

2012 -- S 2395 SUBSTITUTE A AS AMENDED

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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 six (6) monitoring locations,
14 four (4) of which shall be located in Johnston and two (2) of which shall be located in Cranston.
15 The objective of the monitoring network shall be to continuously monitor ambient air for the
16 presence of odorous contaminants from landfill gas. Wind speed and wind direction shall also be
17 recorded continuously at the monitoring locations. The locations of said monitors shall be
18 determined by the department of environmental management, in consultation with the host
19 community of the subject monitor. The contaminants of concern to be monitored and the
20 methodology of monitoring shall be determined by the department of environmental
21 management, in consultation with the department of health. Results from monitoring shall be
22 submitted to the department of environmental management, the department of health, the town of
23 Johnston, the city of Cranston, and posted on a publicly accessible page on the Rhode Island
24 Resource Recovery Corporation website for reference by the public. All costs of purchasing,
25 installing, and operating the monitoring network shall be paid by Rhode Island Resource
26 Recovery Corporation.

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

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

7 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

- 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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