

2016 -- S 2797 SUBSTITUTE A

LC005255/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO HEALTH AND SAFETY - WASTE RECYCLING

Introduced By: Senators Ruggerio, Sosnowski, Miller, Lombardo, and Gallo

Date Introduced: March 23, 2016

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-18.8-2 of the General Laws in Chapter 23-18.8 entitled "Waste
2 Recycling" is hereby amended to read as follows:

3 **23-18.8-2. Legislative findings.** -- The general assembly recognizes and declares that:

4 (1) Any environmentally and economically sound solid waste management system must
5 incorporate recycling;

6 (2) A sound recycling program will be best achieved by cooperation of the Rhode Island
7 resource recovery corporation, the department of administration, the department of environmental
8 management and the cities and towns of the state;

9 (3) All solid waste capable of being recycled should be recycled, ~~as a target, no less than~~
10 ~~thirty five percent (35%) of the solid waste generated in the state should be disposed of through~~
11 ~~recycling;~~ and every effort should be made to ~~exceed this~~ meet the state recycling target;

12 (4) A recycling facility should be operational at the central landfill;

13 (5) Upon full implementation of the recycling program, all solid waste management,
14 both from cities and towns, and from commercial establishments, will be separated into
15 recyclable and nonrecyclable components;

16 (6) Recycling operations should begin at resource recovery plants upon initiation of plant
17 operations;

18 (7) ~~In order to develop a workable implementation schedule the department of~~
19 ~~environmental management should develop schedules for the entry of cities and towns into the~~

1 ~~source separation system;~~

2 (8) Private contractor arrangements for recovery of recyclables at the point of origin or at
3 the municipal level should be encouraged and not interfered with;

4 (9) Recyclable materials recovered at recycling facilities are to be made available to
5 private industry in the first instance, and where cost effective, operation of recycling facilities
6 should be by the private sector;

7 (10) ~~The corporation should provide, for a period of three (3) years, the reasonable~~
8 ~~additional allowable costs for implementing this program for the cities and towns;~~

9 (11) The definition of recyclable materials ~~should~~ shall be the responsibility of the
10 ~~department of environmental management; provided, that the definition shall include, but not be~~
11 ~~limited to, plastic materials that contain the plastic resins used to produce labeled (1) through (7)~~
12 ~~with the numbers clearly marked on the product and contained in a triangle formed by chasing~~
13 ~~arrows~~ corporation. The products shall be generated as part of daily, municipal, non-municipal
14 residential, or commercial activities. ~~The corporation shall accept plastic materials labeled (3)~~
15 ~~through (7) for recycling no later than June 30, 2013.~~ Plastic resin by-products, or products
16 produced for industrial use, shall not be required to be accepted at the recycling facility, unless
17 deemed appropriate for processing by the corporation. The definition ~~should~~ shall be changed
18 from time to time depending upon new technologies, economic conditions, waste stream
19 characteristics, environmental effects, or other factors;

20 (12) Telephone directories, five hundred thousand (500,000) of which, at an average
21 weight of five and one-quarter (5.25) pounds, are distributed yearly in the state, contribute
22 significantly to the solid waste stream, which would be greatly reduced if directories were printed
23 on recyclable paper and bound with a binder which will not interfere with recyclability.

24 (13) Any person who generates commercial solid waste and employs fifty (50) or more
25 employees, shall contract for recycling services as part of any agreement between a private waste
26 hauler and the commercial establishment for the disposal of solid waste. A commercial
27 establishment of any size may work with the city or town where it is located to consider options
28 that would allow the city or town to collect the commercial recyclables generated by the
29 commercial establishment.

30 (14) Pursuant to the authority provided in §42-17.1-2, the director may delegate to the
31 corporation enforcement of the provisions of this chapter under the terms and conditions
32 established by the director, including the assessment of existing penalties not to exceed one
33 thousand dollars (\$1,000) for each violation.

34 SECTION 2. Section 23-19-9 of the General Laws in Chapter 23-19 entitled "Rhode

1 Island Resource Recovery Corporation" is hereby amended to read as follows:

2 **23-19-9. Purposes of the corporation.** -- (a) The purposes of the corporation shall be:

3 (1) The planning, design, construction, financing, management, ownership, operation,
4 and maintenance of transfer stations, waste processing facilities, resource recovery facilities, and
5 all other solid waste management facilities deemed necessary by the corporation as being
6 desirable, convenient, or appropriate to carry out the provisions of this chapter;

7 (2) The provision of solid waste management services to municipalities and persons
8 within the state by receiving solid wastes at the corporation facilities, pursuant to contracts
9 between the corporation and the municipalities, and persons, the recovery of resources and
10 resource values from the solid wastes, and the production from the services and resource recovery
11 operations, of revenues sufficient to provide for the support of the corporation and its operations
12 on a self-sustaining basis with due regard to the provision of the services at a reasonable cost to
13 the clients it has contracted with;

14 (3) The fullest feasible utilization, through contractual arrangements, of private industry
15 for implementation of the corporation's plans and programs, and for any other activities that may
16 be considered necessary, desirable, or convenient by the corporation;

17 (4) Assistance with and coordination of efforts directed towards source separation of
18 solid wastes for recycling purposes, including the design and implementation of recycling
19 programs throughout the state for residential, industrial, commercial, and institutions pursuant to
20 §23-19-4(b) and in accordance with §23-19-10, provided that the corporation shall prioritize
21 outreach and technical assistance to facilitate compliance with this subsection and no later than
22 December 31, 2016, shall adopt rules and regulations to carry out the requirements of this
23 subsection;

24 (5) Assistance in the development of industries and commercial enterprises within the
25 state based upon resource recovery, recycling, and reuse;

26 (6) Provided, either by contract with a private concern or directly by the corporation, or a
27 recycling facility at, or within a convenient distance of, all solid waste management facilities
28 under the jurisdiction of the Rhode Island resource recovery corporation; and

29 (7) Develop an industrial/business park in the town of Johnston for points south of
30 Central Pike, west of Old Pocasset Road, to the intersection of Old Pocasset Road and Scituate
31 Avenue, then west of route 295, bounded to the south by the northern shore (mean high water
32 line) of the Upper Simmons Reservoir and the Lower Simmons Reservoir, through the exercise of
33 the eminent domain power and through contractual arrangements.

34 (b) These purposes shall be considered to be operating responsibilities of the corporation,

1 in accordance with the statewide solid waste management plan, and are to be considered public
2 purposes. It is the intention of this chapter that the corporation shall be granted all powers
3 necessary to fulfill these purposes and to carry out its assigned responsibilities, and that the
4 provisions of this chapter are to be construed liberally in furtherance of this intention.

5 SECTION 3. 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 - WASTE RECYCLING

1 This act would update the legislative findings of waste recycling to reflect technological
2 advances, would clarify that the Rhode Island resource recovery corporation is responsible for the
3 design and implementation of all statewide recycling programs, and would provide that the
4 director of the department of environmental management may, pursuant to existing authority,
5 delegate enforcement of the provisions of chapter 18.8 of title 23, including assessment of
6 existing penalties not to exceed one thousand dollars (\$1,000), to the Rhode Island resource
7 recovery corporation.

8 This act would take effect upon passage.

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