

2012 -- S 2277

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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 HEALTH AND SAFETY - ENVIRONMENTAL CLEAN UP OBJECTIVES
FOR SCHOOLS

Introduced By: Senators Pichardo, Jabour, Metts, Picard, and Crowley

Date Introduced: February 01, 2012

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-19.14-4 of the General Laws in Chapter 23-19.14 entitled
2 "Industrial Property Remediation and Reuse Act" is hereby amended to read as follows:

3 **23-19.14-4. Objectives of environmental clean-up.** – (a) The department of
4 environmental management will develop, maintain and publish numerical objectives for the most
5 commonly found hazardous substances. These objectives will be applicable for the clean-up of
6 contaminated properties to levels which are protective of human health and the environment
7 based on current and reasonably foreseeable future use of a property and the surrounding natural
8 resources.

9 (b)(1) The construction of any new school building; or (2) Construction of an addition to
10 any existing school building; or (3) Leasing of any portion of an existing building to serve as a
11 school shall be prohibited on any portion of a parcel of property for which, upon occupancy, there
12 exists an ongoing potential for hazardous materials and/or petroleum to migrate as vapors or
13 gases into the building from the subsurface of the parcel of property, including any potential
14 failure of engineered remedies to address said vapors or gases.

15 (c) The construction of any school building, or construction of an addition to any existing
16 school building, or leasing of any portion of an existing building to serve as a school on any
17 portion of a parcel of property formerly used for industrial, manufacturing or landfill purposes
18 that is contaminated by hazardous materials, other than on a parcel of property described in

1 subsection (b) of this section, shall be prohibited unless at least thirty (30) days prior to selecting
2 the location for construction or leasing the building the project sponsor undertakes all of the
3 following measures with ten (10) days prior written notice to the public of each measure
4 undertaken:

5 (1) Prepares and posts on the sponsor's website a written report that: (i) Projects the costs
6 to acquire or lease the property, and to cleanup and maintain the property in accordance with the
7 department of environmental management's Rules and Regulations for the Investigation and
8 Remediation of Hazardous Material Releases (the Remediation Regulations); (ii) Projects the
9 time period required to complete a cleanup of the property for school purposes prior to occupancy
10 by obtaining either a Letter of Compliance from the department of environmental management or
11 a determination by said department that the property is not jurisdictional under the Remediation
12 Regulations; (iii) Discusses the rationale for selecting the property for use as school purposes and
13 an explanation of any alternatives to selecting said property considered by the project sponsor;

14 (2) Solicits written comments on the report prepared pursuant to subdivision (1) of this
15 subsection for a period of at least thirty (30) days after posting said report on the sponsors website
16 and conducts a public hearing during said thirty (30) day period at which public comment is taken
17 on said report; and

18 (3) Prepares a second written report that summarizes and responds to the public
19 comments received during the public comment period and at the public hearing and posts said
20 second report on the sponsor's website.

21 (d) The sponsor of any school project subject to the provisions of subsection (c) of this
22 section shall consider the results and findings contained in the reports required by subsection (c)
23 when selecting the location of said project.

24 (e) As used in this section.

25 (1) The term "school" means any residential or non-residential school building, public,
26 private or charter, of any city or town or community educational system regulated, directly or
27 secondarily, by the board of regents for elementary and secondary education or the department of
28 elementary and secondary education or any other state education board or local city or town
29 school board or school committee or other legal educational subdivision acting under it. As used
30 in this chapter, the term "school or schools" includes, but is not limited to, school playgrounds,
31 school administration buildings, indoor school athletic facilities, school gymnasiums, school
32 locker rooms, and similar school buildings. A school shall not include any institutions for
33 education of adults (e.g. colleges, universities, graduate schools, trade schools) or child-care
34 facilities as regulated by the department of children, youth and families.

1 (2) The term "landfill" means for purposes of this section, any portion of a parcel of
2 property that was used as a landfill as defined in section 23-19.1-4 or a sanitary landfill, dump or
3 other disposal area where more than thirty (30) cubic yards of solid waste was disposed.

4 (3) The term "hazardous materials" means any materials defined as hazardous materials
5 pursuant to section 23-19.14-3.

6 (4) The term "solid waste" means any materials defined as solid waste pursuant to section
7 23-18.9-7.

8 SECTION 2. Section 16-9-4.1 of the General Laws in Chapter 16-9 entitled "School
9 Funds and Property" is hereby amended to read as follows:

10 **16-9-4.1. New school construction -- Regulations for technology requirements. --** (a)

11 The department of elementary and secondary education is instructed to develop regulations to
12 ensure that any city, town, or district which undertakes "new school construction" as defined in
13 this section provides in the planning for necessary wiring which is consistent with current
14 standards for computer networking technology in schools.

15 (b) The sponsor of any new school construction project or any school project involving
16 the leasing of any portion of an existing building for use as a school shall also comply with the
17 requirements for schools set forth in section 23-19.14-4.

18 (c)(b) For the purposes of this section, "new school construction" means: (1) Any new
19 school buildings.

20 (2) Additions of any new classrooms to existing school buildings.

21 SECTION 3. 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 - ENVIRONMENTAL CLEAN UP OBJECTIVES
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- 1 This act would provide further regulation of the use of former hazardous material sites for
- 2 new construction.
- 3 This act would take effect upon passage.

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