



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND REVITALIZATION AND SUSTAINABLE MATERIALS
MANAGEMENT
235 Promenade Street, Room 380
Providence, Rhode Island 02908

Permit Decision - Denial

Medical Waste Treatment Facility Application for Medrecycler-RI, Inc.

1600 Division Road, West Warwick, Rhode Island.

In accordance with Chapters 23-19.12 and 23-18.9 of the Rhode Island General Laws, the Department of Environmental Management (“Department”) has reviewed the above listed permit and conducted required public hearing and public comment period as shown in the timeline below:

Original Application Submittal: 2/12/2019

Latest Application Submittals: 11/6/2020, 11/24/2020, 11/30/2020, and 12/2/2020.

Notice of Intent to Approve Date: 1/11/2021

Public Notice Date: 1/11/2021

Public Informational Workshop: 1/25/2021

Public Hearing: 3/15/2021

Close of Public Comment Period: 4/14/2021

Decision Due Date (90 days from close of Public Comment): 7/13/2021

This document contains all comments received and the Department’s responses, which are incorporated herein, as part of the Department’s Final Decision to deny this permit application. As explained further in the responses below, the Department found certain specific areas where the application was deficient. Section 23-18.9-8 of the Rhode Island General Laws, requires the Department to give great weight to detrimental impacts on the surrounding communities. As outlined by some commenters, particularly the Town of East Greenwich and the Attorney General’s Office, documents and information not provided with the Application significantly impacted the ability of the officials and public in the impacted communities to assess certain issues. While those documents and additional information were proposed as draft permit conditions in the Department’s Notice of Intent, the fact that this unique technology has not been extensively demonstrated in the United States leads the Department to agree that in order to fully assess the potential detrimental impacts of the facility on the surrounding communities, those documents and information must be included as part of public review. Additionally, the significant public comment and additional Department review also

revealed areas where the application was unclear or incomplete, containing inconsistencies or ambiguities. Those areas are outlined below:

1) Community Impacts and Concerns

The following items were presented in the Notice of Intent to Approve as preliminary, proposed permit conditions, but in light of the fact that this facility proposes to employ innovative and largely untested technology, the Department has determined that the application contained insufficient detail and specifics in the following areas:

- a) Contingency Plans were incomplete and were not provided to either to the Department or to Fire Departments of both West Warwick and East Greenwich for review and approval.
- b) Biological Testing Protocols to demonstrate system efficacy as well as containment of the waste during and after shredding were not presented in the application in sufficient detail to allow the Department or other interested parties to determine if these protocols will allow testing to demonstrate compliance with the regulations.
- c) Calculations related to Financial Assurance of Closure did not provide adequate detail and specifics of closure costs in the event the facility shuts down and waste needs to be disposed of by a third party.
- d) The application did not demonstrate how the facility will provide a buffer zone between the operation and adjacent properties.

2) Application Inconsistencies and Deficiencies

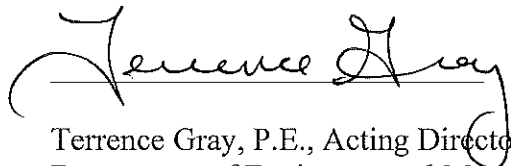
- a) The application was unclear and inconsistent with respect to the amount of medical waste that will be stored at the facility prior to treatment. The final version of the application called for no storage on site, but some items in the application were not revised to reflect this, leading to inconsistencies and ambiguities as to whether or not storage will occur and how the proposed volume of waste will be processed with no storage, particularly in the event of unexpected equipment shut down
- b) The owner of the property may be co-responsible for cleanup of the site after shutdown, and is required to sign the application.
- c) The application did not include a detailed procedure for how rejected waste will be handled at the facility.

In addition to the above, the Rhode Island General Assembly recently enacted H 5923, which was signed into law by Governor McKee on Friday, July 9, 2021. This new law creates a prohibition against new high-heat medical waste processing facilities such as this proposed facility (*see* RIGL 23-19.17-2). The Department believes that regardless of the deficiencies in the application outlined above, this law would prohibit the Department from issuing or granting a permit or license for this proposed facility. In addition to the clear prohibitory language of the law, the statute specifically prohibits high-heat medical waste processing facilities such as this under the following conditions:

- 1) Within two thousand feet (2,000') of any waters defined in RIGL 46-12-1 – potential conflicts include, but are not limited to a stream located approximately 560' southwest of this proposed site;
- 2) Within 2,000' of open space or any state management area, or park, or land held by any entity in trust for public use – potential conflicts include, but are not limited to the East Greenwich Country Club, a public golf course, located across the street, within 2,000' of the proposed site;
- 3) Within 2,000' of any floodplains, or flood hazard area as defined in RIGL 45-22.2-4 – potential conflicts include, but are not limited to a flood zone located approximately 300' southwest of this proposed site;
- 4) Within one mile of a pre-existing public or private school providing education of any grades 1 through 12, a college or university, a childcare center, a preschool, an assisted living facility or a nursing facility – potential conflicts include, but are not limited to the New England Institute of Technology, a private university, located within one quarter of a mile of this proposed site, and Greenbush Elementary School, a public school located within one mile of this proposed site;
- 5) Within one mile of any area zoned for residential use – potential conflicts include, but are not limited to the land across the street from this proposed site which appears to be zoned residential (RHF) by the Town of East Greenwich, and property that is zoned residential in the Town of West Warwick within one mile of the proposed site; OR
- 6) Located in an environmental justice municipality – potential conflicts include but are not limited to environmental justice areas existing within the Town of West Warwick, which therefore classify it as an EJ municipality.

As a result of the above, and after considering all of the comments received, the application is hereby **denied**. This decision is made without prejudice, and the applicant may address the deficiencies cited herein, and submit a new application for review and approval provided the applicant can comply with RIGL 23-19.17-2. Any new application submitted shall undergo full Department review and public notice as required by regulation and State law.

It must also be emphasized that the Department's decision applies only to **this application** and the Solid and Medical Waste Regulations related to it. This review did not seek to supersede or repeat the review process for other state and local agencies or other programs within the Department.



Terrence Gray, P.E., Acting Director
Department of Environmental Management

07/13/2021

Date