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LC001296

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL

Introduced By: Representatives Sanchez, Perez, Morales, Hull, Newberry, Nardone,
Chippendale, Biah, and J. Lombardi

Date Introduced: February 08, 2023

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-18.9-1 of the General Laws in Chapter 23-18.9 entitled "Refuse
2 Disposal" is hereby amended to read as follows:

3 **23-18.9-1. Responsibility for refuse disposal.**

4 (a)(1) Each city and town is required to make provision for the safe and sanitary disposal
5 of all refuse which is generated within its boundaries, including refuse from commercial and
6 industrial sources, but excluding refuse from sources owned or operated by the state or federal
7 governments, hazardous waste as defined in chapter 19.1 of this title and any refuse which is not
8 acceptable at a facility provided by the Rhode Island resource recovery corporation under chapter
9 19 of this title. The disposal facilities used to meet this responsibility may be located within or
10 outside the municipality, may be publicly or privately owned, and may include facilities used only
11 by the owner. Each city and town will be required to separate solid waste into recyclable and non-
12 recyclable components before the material is disposed of in any state owned facility; provided,
13 however, that no municipality shall be permitted to charge any resident or business within its
14 jurisdiction, any recycling fee. Implementation of the program of separation by any city or town
15 may be by separation at the source of generation or by separation at collection points or transfer
16 stations. Cities and towns may allow private and volunteer collection of recyclables. The
17 department of environmental management shall adopt and promulgate regulations to define
18 recyclable materials, and shall from time to time determine an implementation schedule for the
19 recyclable separation programs of the cities and towns. The implementation schedule shall be

1 determined and adopted by the department of environmental management after consultation and
2 cooperation with the cities and towns. The department shall adopt and promulgate an
3 implementation schedule and rules and regulations which require that commercial solid waste be
4 separated into recyclable and non-recyclable components before the material may be disposed of
5 at any state owned solid waste disposal facility. The department shall adopt and promulgate an
6 implementation schedule and rules and regulations which require that the solid waste generated at
7 state facilities be separated into recyclable and non-recyclable components before the material may
8 be disposed of in any state owned solid waste disposal facility.

9 (2) During the first three (3) years after a city or town enters the recycling program, a city
10 or town shall be deemed to have achieved compliance with the requirement of separation if that
11 city or town shall have achieved at least the same percentage of separation as achieved by similar
12 communities with compulsory programs of separation of recyclables.

13 (3) Beginning July 1, 2012 every city or town that enters into a contract with the Rhode
14 Island resource recovery corporation to dispose of solid waste shall be required to recycle a
15 minimum of thirty-five percent (35%) of its solid waste and to divert a minimum of fifty percent
16 (50%) of its solid waste. The recycling and diversion rate shall be achieved as prescribed in the
17 addendum required in subdivision 23-19-13(e)(3). For purposes of this section "diversion rate"
18 means the total amount (reflected as a percentage) of material, diverted from disposal through waste
19 prevention, recycling or re-use.

20 (b) The governing body of each city and town shall discharge its responsibility set forth in
21 subsection (a) by:

22 (1) Adopting reasonable rules and regulations governing the licensing of all qualified
23 persons engaged in the business of collection and hauling of refuse and operation of transfer stations
24 with respect to all refuse within its boundaries. All persons engaged in the business of collection or
25 hauling of refuse and operation of transfer stations within the boundaries of a municipality, shall
26 be issued a license upon application. No municipality shall unreasonably deny a license to any
27 reasonably qualified person.

28 (2) Contracting with the Rhode Island resource recovery corporation or a person approved
29 by the Rhode Island resource recovery corporation for the disposal of municipal refuse, unless a
30 municipality is operating its own landfill on December 1, 1986 or is disposing of its municipal
31 refuse under a contract approved by the corporation which was in effect on March 1, 1985, in which
32 case the municipality shall be free to continue to use the landfill until its closure, or to continue to
33 dispose of its municipal refuse under the contract until the expiration of the original term of the
34 contract or the expiration of any extension of the contract approved by the corporation or sooner

1 termination.

2 (3) In the case of cities and towns where municipal waste collection is provided by private
3 contract between the generator of the waste and the hauler, adopting rules and regulations for the
4 fair allocation of the municipal rate provided under the provisions of § 23-19-13(g) among those
5 haulers licensed to collect and haul refuse within the cities and towns.

6 (4) Adopting rules and regulations that govern the separation of solid waste into recyclable
7 and non-recyclable components. Regulations adopted under this chapter may not be inconsistent
8 with any rules, regulations, standards, and criteria adopted by the department of environmental
9 management or the Rhode Island resource recovery corporation. Each city and town is empowered
10 to adopt the regulations and to contract with the Rhode Island resource recovery corporation for
11 the enforcement of the licensing provisions thereof, including compliance with the provisions of a
12 license designating a final disposal site for all refuse collected or hauled by the licensee within the
13 municipality's boundaries and requiring the separation of recyclable materials from municipal,
14 non-municipal, residential and commercial sources.

15 (c) To assist each city and town in carrying out these responsibilities, the Rhode Island
16 resource recovery corporation shall:

17 (1) Administer any financial assistance granted by the state to localities, as provided in this
18 chapter, and establish and publish rules and regulations concerning eligibility, disbursement, and
19 use of financial assistance.

20 (2) Provide technical assistance to cities and towns concerning their refuse problems.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would prohibit municipalities from charging any recycling fees.
- 2 This act would take effect upon passage.

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