

2009 -- S 0351

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO HEALTH AND SAFETY

Introduced By: Senators Sosnowski, Felag, and Walaska

Date Introduced: February 12, 2009

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-19-3 of the General Laws in Chapter 23-19 entitled "Rhode
2 Island Resource Recovery Corporation" is hereby amended to read as follows:

3 **23-19-3. Declaration of policy.** -- The following are declared to be policies of the state:

4 (1) That the ultimate solid waste management objective of the state is to maximize
5 recycling and reuse of solid waste;

6 (2) That solid waste management facilities and projects are to be implemented either by
7 the state or under state auspices, in furtherance of these goals;

8 (3) That appropriate governmental structure, processes, and support must be provided so
9 that an effective and integrated statewide network of solid waste management facilities may be
10 planned, financed, developed and operated for the benefit of the people and municipalities of the
11 state;

12 (4) That solid waste management activities be conducted in an environmentally sound
13 manner;

14 (5) That private industry be encouraged to continue playing a key role in the state's solid
15 waste management programs;

16 (6) That solid waste management facilities and services be provided for municipalities,
17 institutions, and persons in the state at reasonable costs, by state solid waste management systems
18 and facilities, where the services and facilities are considered necessary and desirable; the
19 facilities and services shall be used by all persons and municipalities within the state under terms

1 and conditions that the Rhode Island resource recovery corporation shall reasonably fix and
2 establish; provided, however, that municipalities operating their own landfills on December 1,
3 1986 shall be free to continue to use the landfills until the closure of the landfills; and provided,
4 further, that this subdivision shall not be construed to affect or impair any valid contract for
5 disposal of municipal waste which was in effect on March 1, 1985 until the expiration of the
6 original term of the contract, or the expiration of any extension approved by the corporation, or
7 sooner termination of the contract; after the closure of the landfill or expiration or earlier
8 termination of the contracts, the municipalities shall be required to use the facilities and services
9 as the corporation shall direct;

10 (7) That provision shall be made for planning, research, and development, and
11 appropriate innovation in the design, management, and operation of the state's system for solid
12 waste management, in order to permit continuing improvement and provide adequate incentives
13 and processes for lowering operating and other costs;

14 (8) That the Rhode Island resource recovery corporation established pursuant to this
15 chapter shall plan and implement solid waste management facilities where necessary and
16 desirable throughout the state, in accordance with the general laws and with applicable state
17 regulations, including, without limitation, regulations of the department of health and the
18 department of environmental management;

19 (9) The creation, licensing, and operation of landfill solid waste disposal facilities should
20 be limited to what is reasonably required to service the needs of the inhabitants and businesses of
21 this state, having regard for alternative technologies for waste disposal;

22 (10) That the Rhode Island resource recovery corporation will provide, either by contract
23 with a private concern or directly by the corporation, a recycling facility as defined by the
24 department of environmental management at, or within a convenient distance of, all solid waste
25 disposal facilities under its jurisdiction. These recycling facilities will provide cities and towns
26 with a place to deposit their recyclable materials at no tipping cost to the municipalities; provided,
27 however, that tipping fees may be charged in accordance with this chapter when the solid waste
28 processing facility is designed to process nonsource separated or partially source separated solid
29 waste for recycling at least seventy percent (70%) of the municipal solid waste stream.

30 (11) An integrated approach shall be adopted with respect to solid waste management
31 planning and implementation activities that shall be based on the following priorities to the extent
32 economically feasible:

33 (i) Reduction of the amount of source waste generated;

34 (ii) Source separation and recycling;

1 (iii) Waste processing such as recycling based technology to reduce the volume of waste
2 necessary for land disposal;

3 (iv) Land disposal;

4 (12) That the central landfill should be reserved for the disposal of solid waste generated
5 within the state; and

6 (13) That the resource recovery corporation will operate the central landfill in a manner
7 designed to afford to the environment and to the citizens of the state who reside near the landfill
8 the maximum protection which is available for the land disposal of rubbish and minimize or
9 eliminate land disposal of solid waste.

10 (14) That due to the myriad of over four hundred (400) toxic pollutants including lead,
11 mercury, dioxins, and acid gasses known to be emitted by solid waste incinerators, the known and
12 unknown threats posed by solid waste incinerators to the health and safety of Rhode Islanders,
13 particularly children, along with the known and unknown threats to the environment are
14 unacceptable.

15 (15) That despite the use of state of the art landfill liner systems and leachate collection
16 systems, landfills, and particularly incinerator ash landfills, release toxic leachate into ground and
17 surface waters which poses an unacceptable threat to public health, the environment, and the
18 state's limited ground and surface water resources.

19 (16) That incineration of solid waste is the most costly method of waste disposal with
20 known and unknown escalating costs that would place substantial and unreasonable burdens on
21 both state and municipal budgets to the point of seriously jeopardizing the public's interest.

22 (17) That the highest and best use of leaf and yard debris is for use in the composting
23 process and the resulting compost material is a valuable soil amendment for agricultural and
24 landscaping operations. The corporation shall accept segregated leaf and yard debris collected
25 from municipalities as part of a municipal leaf and yard waste diversion program. Municipalities
26 shall have a .025 ton per person cap on the amount of leaf and yard debris they deliver to the
27 corporation's facility annually beginning on July 1, 2009. The corporation shall establish a
28 municipal leaf and yard debris borrowing program that allows municipalities to share portions of
29 their unutilized cap tonnage with municipalities that are in excess of their cap tonnage. This
30 program shall not allow an individual municipality to borrow more than one-half (1/2) of its
31 established tonnage cap. This material shall be accepted at no charge to municipalities, provided
32 that the corporation may charge twenty-five dollars (\$25.00) per ton for every ton that exceeds
33 the per person cap not including any tonnage that a municipality utilized from the leaf and yard
34 debris borrowing program established for the municipality. This material shall be composted at

1 the corporation's facility. The resulting compost shall be used by the corporation for operational
2 and construction needs, and may be periodically available to municipalities and state agencies at
3 no charge. The corporation shall quantify the amount of leaf and yard debris it requires on an
4 annual basis to create compost for landfill and construction operation purposes. The corporation
5 shall report this amount to the general assembly no later than September 1, 2008.

6 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

- 1 This act would require the Rhode Island resource recovery corporation to establish a
2 municipal leaf and yard debris borrowing program that would allow municipalities to share
3 portions of their unutilized cap tonnage with municipalities that are in excess of their cap tonnage.
4 This act would take effect upon passage.

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