

State of Rhode Island - Division of Taxation

Sales and Use Tax

Regulation SU 87-74

Hazardous Waste Recycling, Reuse and Treatment

I. The Rhode Island sales and use tax law provides an exemption for the sale, storage, use or other consumption of tangible personalty or supplies which are used or consumed in the operation of equipment the exclusive function of which is the recycling, reuse or recovery of materials (other than precious metals) from, or the treatment of, hazardous wastes. The exemption applies where hazardous wastes are generated in Rhode Island solely by the same taxpayer claiming this exemption and, further, where such personal property is located at, in, or adjacent to a generating facility of the taxpayer in Rhode Island.

In order to qualify for this exemption the taxpayer must first procure an order from the Department of Environmental Management certifying that the equipment and/or supplies as used or consumed, qualify for the exemption.

II. Using the exemption: When purchasing the above-described tangible personalty or supplies, taxpayers must furnish their suppliers with "[Exemption Certificate Hazardous Waste](#)" forms.

III. Refunds: In those cases where the taxpayer is unable to furnish the evidence required and outlined to support a claim for exemption at the time he or she purchases items of tangible personalty or supplies; he or she should pay the tax and, thereafter, when able to properly support the claim for exemption, he or she should file an appropriate claim for refund.

Such claims must indicate the items purchased, the date purchased and from whom purchased, the date installed, a statement that such items are and will continue to be used in on-site hazardous waste recycling, reuse or treatment, satisfactory evidence that the Rhode Island sales and use tax on such items has been paid, the date of such payment and to whom paid and certification by the Department of Environmental Management as indicated in number I above.

IV. Definitions:

1. The term "precious metals" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium and chromium, and which is in such state or condition that its value depends upon its content and not upon its form.

2. The term "hazardous wastes" means any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

(a) cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or

(b) pose a substantial present or potential hazard to human health or the environment.

Such wastes include, but are not limited to those which are toxic, corrosive, flammable, irritants, strong sensitizers, substances which are assimilated or concentrated in and are detrimental to tissue, or which generate pressure through decomposition or chemical reaction. In addition, such wastes include "industrial wastes" as such term is used elsewhere in the General Laws, as amended, unless the context shall clearly indicate otherwise.

R. GARY CLARK
TAX ADMINISTRATOR

DATE: May 1, 1987