristine waterways, drinking water watersheds, wellhead protection areas, areas with groundwater classified as GAA, and areas within 200 feet of a private drinking water well or in any other manner that would be inconsistent with state or federal law or regulation.

In some instances, street sweepings may be used as an unrestricted clean fill if analytical testing for petroleum hydrocarbon content, Toxicity Characteristic Leaching Procedure, and total lead content prove that the street sweepings will not be a potential threat to human health or the environment. A sampling plan and analytical results must be submitted to the Department's Office of Waste Management for review and approval of

applications for reuse of street sweepings as an unrestricted clean fill. Sampling plans and analytical results will be reviewed on a case by case basis.

The foregoing "Solid Waste Regulation No. 1 - General Requirements" of the "Rules and Regulations for Composting Facilities ~~and~~ Solid Waste Management Facilities, January 1997 and as amended April 2001 and 2010~~07~~" after due notice, are hereby adopted with a new name "Rules and Regulations for Solid Waste Management Facilities and Organic Waste Recycling Facilities", as amended and filed with the Secretary of State this ___th day of __, 2016~~007~~ to become effective twenty (20) days thereafter, in accordance with the provisions of Chapters 2-1, 2-22, 2-23, 5-51, 23-18.8, 23-18.9, 23-19, 23-19.1, 23-23, 23-63, 37-15.1, 42-17.1, 42-17.6, 42-35, 44-27, and 46-12 of the General Laws of Rhode Island of 1956, as amended.

Date

Janet Coit~~W. Michael Sullivan~~, Director

Department of Environmental Management

Public Notice on: _____, 2015~~007~~

Public Hearing on: _____, 2016~~007~~

Filing Date: _____, 2016~~007~~

Effective Date: _____, 2016~~007~~

SMALL BUSINESS IMPACT STATEMENT

In order to accurately predict the impact the adoption, amendment, or repeal of a regulation will have on small businesses, the promulgating authority must conduct a thorough analysis that not only considers the potential effects of the action but also quantifies the costs, if any, associated with each. The questions below are designed to aid promulgating authorities in conducting their analysis.

Agency submitting regulation:

RIDEM Office of Waste Management

Subject matter of regulation:

Rule 1.1.00- Findings and Policy

Rule 1.2.00- Organization and Method of Operation

Rule 1.3.00- Definitions

Rule 1.4.00- Prohibitions

Rule 1.5.00- General Requirements and Procedures

Rule 1.6.00- Issuance, Renewal, and Conditions of Licenses and Registrations

Rule 1.7.00- General Operating Standards

Rule 1.8.00- Solid Waste Management Facilities and Organic Waste Recycling Facilities

Rule 1.9.00- New Solid Waste Management Facilities or Organic Waste Recycling Facilities

Rule 1.10.00- Procedures for Approval or Denial of Variances

Rule 1.11.00- Opportunity for Hearing

Rule 1.12.00- Effective Dates

Rule 1.13.00- Fees

Rule 1.14.00- Solid Waste Management Facilities and Organic Waste Recycling Facilities or Activities
Within the Environmental Management District (EMD)

Appendix A- Management of Street Sweepings in Rhode Island

ERLID No:

3660

Statutory authority:

R.I.G.L. 23-18.9 et al.

Other agencies affected:

None

Other regulations that may duplicate or conflict with the regulation:

None

Describe the scope and objectives of the regulation:

The regulation's scope includes the topics listed by Rules 1.1 –1.13 above. The regulation's objectives are to provide essential supplemental information, definitions, administrative details, and general regulatory requirements commonly applying to the various types of solid waste management facilities and

organic waste recycling facilities that are individually regulated in Solid Waste Regulations 2-8. These details also apply to and provide guidance to the regulated community that own/operate these various types of solid waste management facilities and organic waste recycling facilities. Additionally, Regulation 1 includes miscellaneous policy guidance on some matters that do not apply to or are not addressed in Regulation 2-8.

What was the rationale for establishing this regulation?

To have all of this common information in one regulation, rather than having to repeat it in each of regulations 2-8.

Does the rationale still exist?

Yes

Is the rationale still relevant?

Yes

Business industry (s) affected by the regulation:

The solid waste handling industrial and commercial sectors

Types of businesses included in the industry (s):

Private and quasi-public businesses that store, process, transfer, or dispose various types of solid waste as well as those that process and recycle, via composting or anaerobic digestion, appropriate organic solid wastes.

Total number of small businesses included in the regulated industry (s):

There are currently 8 small businesses that are affected by this regulation, since they each own and operate a solid waste management facility that is a transfer station, construction and demolition debris processing facility, or composting facility. There is currently one quasi-public entity in Rhode Island (the Rhode Island Resource Recovery Corporation) that owns and operates a solid waste landfill, composting facility, and recycling facility that is affected by this regulation.

Number of small businesses potentially subject to the proposed regulation:

There are two proposed anaerobic digestion facilities that will be subject to the proposed regulation. It's possible that there could more than a few new composting facilities built by small businesses, including both medium and large scale composting facilities, that would be subject to the proposed regulation, due to a recent new state law, the "organic waste ban", that encourages organic waste recycling rather than landfilling of such waste, to take effect in January, 2016.

How often do small businesses contact your agency for assistance with clarification of the regulation and/or receive assistance with compliance issues?

We have not had questions from small businesses seeking clarification of this regulation, nor have they sought assistance with any compliance issues that relate directly to this regulation.

What is the cost to your agency of establishing and enforcing this regulation?

There was likely a one- time cost of a few hundred dollars to publicize and hold a public hearing on the proposed regulation during the period of establishment of this regulation. We have not incurred enforcement costs that relate directly to this regulation.

What would the consequences be if the regulation did not exist?

This regulation provides administrative guidance to businesses that are proposing to own or operate a solid waste management facility or organic waste recycling facility as well as to those businesses which are already permitted and are operating a solid waste management facility or composting facility (a type of organic waste recycling facility). This guidance covers issues such as licensing and registration procedures and fees, general operating standards, definitions of certain terms used in the other solid waste regulations, prohibited operating practices, and how to apply for and obtain variances from regulatory requirements. Therefore, if the regulation did not exist, there would be a lack of regulatory guidance information on critical matters for small businesses proposing to operate or who currently operate solid waste management facilities or organic waste recycling facilities. Similarly, DEM staff would not have proper guidance as to how to regulate small businesses, relative to these same issues.

Effective date used in cost estimate:

October 2015

For each question below, please answer “yes” or “no” and offer a brief explanation.

Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.

1.	<u>Yes</u>	No	<p>Do small businesses have to create, file, or issue additional reports?</p> <p>Rule 1.14 requires some additional environmental monitoring and reporting of results to RIDEM, for currently a few solid waste management facilities that are operating and that are located in an environmentally sensitive area in Johnston known as the Environmental Management District.</p>
2.	Yes	<u>No</u>	<p>Do small businesses have to implement additional recordkeeping procedures?</p> <p>There is nothing in Solid Waste Regulation No. 1 that addresses recordkeeping procedures.</p>
3.	Yes	<u>No</u>	<p>Do small businesses have to provide additional administrative oversight?</p> <p>There is nothing in Solid Waste Regulation No.1 that addresses administrative oversight at operating facilities.</p>

4.	Yes	<u>No</u>	<p>Do small businesses have to hire additional employees in order to comply with the proposed regulation?</p> <p>The hiring of additional employees is not required in order to comply with the current Solid Waste Regulation No.1 and there is no proposed change to the regulation.</p>
5.	Yes	<u>No</u>	<p>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</p> <p>The hiring of other professionals is not required in order to comply with the details of Solid Waste Regulation No. 1.</p>
6.	<u>Yes</u>	No	<p>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</p> <p>There is no requirement to purchase a product. There are a limited number of capital investments that need to be made by facilities, as provided in the Rule 1.7 General Operating standards. These include security fencing and entrance gates at facilities as well as a gas collection system for facilities that store waste materials containing gypsum.</p>
7.	Yes	<u>No</u>	<p>Are performance standards more appropriate than design standards?</p> <p>This question does not apply to Solid Waste Regulation No.1, since it does not contain design standards.</p>
8.	<u>Yes</u>	No	<p>Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?</p> <p>RIDEM can perform periodic unannounced inspections of a solid waste management facility or organic waste recycling facility, per Rule 1.6, and can issue enforcement actions if the facility is significantly in violation of appropriate operating practices. Rule 1.11 does provide small businesses with the right to a hearing at RIDEM's Division of Administrative Adjudication ("AAD"), so that the business can make an appeal of a RIDEM enforcement action.</p>

9.	<u>Yes</u>	No	<p>Does the regulation have the effect of creating additional taxes and/or fees for small businesses?</p> <p>Rule 1.13 establishes the new licensing fee and renewal license fee for each type of solid waste management facility as well as for mixed solid waste composting facilities, large scale putrescible waste composting facilities, and anaerobic digestion facilities.</p>
10.	Yes	<u>No</u>	<p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</p> <p>There are no educational service requirements and the regulation has not changed since it was established, so this type of refresher training is not needed.</p>
11.	<u>Yes</u>	No	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in RI?</p> <p>Per Rule 1.13, the cost of a new license for a landfill or resource recovery/solid waste incinerator is significant, so it likely to deter small businesses that wish to build and operate those types of solid waste management facilities. However, due to the complexity and size of these types of facilities, it is unlikely that a small business would venture into building and operating such type of facility. For the other types of solid waste management facilities and organic waste recycling facilities listed in Rule 1.13, the cost of a new or renewal license for those types of facilities appears to be reasonable and several small businesses have willingly paid these licensing fees in order to operate these other types of facilities.</p>
12.	<u>Yes</u>	No	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in RI?</p> <p>For reasons mentioned in number 11 above, small businesses are likely being encouraged to build and operate appropriate types of solid waste management systems as well as operating organic waste recycling facilities. Also, RIDEM has not received complaints from small businesses, relative to the regulatory details of Solid Waste Regulation No. 1, so this regulation does not appear to be a deterrent to business formation. It likely encourages business formation, by providing the appropriate general administrative guidance on regulatory matters governing solid waste management facilities and organic waste recycling facilities.</p>
13.	Yes	<u>No</u>	<p>Can the regulation provide for less stringent compliance or reporting requirements for small businesses?</p>

			<p>The existing regulation has the appropriate detail of compliance requirements primarily based on essential environmental considerations as mentioned in the prohibitions portion (Rule 1.4) and in the general operating standards in Rule 1.7. There are only limited reporting requirements, as discussed in question 1 above. Any amendment of the regulation would not likely provide for less stringent compliance or reporting requirements.</p>
14.	Yes	<u>No</u>	<p>Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p>There is one deadline of 45 days (in Rule 1.14) to submit an environmental monitoring report, following the date of the monitoring event, for solid waste management facilities operating in the environmental management district, as discussed in question 1 above. This appears to be a reasonable deadline and RIDEM has not received any negative comments from the regulated community on this deadline requirement. .</p>
15.	Yes	<u>No</u>	<p>Can the compliance or reporting requirements be consolidated or simplified for small businesses?</p> <p>The compliance requirements and minimal reporting requirements in this Regulation are not related to facility size and therefore apply equally to small and large businesses.</p>
16.	Yes	<u>No</u>	<p>Can performance standards for small businesses replace design or operational standards? The general operating standards in Rule 1.7 provide appropriate regulatory requirements, relative to basic environmental matters associated with the operation of all types of solid waste management facilities and organic waste recycling facilities.</p> <p>There are no design standards in any of the Rules in Solid Waste Regulation No. 1.</p>
17.	Yes	<u>No</u>	<p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p>

			State law authorizes RIDEM to administer the licensing or registration of solid waste management facilities and organic waste recycling facilities and to regulate such facilities during their operating life; Solid Waste Regulation No. 1 is needed to provide general guidance to small businesses on pertinent regulatory matters during the permitting phase and during the operating life of these facilities.
18.	<u>Yes</u>	No	<p>Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe.</p> <p>Per state law, the public was properly notified of the public hearing during the adoption process for this regulation. Otherwise, small businesses have not been contacted during the preparation of this small business impact statement.</p>

Date of Public Notice: 12/22/15

Date of Public Hearing: 1/19/16
or End of Comment period: 1/27/16

NOTIFICATION FORM
Rhode Island Department of Environmental Management
**SMALL BUSINESS REGULATORY IMPACT AND
REGULATORY FLEXIBILITY ANALYSIS**
(R.I.G.L. § 42-35.1-4)

Title of Administrative Rule or Regulation: “Rules and Regulations for Solid Waste Management Facilities and Organic Waste Recycling Facilities” (Solid Waste Regulation No. 1) and “Organic Waste Recycling Facilities” (Solid Waste Regulation Number 8 (Composting Regulations)).

Statutory Authority: (R.I. General Law(s)) These regulations are authorized pursuant to R.I. Gen. Laws § 23-18.9 (Refuse Disposal Act) and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

The Regulation: *(The purpose for the rules and regulations):*

Solid Waste Regulation No 1: To provide essential information, definitions, administrative details and general regulatory requirements commonly applying to various types of solid waste management facilities and organic waste recycling facilities that are individually regulated in Solid Waste Regulations 2-8. These details also apply to and provide guidance to the regulated community that own/operate these various types of solid waste management facilities and organic waste recycling facilities.

Solid Waste Regulation No. 8: To provide essential information, registration/licensing requirements, design standards, and operating requirements/standards for composting facilities and anaerobic digestion facilities.

Expected Small Business Impact: The net impact of these rules and regulation will be neutral or even a reduced financial burden on small businesses, specifically on composting facilities that will be considered small or medium-scale operations/facilities. Currently, the State of Rhode Island does have any approved or operating anaerobic digestion facilities in the State.

Regulatory Flexibility Analysis: *(agency should make a determination as to whether there is an impact on small businesses)*

The agency shall consider, without limitation, each of the following methods of reducing the impact of the proposed regulation on small businesses:

- (1) The establishment of less stringent compliance or reporting requirements for small businesses.

The DEM has reduced the compliance requirements for facilities that will be considered small-scale composting operations or medium-scale composting facilities. Small-scale composting operations will not be required to obtain a registration from DEM and can begin operations at any time without DEM approval. Medium-scale composting facilities will be required to register with DEM; however they simply need to complete a form that is prescribed by the Director and submit it to DEM. If DEM does not contact the applicant within twenty-one (21) days then the medium-scale composting facility may commence operations. Formal approval from the Department is not required. For large-scale composting facilities, we have reduced the registration renewal frequency from an annual registration to once every three years.

In regards to anaerobic digestion (AD) facilities, currently Rhode Island does not have any approved AD facilities. With the passage of RIGL 23-18.9-17 (Food Waste Ban), DEM has received applications for two facilities. The proposed revisions to Solid Waste Regulation No. 8 contains licensing requirements, design standards and operating standards for these types of facilities in order to prevent nuisance conditions, such as odors, to the surrounding communities.

The proposed regulations contain less stringent compliance requirements for some types of businesses, such as small-scale composting operations and medium-scale composting facilities. Due to the complexity and potential for impact to the surrounding community, stringent compliance requirements have been developed for anaerobic digestion facilities.

- (2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

All entities will be required to become in compliance upon the effective date of these regulations. The general scope of changes in these proposed regulations will be the same, or less stringent than the requirements of the current regulations.

- (3) The consolidation or simplification of compliance or reporting requirements for small businesses.

The regulations do not contain schedule or deadlines for compliance or reporting requirements for such facilities.

- (4) The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation.

For these types of facilities, design and operational standards are critically important in order to prevent negative impacts (i.e. odors, dust, vectors) to the surrounding community.

- (5) The exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

No small businesses will be adversely affected by these regulations. For the majority of small businesses affected by these regulations, they will represent a reduction in regulatory burden and expense related to compliance.

Any questions regarding these proposed regulations should be directed to the Laurie Grandchamp, P.E., Supervising Engineer in the Office of Waste Management at (401) 222-2781 ext. 7143, or via email at laurie.grandchamp@dem.ri.gov.

*State of Rhode Island and Providence Plantations
Department of Administration
Budget Office*

Fiscal Note for Proposed Administrative Rules (R.I.G.L. 22-12-1.1)

Name of Administrative Rule: Rules and Regulations for Solid Waste Management Facilities and Organic Waste Recycling Facilities (Solid Waste Regulation No. 1) and Rhode Island Organic Waste Recycling Facilities (Solid Waste Regulation No. 8)

Date of Notice: December 22, 2015

Date of Hearing: January 19, 2016

RIGL: Promulgated pursuant to Chapter 23-18.9 Refuse Disposal

FISCAL IMPACT

<i>Revenues</i>		<i>General Revenue Expenditures</i>		<i>All Funds Expenditures</i>	
FY 2016	\$0	FY 2016	\$0	FY 2016	\$0
FY 2017	\$0	FY 2017	\$0	FY 2017	\$0
FY 2018	\$0	FY 2018	\$0	FY 2018	\$0

Summary of Policy Change:

DEM had two goals in revising these Solid Waste Regulations No. 1 and No. 8. Our first goal was to encourage and simplify composting requirements for small-scale composting operations and medium-scale composting facilities. Our second goal was to create Anaerobic Digestion Rules so as to encourage the development of these types of facilities in the State of Rhode Island since the Refuse Disposal Act was revised to include a ban on disposing food residuals for large generators (greater than 104 tons per year). The Food Waste Ban (R.I.G.L. Section 23-18.9-17) goes into effect on January 1, 2016.

Summary of State Fiscal Impact: None

City or Town Impact: None

Approved:

Thomas A. Mullaney
Executive Director/State Budget Officer

Date