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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY
CORPORATION

Introduced By: Representatives Ucci, Costantino, Fellela, and Carnevale

Date Introduced: February 12, 2014

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-19-3 and 23-19-11 of the General Laws in Chapter 23-19
2 entitled "Rhode Island Resource Recovery Corporation" are 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

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

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

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

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

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

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

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

1 (ii) Source separation and recycling;

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

4 (iv) Land disposal;

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

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

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

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

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

23 (17) (16) That the highest and best use of leaf and yard debris is for use in the
24 composting process and the resulting compost material is a valuable soil amendment for
25 agricultural and landscaping operations. The corporation shall accept segregated leaf and yard
26 debris collected from municipalities as part of a municipal leaf and yard waste diversion program.
27 Municipalities shall have a .025 ton per person cap on the amount of leaf and yard debris they
28 deliver to the corporation's facility annually beginning on July 1, 2009. The corporation shall
29 establish a municipal leaf and yard debris borrowing program that allows municipalities to share
30 portions of their choosing of their unutilized cap tonnage with municipalities that are in excess
31 of their cap tonnage. This program shall not allow an individual municipality to borrow more than
32 one-half (1/2) of its established tonnage cap. This material shall be accepted at no charge to
33 municipalities, provided that the corporation may charge twenty-five dollars (\$25.00) per ton for
34 every ton that exceeds the per person cap not including any tonnage that a municipality utilized

1 from the leaf and yard debris borrowing program established for the municipality. This material
2 shall be composted at the corporation's facility. The resulting compost shall be used by the
3 corporation for operational and construction needs, may be marketed by the corporation to help
4 offset processing costs and may be periodically available to municipalities and state agencies at
5 no charge. The corporation shall quantify the amount of leaf and yard debris it requires on an
6 annual basis to create compost for landfill and construction operation purposes. The corporation
7 shall report this amount to the general assembly no later than September 1, 2008.

8 **23-19-11. Planning requirements.** -- Planning responsibilities of the corporation shall
9 include, but not be limited to:

10 (1) The preparation of a statewide resource recovery system development plan which
11 will indicate the location, type, and size of solid waste management facilities, including without
12 limitation, transfer stations, waste processing facilities, and ultimate disposal facilities which may
13 be required to serve the future needs of the state and its municipalities through the development
14 of an integrated statewide resource recovery system for the effective management of solid waste;

15 (2) The plan shall be in conformity with the applicable provisions of the state guide plan;

16 (3) The plan will be subject to amendment;

17 (4) In developing the plan, the corporation will assure that:

18 (i) The orderly extension of future solid waste facilities and management systems are
19 provided for in a manner consistent with the needs and plans of the whole area, and in a manner
20 consistent with the state departments of health and environmental management rules and
21 regulations for locating and operating solid waste facilities;

22 (ii) All aspects of planning, zoning, population estimates, engineering, and economics
23 are taken into consideration to delineate with all practical precision those portions of the area
24 which may reasonably be expected to be served by a given time frame, as determined by the
25 corporation;

26 (iii) Appropriate time schedules are set for the phasing in of the required component
27 parts of the system.

28 (iv) Future solid waste disposal facilities shall be regional in size and emphasize the
29 geographic and political nature of the surrounding area.

30 (5) In the interim prior to the completion of the statewide plan, the corporation is
31 authorized to develop component facilities as may be required to carry out the purposes of this
32 chapter; provided, however, upon completion of the plan, all projects of the corporation
33 undertaken thereafter shall be in conformity with the plan; and

34 (6) The corporation shall cooperate with the department of environmental management

1 and other state and local agencies in the development of a comprehensive statewide solid waste
2 management plan, of which the corporation's statewide resource recovery system development
3 plan shall be a component part. Nothing in this chapter shall be interpreted as limiting the
4 authority of the department of environmental management to prepare a statewide, comprehensive,
5 solid waste management plan, including, but not limited to, any plan required by any federal law,
6 rules, or regulations to meet federal requirements that may be conditions precedent to receiving
7 federal assistance.

8 ~~(7) The plan shall not include incineration of solid waste.~~

9 ~~(8)~~ (7) The plan shall limit the use of landfills to providing temporary backup or bypass
10 disposal capacity and residue disposals from waste processing facilities. The plan shall also seek
11 to minimize landfilling of any type of waste and phase out the use of landfills for waste disposal.

12 ~~(9)~~ (8) The plan shall include composting of yard waste and other appropriate organic
13 wastes.

14 ~~(10)~~ (9) The plan shall consider the financial feasibility of modifying, curtailing, or
15 supplanting the provisions of chapter 19.1 of this title in light of the requirements for waste
16 processing facilities.

17 ~~(11)~~ (10) The plan shall primarily rely on a system of waste processing facilities.

18 ~~(12)~~ (11) The plan shall provide that the corporation actively pursue research and
19 develop new uses for materials recovered from solid waste to maximize revenue from recycled
20 materials.

21 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 - RHODE ISLAND RESOURCE RECOVERY
CORPORATION

- 1 This act would allow the Rhode Island Resource Recovery Corporation to consider the
- 2 option of waste to energy.
- 3 This act would take effect upon passage.

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