

**2012 -- H 7966 SUBSTITUTE A**

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LC02227/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2012**

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A N A C T

RELATING TO WATERS AND NAVIGATION

Introduced By: Representatives Baldelli-Hunt, Brien, and Phillips

Date Introduced: March 15, 2012

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 46-12-2 of the General Laws in Chapter 46-12 entitled "Water  
2   Pollution" is hereby amended to read as follows:

3           **46-12-2. Administration.** -- (a) It shall be the responsibility of the director of the  
4   department of environmental management to administer this chapter. Within the department of  
5   environmental management, the director may employ personnel who shall come within the  
6   classified service in accordance with the laws of this state for the purposes of this chapter, and  
7   may delegate to a subordinate or subordinates any or all the powers and duties vested in the  
8   director hereunder. The general assembly shall annually appropriate such sums as it may deem  
9   necessary for the expenses of administering this chapter.

10           (b) The department of environmental management is hereby designated as the state water  
11   pollution control agency for this state for all purposes of the Clean Water Act, as amended, 33  
12   U.S.C. section 1251 et seq., and is hereby authorized to take all action necessary or appropriate to  
13   secure to this state the benefits of that act.

14           (c) The department of environmental management is hereby designated to operate the  
15   underground injection control program under the federal Safe Drinking Water Act, as amended,  
16   42 U.S.C. section 300f et seq., and is hereby authorized to take all action necessary or appropriate  
17   to secure to this state the benefits of that program.

18           (d) The department of environmental management is hereby designated to administer the  
19   wellhead protection program as approved by the federal Environmental Protection Agency and in

1 accordance with the federal Safe Drinking Water Act, as amended, 42 U.S.C. section 300f et seq.,  
2 and is hereby authorized to take all actions necessary or appropriate to secure to this state the  
3 benefits of that program. The department of environmental management shall cooperate and  
4 coordinate wellhead protection program activities with the department of health public drinking  
5 water supply program.

6 (e) The department of environmental management is hereby designated to administer the  
7 underground storage tank program as approved by the federal Environmental Protection Agency  
8 pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. section 6901 et  
9 seq., and is hereby authorized to take all necessary or appropriate actions to secure to this state  
10 the benefits of this program, including participation via cooperative agreement with the  
11 Environmental Protection Agency (EPA) in the leaking underground storage tank trust fund.

12 (f) The department of environmental management is hereby designated to establish,  
13 administer, and enforce standards for nutrients as necessary to protect, maintain and/or improve  
14 the ecological functions of the marine and aquatic resources of the state; and to prepare, adopt,  
15 and implement plans as necessary and appropriate to accomplish the purposes of managing  
16 nutrient loadings and preventing, abating, and/or eliminating the deleterious effects of nutrients,  
17 including, but not limited to, eutrophication, harmful algal blooms, hypoxia, anoxia, oxygen-  
18 stress-induced population shifts, and/or fish kills. To implement the purposes of this subsection,  
19 the department shall implement measures to achieve an overall goal of reducing nitrogen loadings  
20 from waste water treatment facilities by fifty percent (50%) by December 31, 2008, which date,  
21 in its implementation, may be adjusted to be consistent with compliance with permit  
22 modifications, through waste water treatment facility upgrades scheduled to be undertaken by  
23 December 31, 2006, and through proposed permit modifications, which shall be issued by the  
24 department on or before July 1, 2004. The department shall report on the implementation of these  
25 measures in the report required by section 46-12-3(25).

26 [\(g\) Due to severe fiscal constraints, the city of Woonsocket shall not implement measures](#)  
27 [to meet the standards adopted by the department of environmental management pursuant to](#)  
28 [subsection 46-12-2\(f\) until on or before December 31, 2017.](#)

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO WATERS AND NAVIGATION

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1           This act would provide that the city of Woonsocket not implement nutrient waste water  
2 treatment standards as established by the department of environmental management until on or  
3 before December 31, 2017.

4           This act would take effect upon passage.

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