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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO HEALTH AND SAFETY -- RESIDENTIAL MINING SAFETY

Introduced By: Senators Algiere, and Morgan

Date Introduced: February 25, 2015

Referred To: Senate Environment & Agriculture

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 94

4 RESIDENTIAL MINING SAFETY

5 **23-94-1. Short title.** – This act shall be known and may be cited as the "Residential
6 Mining Safety Act."

7 **23-94-2. Findings.** – The legislature finds:

8 (1) That residential mining poses a risk to the health, safety and welfare of residential
9 areas and school facilities, including, but not limited to, contamination of water supplies,
10 contamination of air resources, and injury from blasting and noise pollution.

11 (2) That the enactment of this chapter is required to ensure residential mining operations
12 peacefully and safely coexist with adjacent residential areas and school facilities.

13 **23-94-3. Definitions.** – (a) "DEM" means the Rhode Island department of environmental
14 management.

15 (b) "Fire Marshal" means the Rhode Island state fire marshal.

16 (c) "Residential Mining" means the commercial processing of sand, rock, gravel, soil,
17 aggregate and any other organic or inorganic solid matter within one thousand feet (1,000') of a
18 residential dwelling or school.

19 (d) "Processing" means extracting, drilling, blasting, tunneling, dredging, stripping,

1 washing, cleaning, screening, crushing, filtering, sorting, stockpiling, and storing sand, rock,
2 gravel, soil, aggregate and any other organic or inorganic solid matter.

3 (e) "Blasting" means to blow up or break apart with explosives.

4 **23-94-4. Standards and criteria.** – (a) By October 1, 2015, the director of the DEM
5 shall adopt regulations as standards for residential mining, excluding those duties of the state fire
6 marshal as specified in subsection (b)(2) of this section. The standards and criteria shall include:

7 (1) Setbacks or buffers for processing.

8 (2) Setbacks or buffers for processing from ordinary high water levels, wetlands, water
9 supplies and wellhead protection areas.

10 (3) Hours of operation.

11 (4) Groundwater and surface water quality and quantity monitoring and mitigation plan
12 requirements.

13 (5) Air monitoring and data submission requirements.

14 (6) Dust control requirements.

15 (7) Respirable dust control requirements of particles of ten (10) micrometers or less.

16 (8) Operational decibel levels.

17 (9) Noise testing and mitigation plan requirements.

18 (10) Inspection requirements.

19 (11) Containment requirements for chemicals used in mining and blasting.

20 (12) Financial assurance requirements.

21 (b) By October 1, 2015, the state fire marshal shall adopt regulations as standards and
22 criteria for blasting in residential mining operations. The standards and criteria shall include:

23 (1) Limits on the total magnitude of blasts.

24 (2) Limits on the weather conditions when blasting may occur.

25 (3) Hours when blasting may occur.

26 (4) Blasting notification requirements for neighbors, the state fire marshal and local
27 authorities.

28 (5) Blasting monitoring plan requirements.

29 **23-94-5. Pre-existing uses.** -- Any operation subject to the provisions of this chapter that
30 is pre-existing at the date of enactment is not exempt from this chapter's provisions and the rules
31 and regulations enacted thereto.

32 **23-94-6. Severability.** -- If any provision of this chapter or of any rule or regulation
33 made thereunder, or the application thereof to any person or circumstance, is held invalid by a
34 court of competent jurisdiction, the remainder of the chapter, rule, or regulation and the

1 application of such provision to other persons or circumstances shall not be affected thereby. The
2 invalidity of any section or sections or parts of any section or sections of this chapter shall not
3 affect the validity of the remainder of the chapter.

4 **23-94-7. Construction of chapter. --** This chapter shall be construed liberally in aid of
5 its declared purpose, which purpose is that residential mining operations peacefully and safely
6 coexist with adjacent residential areas and school facilities.

7 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HEALTH AND SAFETY -- RESIDENTIAL MINING SAFETY

- 1 This act would direct the department of environmental management and the state fire
- 2 marshal to regulate mining and blasting near residential areas and schools.
- 3 This act would take effect upon passage.

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