

2025 -- H 6274

LC002678

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL

Introduced By: Representatives DeSimone, Kazarian, Baginski, Voas, Alzate, Craven,  
and Slater

Date Introduced: April 25, 2025

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 23-18.9 of the General Laws entitled "Refuse Disposal" is hereby amended by adding thereto the following section:

**23-18.9-19. Commercial solid waste and recycling hours of operation.**

(a) Except where prohibited or otherwise restricted by local ordinance, all persons and entities engaged in the business of commercial solid waste collection and/or commercial recycling collection may operate collection activities at any time between the hours of seven o'clock (7:00) am and three o'clock (3:00) am on any day of the week.

(b) No person or entity shall use mobile waste compaction technology within the state as a process to pulverize commercial waste and/or recyclable materials. For purposes of this section, "mobile waste compaction technology" means utilization of a vehicle fitted with a crane and a spiked metal roller, which work together to pulverize and effectively shred the waste and recyclable materials contained in open-top roll-off dumpsters.

SECTION 2. Section 23-19-13 of the General Laws in Chapter 23-19 entitled "Rhode Island Resource Recovery Corporation" is hereby amended to read as follows:

**23-19-13. Municipal participation in state program.**

(a)(1) Any person or municipality which intends to transfer, treat, or dispose of solid waste originating or collected within the state, or which intends to make arrangements to do so, shall utilize, exclusively, a system or facility designated by the corporation as provided under this chapter. All transfer stations in existence as of December 1, 1986, are empowered so long as they

1 maintain the appropriate license to continue their operations, and the corporation shall not exercise  
2 its powers under this chapter to compete with their operation and activity. No municipality shall  
3 have power to engage in, grant any license, or permit for or enter into any contract for the collection,  
4 treatment, transportation, storage, or disposal of solid waste, and no municipality or any person  
5 shall engage in any activities within the state, including disposal of solid waste, which would impair  
6 the ability of the corporation to meet its contractual obligations to its bondholders and others, or  
7 which would be in competition with the purposes of the corporation as provided in this chapter.  
8 The corporation shall not be empowered to engage in the transportation, transfer, or storage of solid  
9 waste, except in temporary situations where a municipality has defaulted in its obligation under this  
10 section, or in conjunction with its activities at its disposal sites. Provided, however, that municipal  
11 contracts which were in existence on March 1, 1985, are excepted from this requirement until  
12 expiration of the original term of the contract or the expiration of any extension approved by the  
13 corporation, or sooner termination of the contracts, and provided, further, that municipalities  
14 operating their own landfills on December 1, 1986 shall be free to continue to use the landfills until  
15 closure of the landfills. Without limiting the generality of the preceding, municipalities and persons  
16 are expressly empowered to contract with the corporation and/or, subject to the approval of the  
17 corporation, with a duly licensed private disposal facility for the disposal of solid wastes. The  
18 approval shall be conditioned upon a finding by the board of commissioners of the corporation that  
19 any proposed contract with a Rhode Island municipality or person is in conformity with the  
20 statewide resource recovery system development plan and this chapter, and that the proposed  
21 contract will not impair the ability of the corporation to meet its contractual obligations to its  
22 bondholders and others. The contracts may have a maximum total term, including all renewals, of  
23 up to fifty (50) years.

24 (2) The corporation shall charge fees for its solid waste management services that, together  
25 with other revenues available to the corporation, will, at a minimum, be sufficient to provide for  
26 the support of the corporation and its operations on a self-sustaining basis, including debt service  
27 on its bonds and other obligations.

28 (b) Insofar as the provisions of this chapter are inconsistent with the provisions of any other  
29 laws of this state, general, special, or local, restricting the power of any municipality to enter into  
30 long term contracts with the corporation, the provisions of this chapter shall be controlling. The  
31 corporation shall provide suitable and appropriate assistance to communities under these  
32 circumstances. Notwithstanding the preceding, if the corporation deems it desirable, it may from  
33 time to time permit municipalities to contract among themselves for the disposal of their wastes.

34 (c) Municipalities, along with private producers of waste which contract with the

1 corporation for disposal of their wastes, shall continue to be free to make their own arrangements  
2 for collection of wastes at the source and/or the hauling of wastes to the designated processing  
3 and/or transfer stations, so long as those arrangements are in compliance with the provisions of  
4 chapter 18.9 of this title and with this chapter, and any municipal license relating thereto.

5 (d) All municipalities and state agencies which are participants in the state waste disposal  
6 program shall initiate a separation and recycling program within one year after the date on which  
7 the resource recovery facility utilized by that municipality or agency is operational and accepting  
8 waste for incineration.

9 (e)(1) The corporation and any municipality may enter into a contract or contracts  
10 providing for or relating to the disposal of solid waste originating in the municipality and the cost  
11 and expense of the disposal.

12 (2) The contract may be made with or without consideration and for a specified or  
13 unspecified time not to exceed fifty (50) years, and on any terms and conditions which may be  
14 approved by the municipality and which may be agreed to by the corporation in conformity with  
15 its contracts with the holders of any bonds or other obligations. Subject to the contracts with the  
16 holders of bonds, the municipality is authorized and directed to do and perform any and all acts or  
17 things necessary, convenient, or desirable to carry out and perform the contract and to provide for  
18 the payment or discharge of any obligation under the contract in the same manner as other  
19 obligations of the municipality.

20 (3) All municipalities that contract with the corporation for the disposal of solid waste shall  
21 prepare as an addendum to its fiscal year 2010 contract with the corporation and any contracts with  
22 the corporation for the subsequent years a plan that includes a description of the process by which  
23 thirty-five percent (35%) of its solid waste will be recycled and fifty percent (50%) of its solid  
24 waste will be diverted beginning July 1, 2012. This addendum shall include a residential and  
25 municipal waste stream evaluation, a plan for the reduction of solid waste and recyclables generated  
26 and the process by which recyclable materials are to be segregated. The corporation shall have the  
27 right to execute or deny execution of the municipal solid waste and recycling services contract  
28 pending approval of the addendum. Once the corporation approves this addendum, the municipality  
29 must implement the plan and report on the results annually to the corporation. The corporation shall  
30 enforce the provisions of this section pursuant to subdivision (g)(3).

31 (4) The corporation shall notify every city or town that it contracts with as to the addendum  
32 requirements that must be included in contracts to recycle thirty-five percent (35%) and divert fifty  
33 percent (50%) of solid waste beginning July 1, 2012.

34 (f) The municipalities and the state have shared responsibility for the payment of the cost

1 of municipal solid waste disposal. The state will pay its share of the cost of the solid waste disposal  
2 services to be provided by the corporation to the municipalities at its solid waste management  
3 facilities and its central landfill in the town of Johnston, and at any back-up facility which the  
4 corporation is required to provide, by providing solid waste disposal operating subsidies as  
5 provided in subsections (i) and (j).

6 (g)(1) The corporation shall charge each municipality with which it has a long-term  
7 contract for solid waste disposal services a tipping fee per ton of source separated solid waste  
8 excluding separated recyclable materials, sludge, and demolition debris delivered to any  
9 corporation facility computed in accordance with this subsection. For purposes of this chapter,  
10 “fiscal year” shall mean the twelve-month period, July 1 to June 30. The municipal tipping fee shall  
11 be equal to one hundred seven and one-half percent (107.5%) of the prior fiscal year’s municipal  
12 tipping fee through the end of the 2009 fiscal year. One dollar and ten cents (\$1.10) per ton on all  
13 garbage, including recycled garbage, collected by the corporation as tipping fee shall be paid to the  
14 town of Johnston. In addition to any other fees the corporation shall also charge a three dollar  
15 (\$3.00) tipping fee per vehicle. Any vehicle carrying municipal solid waste shall be exempt from  
16 this three dollar (\$3.00) tipping fee. All fees collected shall be paid to the town of Johnston on a  
17 biannual basis. No tipping fee shall be charged for recyclable materials delivered to a recycling  
18 facility provided by or through the corporation.

19 (2) Notwithstanding the provisions of subdivision (g)(1), the municipal tipping fee may be  
20 increased, if, due to the commencement of operation of a new resource recovery facility during the  
21 previous fiscal year, the state subsidy as calculated pursuant to subsection (i), not considering  
22 landfill revenues and losses, is projected to be greater than the state subsidy projected by the  
23 corporation and the department of administration when the projections were officially accepted by  
24 the corporation on the basis of contracts entered into for the initial resource recovery facility. The  
25 amount by which the projected state subsidy exceeds the original projections will be apportioned  
26 between the state and the municipalities in the same ratio as the state subsidy for the previous year  
27 divided by the number of tons of municipal solid waste processed by the corporation bears to the  
28 municipal tipping fee for that year. The increased municipal tipping fee herein provided shall be  
29 subject to the same escalation factor as the municipal tipping fee set forth above.

30 (3) The corporation shall establish in the contract, the maximum amount of municipal solid  
31 waste that each municipality will be entitled to deliver to the corporation at the municipal tipping  
32 fee. Solid waste in excess of the contract amount will be charged to the municipality at the non-  
33 municipal rate. In determining the maximum amount of municipal solid waste which will qualify  
34 for the municipal tipping fee, the corporation shall consider the municipality’s solid waste per

capita average, the statewide solid waste per capita average, and any other factors that it shall deem appropriate.

(4) Seaweed collected and removed by a municipality shall be deemed “yard waste” for purposes of this chapter and any rules, regulations and/or plans promulgated by the corporation pursuant to this chapter, and shall be accepted by the corporation at the same rate and cost as all other municipal yard waste.

(h) The corporation, after the initial resource recovery facility becomes operational, shall charge each non-municipal user of its facilities a fee per ton equal to the projected annual resource recovery system cost less energy revenues and interest earnings on bond reserve funds, if any, divided by the projected tons to be processed by the corporation at its resource facilities for the year. Landfill costs shall not be considered in the calculation unless landfill costs exceed revenues generated at the landfills; in those cases, excess landfill costs will be added to the system costs.

(i) The annual state subsidy for the cost of disposal of municipal solid waste shall be calculated for each fiscal year or portion of each fiscal year according to the following formula: The annual state subsidy shall equal the total projected annual resource recovery system costs (minus costs associated with the central landfill) for the next fiscal year less the sum of the following: (1) projected resource recovery system revenues for the year; and (2) projected landfill revenues; provided, however, that in the event that the landfill is projected to operate at a loss, the amount of the loss shall be added to the subsidy.

(j)(1) On or before October 1 of each year, the corporation shall submit a budget to the director of administration for the succeeding fiscal year using actual resource recovery system revenues and costs, and the audit of the preceding fiscal year prepared by the corporation’s independent auditors and accepted by the auditor general. On or before December 1 of each year, the director of administration, in consultation with the corporation, shall review the budget of the corporation and shall determine and certify the annual state subsidy for the succeeding fiscal year to the governor who shall submit to the general assembly printed copies of a budget which shall include the state subsidy as previously determined in this subsection. The state subsidy appropriation shall be on a system basis but shall contain specific appropriations for each resource recovery facility. If the amount appropriated exceeds the amount needed for a specific facility, the corporation, with the approval of the director of administration, may reallocate the appropriated but unadvanced funds to other corporation facilities or costs. If the audit prepared by the corporation’s independent auditors indicates that the amounts appropriated and disbursed to the corporation as a subsidy were in excess of the amounts which would have been required for the year if actual resource recovery system revenues and costs had been used in the calculation of the subsidy, the

1 excess shall be credited against the current fiscal year's subsidy.

2 (2) At any time, if the corporation determines that the state subsidy will be insufficient to  
3 discharge the corporation's obligations for the current fiscal year, it shall request, in writing, to the  
4 director of administration for a supplemental appropriation. After review, the director of  
5 administration will recommend to the governor additional funding for the corporation, and the  
6 governor after further review, shall submit a supplemental appropriation bill request for the funds  
7 to the general assembly.

8 (3) From the appropriations made by the general assembly, the state controller is authorized  
9 and directed to draw his or her orders upon the general treasurer every month for the payment of  
10 those sums that may be required upon receipt by him or her of properly authenticated vouchers.

11 (k) If, in any fiscal year, the appropriation for the state subsidy is not made and if the  
12 corporation has insufficient other funds to discharge its obligations to holders of its bonds and notes  
13 as certified by the state auditor general, the corporation shall be empowered to charge both  
14 municipal and non-municipal users whatever fees are necessary to discharge its obligations to  
15 holders of its bonds and notes, and the municipal tipping fee set forth in subsection (g) shall not be  
16 applicable for the fiscal year.

17 (l) On or after the date established for separation of recyclable solid waste in the statewide  
18 plan for separation of recyclables by the department of environmental management, only  
19 segregated solid waste shall be accepted at the corporation's facilities.

20 (m) Costs associated with participation in the state program shall not constitute state  
21 mandated costs under § 45-13-7.

22 (n) All commercial recycling collection shall be conducted in accordance with the  
23 provisions of § 23-18,9-19.

24 SECTION 3. 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 -- REFUSE DISPOSAL

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1           This act would allow the commercial collection of solid waste and recycling materials  
2   between the hours of seven o'clock (7:00) am and three o'clock (3:00) am seven days a week  
3   provided the hours of operation are not in conflict with local ordinances. It would also ban the use  
4   of mobile waste compaction technology for recycling.

5           This act would take effect upon passage.

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