

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO HEALTH AND SAFETY -- ORGANIC WASTE RECYCLING

Introduced By: Senators Calkin, Anderson, Mendes, Bell, and Mack

Date Introduced: March 10, 2022

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 18.18

4 ORGANIC WASTE RECYCLING

5 **23-18.18-1. Legislative findings.**

6 (a) The general assembly finds and declares all of the following:

7 (1) Short-lived climate pollutants, such as black carbon, fluorinated gases, and methane,
8 are powerful climate forcers that have a dramatic and detrimental effect on air quality, public health,
9 and climate change.

10 (2) These pollutants create a warming influence on the climate that is many times more
11 potent than that of carbon dioxide.

12 (3) Short-lived climate pollutants that are toxic air contaminants also are a significant
13 environmental risk factor for premature death.

14 (4) Reducing emissions of these pollutants can have an immediate beneficial impact on
15 climate change and on public health.

16 (5) To the extent possible, efforts to reduce emissions of short-lived climate pollutants
17 should focus on areas of the state that are disproportionately affected by poor air quality.

18 (b) It is the intent of the general assembly to support the adoption of policies that improve
19 organics recycling and innovative, cost effective, and environmentally beneficial uses of

1 biomethane derived from solid waste facilities.

2 **23-18.18-2. Definitions.**

3 As used in this chapter:

4 (1) “Commission” means the public utilities commission.

5 (2) “Department” means the department of environmental management.

6 (3) “Office” means the state office of energy resources.

7 (4) “Strategy” means the strategy to reduce short-lived climate pollutants developed
8 pursuant to § 23-18.18-3.

9 **23-18.18-3. Short-lived climate pollutant strategy.**

10 (a) No later than January 1, 2024, the department of environmental management shall
11 approve and begin implementing the comprehensive short-lived climate pollutant strategy
12 developed pursuant to this section and § 23-18.18-4 to achieve a reduction in the statewide
13 emissions of methane by forty percent (40%), hydrofluorocarbon gases by forty percent (40%), and
14 anthropogenic black carbon by fifty percent (50%) below 2022 levels by 2030.

15 (b) Prior to approving the short-lived climate pollutant strategy pursuant to subsection (a)
16 of this section, the department shall do all of the following:

17 (1) Coordinate with other state and local agencies and districts to develop measures
18 identified as part of the strategy.

19 (2) Provide a forum for public engagement by holding at least three (3) public hearings in
20 geographically diverse locations throughout the state.

21 (3) Evaluate the best-available scientific, technological, and economic information to
22 ensure that the strategy is cost effective and technologically feasible.

23 (4) Incorporate and prioritize, as appropriate, measures and actions that provide the
24 following co-benefits:

25 (i) Job growth and local economic benefits in the state.

26 (ii) Public health benefits.

27 (iii) Potential for new innovation in technology, energy, and resource management
28 practices.

29 (c) The department of environmental management shall publicly notice the strategy
30 described in subsection (a) of this section and post a copy of that strategy on the state board’s
31 Internet website at least one month prior to the department of environmental management
32 approving the strategy pursuant to subsection (a) of this section.

33 **23-18.18-4. Methane emissions reduction goals.**

34 (a) Consistent with § 23-18.18-3, methane emissions reduction goals shall include the

1 following targets to reduce the landfill disposal of organics:

2 (1) A fifty percent (50%) reduction in the level of the statewide disposal of organic waste
3 from the 2022 level by 2030.

4 (2) A seventy-five (75%) percent reduction in the level of the statewide disposal of organic
5 waste from the 2022 level by 2030.

6 (b) Except as provided herein, the department shall not adopt, prior to January 1, 2025,
7 requirements to control methane emissions associated with the disposal of organic waste in landfills
8 other than through landfill methane emissions control regulations.

9 **23-18.18-5. Dairy and livestock.**

10 (a) No later than July 1, 2024, the department, shall analyze the progress the dairy and
11 livestock sector has made in achieving the goals identified in the strategy and specified herein. The
12 analysis shall determine if sufficient progress has been made to overcome technical and market
13 barriers, as identified in the strategy. If the analysis determines that progress has not been made in
14 meeting the targets due to insufficient funding or technical or market barriers, the department and
15 upon consultation with stakeholders, may reduce the goal in the strategy for the dairy and livestock
16 sectors, as identified herein

17 (b) No later than January 1, 2024, the department, in consultation with the commission and
18 the office of energy resources, shall establish energy infrastructure development and procurement
19 policies needed to encourage dairy biomethane projects to meet the goal identified pursuant to this
20 chapter.

21 (c) The department shall develop a pilot financial mechanism to reduce the economic
22 uncertainty associated with the value of environmental credits from dairy-related projects
23 producing low-carbon transportation fuels. The department shall make recommendations to the
24 legislature for expanding this mechanism to other sources of biogas.

25 (d) No later than January 1, 2024, the commission, in consultation with the department and
26 the office, shall direct gas corporations to implement not less than five (5) dairy biomethane pilot
27 projects to demonstrate interconnection to the common carrier pipeline system. For the purposes
28 of these pilot projects, gas corporations may recover in rates the reasonable cost of pipeline
29 infrastructure developed pursuant to the pilot projects.

30 (e) Enteric emissions reductions shall be achieved only through incentive-based
31 mechanisms until the department determines that a cost-effective, alternative is available
32 considering the impact on animal productivity, and scientifically proven method of reducing enteric
33 emissions is available and that adoption of the enteric emissions reduction method would not
34 damage animal health, public health, or consumer acceptance. Voluntary enteric emissions

1 reductions may be used toward satisfying the goals of this chapter.

2 (f) Except as provided in this section, the department shall not adopt methane emissions
3 reduction regulations controlling the emissions of methane from dairy operations or livestock
4 operations to achieve greenhouse gas emissions reduction goals established pursuant to chapter 6.2
5 of title 42 ("act on climate").

6 (g) Nothing in this section shall limit the authority of the department to acquire planning
7 and baseline information, including requiring the monitoring and reporting of emissions.

8 (h) This section does not in any way affect the departments' authority to regulate emissions
9 of criteria pollutants, toxic air contaminants, or other pollutants.

10 **23-18.18-6. Goals.**

11 (a) The department shall adopt regulations to achieve the organic waste reduction goals for
12 2024 and 2030. The regulations shall comply with all of the following:

13 (1) May require local jurisdictions to impose requirements on generators or other relevant
14 entities within their jurisdiction and may authorize local jurisdictions to impose penalties on
15 generators for noncompliance.

16 (2) Shall include requirements intended to meet the goal that not less than twenty percent
17 (20%) of edible food that is currently disposed of is recovered for human consumption by 2030.

18 (3) Shall not establish a numeric organic waste disposal limit for individual landfills.

19 (4) May include different levels of requirements for local jurisdictions and phased timelines
20 based upon their progress in meeting the organic waste reduction goals for 2024 and 2030. The
21 department shall base its determination of progress on relevant factors, including, but not limited
22 to, reviews conducted, the amount of organic waste disposed compared to the 2014 level, per capita
23 disposal rates, and other relevant information provided by a jurisdiction.

24 (5) May include penalties to be imposed by the department for noncompliance. If penalties
25 are included, they shall not exceed the amount authorized.

26 (6) Shall take effect on or after January 1, 2024, except the imposition of penalties shall
27 not take effect until two (2) years after the effective date of the regulations.

28 (b) A local jurisdiction may charge and collect fees to recover the local jurisdiction's costs
29 incurred in complying with the regulations adopted pursuant to this section.

30 **23-18.18-7. Infrastructure development.**

31 (a) No later than July 1, 2024, the department shall analyze the progress that the waste
32 sector, state government, and local governments have made in achieving the organic waste
33 reduction goals for 2024 and 2030. The analysis shall include all of the following:

34 (1) The status of new organics recycling infrastructure development, including the

1 commitment of state funding and appropriate rate increases for solid waste and recycling services
2 to support infrastructure expansion.

3 (2) The progress in reducing regulatory barriers to the siting of organics recycling facilities
4 and the timing and effectiveness of policies that will facilitate the permitting of organics recycling
5 infrastructure.

6 (3) The status of markets for the products generated by organics recycling facilities,
7 including cost-effective electrical interconnection and common carrier pipeline injection of digester
8 biomethane and the status of markets for compost, biomethane, and other products from the
9 recycling of organic waste.

10 (b) If the department determines that significant progress has not been made on the items
11 analyzed pursuant to this chapter the department may include incentives or additional requirements
12 in the regulations facilitate progress towards achieving the organic waste reduction goals for 2024
13 and 2030. The department may, upon consultation with stakeholders, recommend to the general
14 assembly revisions to those organic waste reduction goals.

15 **23-18.18-8. Local authority.**

16 This chapter shall not limit the authority of a local jurisdiction to adopt, implement, or
17 enforce requirements in addition to those set forth in the regulations adopted pursuant to this
18 chapter.

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

=====
LC005296
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- ORGANIC WASTE RECYCLING

1 This act would require the department of environmental management, no later than January
2 1, 2024, to approve and begin implementing that comprehensive strategy to reduce emissions of
3 short-lived climate pollutants to achieve a reduction in methane by forty percent (40%),
4 hydrofluorocarbon gases by forty percent (40%), and anthropogenic black carbon by fifty percent
5 (50%) below 2022 levels by 2030, as specified. The bill also would establish specified targets for
6 reducing organic waste in landfills.

7 This act would take effect upon passage.

=====
LC005296
=====