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TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 140 - WASTE & MATERIALS MANAGEMENT

SUBCHAPTER 20 - RECYCLING & SPECIAL WASTE

PART 2 - Rules and Regulations for Reduction and Recycling of Municipal Solid Waste

2.1 Purpose

- A. These rules establish requirements for the reduction and recycling of municipal solid waste. The Department of Environmental Management will administer this program in cooperation with the Resource Recovery Corporation, the Department of Administration, and the cities and towns.
- B. These regulations will:
 - 1. Establish the list of materials which must be recycled;
 - 2. Set standards for ordinances governing material separation into recyclable and nonrecyclable components;
 - 3. Specify compliance standards and implementation schedules for municipal recycling programs.

2.2 Authority

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws §§ 23-18.8-1 through 23-18.8-2.1, 23-18.9-1 and R.I. Gen. Laws Chapters 37-15, 42-35, and 42-17.1.

2.3 Findings and Policy

- A. The findings and policies contained in R.I. Gen. Laws Chapter 23-18.8, are hereby adopted as the administrative findings and policy upon which these Rules and Regulations are based and are enumerated below.
- B. These findings recognize and declare that it is the policy of the state that:
 - 1. The Central Landfill is a public resource of limited and finite capacity which the state, as guardian and trustee for its people, has the right and the obligation to preserve for the use of its people;
 - 2. Solid waste management problems are statewide in scope and necessitate state action through technical assistance and leadership in the

application of new and improved methods and processes to reduce the amount of solid waste that must be disposed of, and to promote environmentally acceptable and economically sound solid waste management;

3. Any environmentally and economically sound solid waste management system must incorporate recycling;
4. The failure or inability to economically recover and recycle materials and energy resources from solid waste results in the unnecessary waste and depletion of natural resources;
5. All solid waste capable of being recycled should be recycled;
6. A sound recycling program will best be achieved by cooperation of the Rhode Island Resource Recovery Corporation, the Department of Environmental Management, and the cities and towns of the State of Rhode Island;
7. Upon full implementation of the recycling program, all solid waste, both from cities and towns and commercial establishments will be separated in recyclable and nonrecyclable components;
8. In order to develop a workable implementation schedule the Department of Environmental Management should develop schedules for the entry of cities and towns into the source separation system;
9. The corporation should provide, for a period of three (3) years, the reasonable allowable costs for implementing this program for cities and towns;
10. The definition of recyclable materials shall be the responsibility of the Department of Environmental Management and should be changed from time to time depending upon new technologies, economic conditions, waste stream characteristics, environmental effects, or other factors.

2.4 Application

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

2.5 Definitions

- A. For the purposes of these regulations, except as provided below, the following terms shall have the following meanings:

1. "Arrangements" means 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.
2. "Corporation" means the Resource Recovery Corporation, previously known as the Rhode Island Solid Waste Management Corporation.
3. "Department" means the Rhode Island Department of Environmental Management.
4. "Director" means the Director of the Department of Environmental Management.
5. "HDPE" means high density polyethylene plastics labeled with a # 2 recycling symbol in accordance with standards established by the plastics industry.
6. "Implementation date" means 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.
7. "Leaf and yard waste" means seasonal deposition of leaves from deciduous and coniferous trees and shrubbery, grass clippings, weeds, herbaceous garden waste, shrub and tree prunings, and brush.
8. "Materials recovery facility" or "MRF" means a facility consisting of structures, machinery, or devices utilized to sort, bale, or otherwise process source-segregated recyclables, prior to conveyance to market outlets.
9. "Municipal recycling program" means a recycling program for the separation of municipal solid waste as included in the implementation schedule and approved by the Department pursuant to these regulations.
10. "Municipal solid waste" means 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 and controls 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.
11. "PETE" means polyethylene terephthalate plastics labeled with a #1 recycling symbol in accordance with standards established by the plastics industry.

12. "Processable material" means those recyclable materials that meets criteria of purity and condition as defined by the Corporation and the Department in conjunction with the operator of the MRF.
13. "Recyclable materials" means those materials which shall be separated from municipal solid waste for processing for reuse as listed in § 2.15 of this Part.
14. "Resident" means of a city or town means anyone residing in that municipality for any period of time.
15. "Segregated municipal solid waste" means municipal solid waste that has been separated into recyclable and non-recyclable materials in compliance with these regulations and the Rules and Regulations for Solid Waste Management Facilities.
16. "Solid waste" means garbage, refuse and other discarded 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 Hazardous Waste Management Act, R.I. Gen. Laws § 23-19.1-4(4), nor does it include used asphalt, concrete, portland concrete cement, or tree stumps. Solid waste shall also include non-hazardous liquid, semi-solid and containerized gaseous waste, subject to any special conditions of the Office of Waste Management's "Rules and Regulations for Solid Waste Management Facilities".
17. "Source separation" means the segregation of recyclable materials from other solid waste beginning at the point of generation, by using containers or other receptacles to maintain marketability before delivery to a solid waste management facility, intermediate processing facility, or a materials recovery facility.

2.6 Recyclable Materials

- A. Recyclable materials which must be segregated from municipal solid waste and kept in a condition to meet minimum market standards are listed in § 2.15 of this Part.
- B. The Department may change this list of recyclable materials from time to time, depending upon new technologies, economic conditions, waste stream characteristics, environmental effects or other factors. The Department will prepare an annual report on statewide program implementation, including an evaluation of how changes in these factors impact the composition of the list.

- C. Municipalities are encouraged to recycle additional materials and to work with the Department and the Corporation to implement pilot scale separation of other materials that may be present in municipal solid waste.
- D. Municipalities are encouraged to work with the Department and the Corporation to implement programs to reduce waste and increase recovery of recyclable materials.

2.7 Segregation of Recyclable Materials from Municipal Solid Waste

- A. The following requirements in this rule shall apply to all municipal residential solid waste generated in Rhode Island.
 - 1. Any person who generates municipal solid waste or accepts responsibility for collecting, storing, or disposing of municipal solid waste, shall segregate their solid waste.
 - 2. Subsequent to the point of generation, no person shall combine segregated recyclables with solid waste in a manner that renders the material not marketable.

2.8 Municipal Recycling Programs

- A. In order to comply the requirements of this rule, each municipal governing body shall:
 - 1. Commit itself by resolution or other binding assent to plan and implement a revised recycling program no later than December 31, 2001 or upon expiration or renewal of recycling collection and hauling agreements in effect on the date of promulgation of these Rules and Regulations. The municipal governing body shall notify the Department of proposed implementation date by June 30, 1997.
 - 2. Establish programs for recyclable materials which achieve the level of separation of recyclables, as determined by the Department or demonstrate that recyclable materials are reused, recycled, composted or otherwise diverted from disposal. For example, a community may elect to implement a backyard composting and/or grasscycling program, rather than establish a collection program, to divert leaf and yard waste from disposal.
 - 3. Adopt ordinances as necessary to carry out the provisions of this Part in accordance with guidelines established by the Department.
 - 4. Enter into enforceable agreements with haulers as necessary to keep recyclable materials separate from municipal solid waste.

2.9 Municipal Compliance

In order to achieve compliance with these regulations, each city and town shall achieve the required level of separation of recyclables within three years of the implementation date. The Department will determine the baseline amount for each city and town by comparison with the percentage of separation achieved by similar communities.

2.10 Technical Assistance

The Department will provide technical assistance to any city or town that requests assistance in complying with these regulations. Technical assistance shall include, but not be limited to, economic modeling, contracting, training and route planning.

2.11 Financial Assistance

- A. For municipalities that have not received three-year grant funding from the Corporation for implementing a mandatory recycling program, as of the date of promulgation of these regulations, the Corporation shall provide grant funding for the first three years of the program. Grant funding shall equal reasonable additional program costs less solid waste and tip fee savings as determined by the Department and the Corporation.
- B. For municipalities that have received a three-year grant from the Corporation to implement a mandatory recycling program, the Corporation shall provide additional assistance, for this revised program. Eligible items shall include: recycling bins at reduced rates; informational material (brochures and postcards) including design, printing, and mailing costs; advertisement design and placement costs, newsletter development and printing costs for a follow-up newsletter to all residents to heighten awareness of the revised program.

2.12 Variances

- A. Any municipality may request a variance from the provisions of the Municipal Recycling Regulations. Such a request for a variance shall be in writing and signed by the Chief Executive Officer of the municipality.
- B. The Director 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 §§ 2.1 and 2.3 of this Part or that alternative methods proposed by the municipality requesting the variance, fulfill the purposes of the rule from which a variance is requested or that the municipality can demonstrate that fifty percent (50%) of the municipal waste generated is recycled, composted or diverted from disposal. The Director may require a public hearing prior to approving any variance where substantial questions exist as to the environmental or public health impacts of such variance.

2.13 Enforcement

Any municipality that fails to meet the requirements of these regulations is subject to administrative penalties as authorized by R.I. Gen. Laws Chapter 42-17.6.

2.14 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.

2.15 Recyclable Materials

- A. For the purpose of defining those components which must be segregated from the municipal solid waste, the following materials are defined as recyclable:
1. Metals
 - a. Aluminum & tin cans, foil and pie plates
 - b. Scrap metal
 - c. Empty aerosol cans
 - d. Empty paint cans
 - e. White goods
 2. Glass
 - a. Glass bottles and jars
 3. Cartons
 - a. Milk, juice and aseptic drink cartons and boxes
 4. Plastics
 - a. HDPE plastic bottles and jugs with a #2 recycling symbol on the bottom, excluding tubs. Examples include milk jugs, laundry detergent bottles, shampoo bottles, etc.
 - b. PETE plastic containers with a #1 recycling symbol on the bottom. Examples include soda and juice bottles, etc...
 5. Paper

- a. Mail
- b. Magazines
- c. Catalogs
- d. Phone books
- e. Paper books
- f. Writing paper
- g. Corrugated cardboard
- h. Paperboard. Examples include shoe boxes, cereal boxes and toilet paper rolls.
- i. Newspapers

6. Textiles

- a. Towels
- b. Linens
- c. Clothing
- d. Cloth scrap
- e. Stockings
- f. Rags
- g. Belts
- h. Handbags
- i. Shoes, excluding women's heels.

7. Organics

Leaf and yard waste