

**2016 -- S 2094 SUBSTITUTE A**

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LC003149/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2016**

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- WASTEWATER TREATMENT  
PLANTS

Introduced By: Senators Walaska, McCaffrey, and Lynch Prata

Date Introduced: January 21, 2016

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 42-17.4-12 of the General Laws in Chapter 42-17.4 entitled  
2 "Wastewater Treatment Plants" is hereby amended to read as follows:

3           **42-17.4-12. Renewal of operation permit -- Public notice and hearing requirement. --**

4 (a) Upon the department of environmental management's completion of a draft, a major Rhode  
5 Island Pollutant Discharge Elimination System (RIPDES) permit (as those terms are defined in  
6 the RIPDES Regulations effective March 1, 1993), the department of environmental management  
7 shall provide public notice of the opportunity to submit comments and request a hearing on the  
8 draft permit and shall hold a hearing on the draft permit in accordance with the requirements of  
9 the RIPDES regulations. A notice of the hearing, ~~which shall be mandatory~~, shall be published in  
10 a newspaper of general circulation within the city or town where said facility is located, at least  
11 thirty (30) days prior to the date of the hearing, at the hearing all persons interested shall be heard  
12 upon the matter of the facility's draft permit. Written notice, which may be a copy of the  
13 newspaper advertisement, shall be mailed to the wastewater treatment facility whose permit is  
14 being heard, and to the board of certification of operators of wastewater treatment facilities and,  
15 where applicable, to the parties specified in subsection (b) of this section at least twenty-one (21)  
16 days prior to the date of the hearing. ~~The newspaper notice shall be published as a display~~  
17 ~~advertisement using a type size at least as large as the standard type size used by the newspaper in~~  
18 ~~its news articles, and said~~ The notice shall:

- 1 (1) Specify the date, time and place of the hearing;
- 2 (2) Specify the date which the facility filed its license renewal application; and
- 3 (3) Indicate that language interpreters and interpreters for the hearing-impaired will be
- 4 made available upon notice to the facility forty-eight (48) hours prior to the hearing date.

5 (b) A copy of the notice of public hearing as published shall be sent by first class mail [or](#)

6 [e-mail](#) to the chief administrative officer of each city or town, and to each member of the town or

7 city council and state representatives and senators of each city and town who represent an area

8 that is located within two thousand (2000) feet of the facility's perimeter.

9 (c) The public hearing shall have a qualified stenographer present [or shall be recorded](#).

10 [The department of environmental management shall provide a copy of the recording, or ~~The the~~](#)

11 stenographer shall provide a copy of the transcript to the department of environmental

12 management, division of water resources and to the wastewater treatment facility. Said transcripts

13 [or recordings](#) shall be received no later than thirty (30) days after the hearing. The transcript [or](#)

14 [recording](#) of the public hearing shall be available for inspection to the general public at the

15 facility.

16 (d) No defect in the form of any notice under this section shall render any granting of

17 licensure invalid unless the defect is found to be intentional or misleading.

18 (e) The costs of any notice, interpreters, stenographers or transcripts as required under

19 this section shall be paid directly by the wastewater treatment facility.

20 (f) The above requirements are to be construed as minimum requirements.

21 (g) The above hearing requirements shall take effect as of January 1, 1996.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- WASTEWATER TREATMENT  
PLANTS

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- 1           This act would require a notice and opportunity for the public to be heard with regard to
- 2 the permitting of wastewater treatment facilities.
- 3           This act would take effect upon passage.

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