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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY
CORPORATION

Introduced By: Senators Sosnowski, Walaska, and Bates

Date Introduced: March 06, 2013

Referred To: Senate Environment & Agriculture

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-19-11, 23-19-13.1 and 23-19-13.6 of the General Laws in
2 Chapter 23-19 entitled "Rhode Island Resource Recovery Corporation" are hereby amended to
3 read as follows:

4 **23-19-11. Planning requirements.** -- Planning responsibilities of the corporation shall
5 include, but not be limited to:

6 (1) The preparation of a statewide resource recovery system development plan which
7 will indicate the location, type, and size of solid waste management facilities, including without
8 limitation, transfer stations, waste processing facilities, and ultimate disposal facilities which may
9 be required to serve the future needs of the state and its municipalities through the development
10 of an integrated statewide resource recovery system for the effective management of solid waste;

11 (2) The plan shall be in conformity with the applicable provisions of the state guide plan;

12 (3) The plan will be subject to amendment;

13 (4) In developing the plan, the corporation will assure that:

14 (i) The orderly extension of future solid waste facilities and management systems are
15 provided for in a manner consistent with the needs and plans of the whole area, and in a manner
16 consistent with the state departments of health and environmental management rules and
17 regulations for locating and operating solid waste facilities;

18 (ii) All aspects of planning, zoning, population estimates, engineering, and economics

1 are taken into consideration to delineate with all practical precision those portions of the area
2 which may reasonably be expected to be served by a given time frame, as determined by the
3 corporation;

4 (iii) Appropriate time schedules are set for the phasing in of the required component
5 parts of the system.

6 (iv) Future solid waste disposal facilities shall be regional in size and emphasize the
7 geographic and political nature of the surrounding area.

8 (5) In the interim prior to the completion of the statewide plan, the corporation is
9 authorized to develop component facilities as may be required to carry out the purposes of this
10 chapter; provided, however, upon completion of the plan, all projects of the corporation
11 undertaken thereafter shall be in conformity with the plan; and

12 (6) The corporation shall cooperate with the department of environmental management
13 and other state and local agencies in the development of a comprehensive statewide solid waste
14 management plan, of which the corporation's statewide resource recovery system development
15 plan shall be a component part. Nothing in this chapter shall be interpreted as limiting the
16 authority of the department of environmental management to prepare a statewide, comprehensive,
17 solid waste management plan, including, but not limited to, any plan required by any federal law,
18 rules, or regulations to meet federal requirements that may be conditions precedent to receiving
19 federal assistance.

20 ~~(7) The plan shall not include incineration of solid waste.~~

21 ~~(8)~~(7) The plan shall limit the use of landfills to providing temporary backup or bypass
22 disposal capacity and residue disposals from waste processing facilities. The plan shall also seek
23 to minimize landfilling of any type of waste and phase out the use of landfills for waste disposal.

24 ~~(9)~~(8) The plan shall include composting of yard waste and other appropriate organic
25 wastes.

26 ~~(10)~~(9) The plan shall consider the financial feasibility of modifying, curtailing, or
27 supplanting the provisions of chapter 19.1 of this title in light of the requirements for waste
28 processing facilities.

29 ~~(11)~~(10) The plan shall primarily rely on a system of waste processing facilities.

30 ~~(12)~~(11) The plan shall provide that the corporation actively pursue research and develop
31 new uses for materials recovered from solid waste to maximize revenue from recycled materials.

32 **23-19-13.1. Disposal of solid waste originating outside the state prohibited -- Rules**
33 **and regulations.** -- (a) No person, firm, corporation, transfer station, or any other commercial
34 entity engaged in the business of collecting, disposing, sorting, separating, recycling, processing,

1 manufacturing, or remanufacturing of solid waste shall deposit or cause to be deposited solid
2 waste that is generated or collected outside the territorial limits of this state at the central landfill,
3 except as provided in this section. Each deposit in violation of the provisions of this section shall
4 be punishable by imprisonment for up to three (3) years and/or a fine not to exceed fifty thousand
5 dollars (\$50,000).

6 (b) (1) Recyclable materials originating out-of-state that can be segregated into saleable
7 commodities shall be allowed to be brought to the Rhode Island resource recovery corporation's
8 recycling facilities for the purpose of further separation and/or sale, the profit of which shall be
9 distributed as follows:

10 (i) Twenty-five percent (25%) to the town of Johnston. Such funds shall be held in a
11 restricted account entitled "High Hazard Dam and Storm Water Mitigation fund" and be used
12 exclusively for the repair and reconstruction of the OakSwamp Reservoir dam, including gate
13 house and the Lower Simmons Reservoir Dam. Any remaining or future funds will be used for
14 maintenance of the aforementioned dams and other storm water mitigation projects in the town of
15 Johnston.

16 (ii) Twenty-five percent (25%) to the corporation.

17 (iii) Fifty percent (50%) to the remaining thirty-eight (38) municipalities to be
18 distributed on a pro rata basis in accordance with the corporation's distribution of in-state
19 recyclable profits to municipalities. The town of Johnston shall continue to receive its pro rata
20 share of state recyclable profits.

21 (2) Nothing contained in this subsection shall allow the corporation to accept out-of-state
22 construction and demolition debris materials.

23 (3) Non-hazardous contaminated soils originating out of state shall be allowed to be
24 delivered to the Rhode Island resource recovery corporation's facilities for use on site as daily
25 cover material. Such soils shall be free of solid waste.

26 (c) The Rhode Island resource recovery corporation shall promulgate any rules and
27 regulations that may be necessary to ensure that solid waste that is generated or collected outside
28 the territorial limits of this state is not deposited at the central landfill.

29 The rules and regulations shall provide that any commercial entity engaged in the
30 business of collecting, disposing, sorting, separating, recycling, processing, manufacturing or
31 remanufacturing solid waste, which deposits or causes to be deposited solid waste at the central
32 landfill shall provide a certification to the corporation, via United States mail, that the waste was
33 not generated or collected outside the territorial limits of this state. The certification shall be
34 required to be made not less than every thirty (30) days, setting forth the date and time of each

1 deposit within the thirty (30) day period and shall be under oath, stating that the oath is made
2 under the pains and penalties of perjury.

3 (d) Any fine collected pursuant to the provisions of this section shall be remitted to the
4 environmental response fund established pursuant to section 23-19.1-23. The town of Johnston
5 and the department of attorney general shall be reimbursed from the environmental response fund
6 for reasonable costs associated with the enforcement and prosecution of any violation of section
7 23-19-13.1; provided, however, that the amounts reimbursed shall not exceed the amount of fine
8 monies collected for that violation pursuant to this section. The state controller is authorized and
9 directed to draw his or her orders upon the general treasurer for the payment of that sum, or as
10 much of that sum as may be deemed necessary, from time to time, upon receipt by him or her of
11 properly authenticated vouchers.

12 **23-19-13.6. Cover materials not permitted.** -- (a) No resource recovery system or
13 facility made available by the corporation shall use the following as material to cover compacted
14 solid waste at a sanitary landfill:

15 (1) Construction and demolition debris, whole, shredded, or pulverized, including, wood
16 (including painted, treated and coated wood and wood products), land clearing debris, wall
17 coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles and other
18 roof coverings, ~~and glass~~; or

19 (2) Organic materials, including materials that contain carbon-to-carbon bonds and are
20 bio-degradable, such as paper, wood, food waste, leaves and yard waste. Organic materials may
21 be used only as a final landfill cover with approval of the department of environmental
22 management.

23 (b) Any facility violating the provisions of this section shall be fined not less than two
24 thousand five hundred dollars (\$2,500), nor more than five thousand dollars (\$5,000). The fine
25 shall be paid to the city or town in which the facility is located.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY
CORPORATION

1 This act would eliminate the prohibition of incinerating solid waste from the statewide
2 solid waste management plan, would allow non-hazardous contaminated soils originating out of
3 state for use on site as daily cover material, and would allow glass to be used as cover material.

4 This act would take effect upon passage.

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