

**2012 -- S 2395 SUBSTITUTE A**

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LC01555/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2012**

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A N A C T

RELATING TO HEALTH AND SAFETY - REFUSE DISPOSAL

Introduced By: Senators Lombardo, Lanzi, Cote, Picard, and Sheehan

Date Introduced: February 15, 2012

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 23-18.9-14 of the General Laws in Chapter 23-18.9 entitled "Refuse  
2 Disposal" is hereby amended to read as follows:

3           **23-18.9-14. Testing and analysis of air and water -- Environmental management**

4 **district.--** (a) Applicability. - This section applies to all solid waste management  
5 facilities/activities regulated pursuant to this chapter that are undertaken within and in the vicinity  
6 of an area known as the environmental management district, located in the town of Johnston and  
7 the city of Cranston; the district is bounded by Plainfield Pike on the south; Peck Hill Road on the  
8 west; Central Avenue on the north; and I-295 on the east.

9           (b) On-site monitoring.

10           (1) The director of the department of environmental management (DEM), in consultation  
11 with the director of the department of health (DOH), is authorized to promulgate any rules and  
12 regulations that are necessary to require the development and implementation of onsite ambient  
13 air and water monitoring plans for all facilities/activities covered by this section. The regulations  
14 shall be promulgated no later than December 31, 2000, and shall be subject to the Administrative  
15 Procedures Act, chapter 35 of title 42. These regulations shall, at a minimum, provide for the  
16 following:

17           (i) Define the minimum criteria that shall require the development and implementation  
18 of an onsite ambient air and water monitoring plan;

19           (ii) Establish the time period that a facility/activity shall have to initially prepare an

1 onsite ambient air and water monitoring plan and submit it to DEM for review;

2 (iii) Define the minimum content that shall be included in an onsite ambient air and  
3 water monitoring plan;

4 (iv) Establish the criteria that DEM shall use for review and approval of an onsite  
5 ambient air and water monitoring plan;

6 (v) Establish the criteria that DEM shall use for determining how long an approved  
7 onsite ambient air and water monitoring plan must remain in effect and the criteria for  
8 termination of an approved onsite ambient air and water monitoring plan; and

9 (vi) Define the process for public involvement in the development and review of onsite  
10 ambient air and water monitoring plans.

11 (2) The facility shall implement the outside ambient air and water monitoring plan within  
12 thirty (30) days of DEM approval. Data collected under onsite ambient air and water monitoring  
13 plans shall be evaluated by both DEM and DOH. DOH shall provide a written evaluation of this  
14 data to the host community(s), the facility(s), any oversight council or organization that focuses  
15 on the environmental management district, and any members of the public who request the  
16 evaluation.

17 (3) Should a facility not abide by the newly promulgated rules and regulations requiring  
18 a party to conduct an onsite ambient air and water monitoring plan, the director shall take  
19 enforcement action to compel those activities. The director may, at his or her discretion, prepare  
20 and implement an onsite ambient air and water monitoring plan for facilities that do not comply  
21 with the order. The facility shall be responsible to reimburse DEM for all costs, including interest,  
22 incurred in developing and implementing a plan.

23 (c) Offsite monitoring. - (1) If, upon the evaluation of data provided pursuant to  
24 subsection (b), the DEM and DOH directors jointly determine that any facility/activity is causing  
25 emissions of air or water pollutants at levels that could cause adverse health impacts, create  
26 objectionable or nuisance odors, or otherwise adversely impact human health or the environment,  
27 either individually or in conjunction with other sources in the surrounding community(s), the  
28 DEM director, in consultation with the DOH director, is authorized to require the  
29 facility(s)/activity(s) to develop and implement offsite ambient air and/or water monitoring plans  
30 within the environmental management district. Regulations governing the development and  
31 implementation of these offsite plans shall be promulgated in conjunction with, and subject to the  
32 same provisions as those authorized under subsection (b).

33 (2) Any facility subject to the offsite monitoring requirement shall implement the offsite  
34 ambient air and/or water monitoring plan within thirty (30) days of DEM approval. Data collected

1 under offsite ambient air and/or water monitoring plans shall be evaluated by both DEM and  
2 DOH. DOH shall provide a written evaluation of this data to the host community(s), the  
3 facility(s), any oversight council or organization that focuses on the environmental management  
4 district, and any members of the public who request the evaluation.

5 (3) Should a facility not abide by the newly promulgated rules and regulations requiring  
6 a party to conduct an offsite ambient air and/or water monitoring plan, the director shall take  
7 enforcement action to compel those activities. The director may, at his or her discretion, prepare  
8 and implement an offsite ambient air and/or water monitoring plan for facilities that do not  
9 comply with the order. That facility shall be responsible to reimburse DEM for all costs,  
10 including interest, incurred in developing and implementing a plan.

11 (d) Ambient monitoring. In addition to any off-site monitoring required pursuant to  
12 subsection (c) above, Rhode Island Resource Recovery Corporation shall establish and operate an  
13 off-site ambient air monitoring network consisting of not less than four (4) monitoring locations,  
14 three (3) of which shall be located in Johnston and one of which shall be located in Cranston. The  
15 objective of the monitoring network shall be to continuously monitor ambient air for the presence  
16 of odorous contaminants from landfill gas. Wind speed and wind direction shall also be recorded  
17 continuously at the monitoring locations. The locations of said monitors shall be determined by  
18 the department of environmental management, in consultation with the host community of the  
19 subject monitor. The contaminants of concern to be monitored and the methodology of  
20 monitoring shall be determined by the department of environmental management, in consultation  
21 with the department of health. Results from monitoring shall be submitted to the department of  
22 environmental management, the department of health, the town of Johnston, the city of Cranston,  
23 and posted on a publicly accessible page on the Rhode Island Resource Recovery Corporation  
24 website for reference by the public. All costs of purchasing, installing, and operating the  
25 monitoring network shall be paid by Rhode Island Resource Recovery Corporation.

26 SECTION 2. Ambient monitoring pursuant to the act shall continue until December 31,  
27 2022. The director of the department of environmental management and the director of the  
28 department of health shall report an evaluation of all data collected pursuant to this act to the  
29 general assembly on or before December 31, 2020. After evaluation of data provided pursuant to  
30 section 23-18.9-14.1, if the director of the department of environmental management and the  
31 director of the department of health jointly determine that any facility/activity is causing  
32 emissions of air or water pollutants at levels that could cause adverse health impacts, have created  
33 objectionable or nuisance odors, or otherwise have adversely impacted human health or the  
34 environment, either individually or in conjunction with other sources in the surrounding

1 community(ies), then the director of the department of environmental management, in  
2 consultation with the director the department of health is authorized to require the  
3 facility(ies)/activity(ies) to maintain ambient monitoring until December 31, 2032 or until said  
4 evaluation of data shows that such facility(ies)/activity(ies) would not impact human health or  
5 environment as stated herein.

6 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 require the Rhode Island Resource Recovery Corporation to establish an
- 2 off-site air quality monitoring system.
- 3           This act would take effect upon passage.

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