

2013 -- S 0727

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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 - SOLID WASTE

Introduced By: Senators Sosnowski, and Walaska

Date Introduced: March 13, 2013

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-19-13.1 of the General Laws in Chapter 23-19 entitled "Rhode
2 Island Resource Recovery Corporation" is hereby amended to read as follows:

3 **23-19-13.1. Disposal of solid waste originating outside the state prohibited -- Rules**
4 **and regulations.** -- (a) No person, firm, corporation, transfer station, or any other commercial
5 entity engaged in the business of collecting, disposing, sorting, separating, recycling, processing,
6 manufacturing, or remanufacturing of solid waste shall deposit or cause to be deposited solid
7 waste that is generated or collected outside the territorial limits of this state at the central landfill,
8 except as provided in this section. Each deposit in violation of the provisions of this section shall
9 be punishable by imprisonment for up to three (3) years and/or a fine not to exceed fifty thousand
10 dollars (\$50,000).

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

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

1 Johnston.

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

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

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

9 [\(3\) Non-hazardous contaminated soils, free of solid waste and originating out-of-state,](#)
10 [may be used as daily cover material at the Rhode Island Resource Recovery Corporation facility.](#)

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

14 The rules and regulations shall provide that any commercial entity engaged in the
15 business of collecting, disposing, sorting, separating, recycling, processing, manufacturing or
16 remanufacturing solid waste, which deposits or causes to be deposited solid waste at the central
17 landfill shall provide a certification to the corporation, via United States mail, that the waste was
18 not generated or collected outside the territorial limits of this state. The certification shall be
19 required to be made not less than every thirty (30) days, setting forth the date and time of each
20 deposit within the thirty (30) day period and shall be under oath, stating that the oath is made
21 under the pains and penalties of perjury.

22 (d) Any fine collected pursuant to the provisions of this section shall be remitted to the
23 environmental response fund established pursuant to section 23-19.1-23. The town of Johnston
24 and the department of attorney general shall be reimbursed from the environmental response fund
25 for reasonable costs associated with the enforcement and prosecution of any violation of section
26 23-19-13.1; provided, however, that the amounts reimbursed shall not exceed the amount of fine
27 monies collected for that violation pursuant to this section. The state controller is authorized and
28 directed to draw his or her orders upon the general treasurer for the payment of that sum, or as
29 much of that sum as may be deemed necessary, from time to time, upon receipt by him or her of
30 properly authenticated vouchers.

31 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 - SOLID WASTE

1 This act would allow the Rhode Island Resource Recovery Corporation to use non-
2 hazardous contaminated soils, free of solid waste, and originating out-of-state as daily cover
3 material at its facility.

4 This act would take effect upon passage.

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