AN ACT

RELATING TO TOWNS AND CITIES -- THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT--JURISDICTION

Introduced By: Representatives Serpa, Fellela, Nunes, Shekarchi, and Chippendale

Date Introduced: February 13, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 42-64.13 of the General Laws entitled "Rhode Island Regulatory Reform Act" is hereby amended by adding thereto the following section:

42-64.13-10. Statewide standards for wetlands and septic disposal. -- (a) The general assembly finds and declares:

(1) Under section 42-17.1-2, the director of the department of environmental management is charged with regulating septic systems, alterations of freshwater wetlands, and other activities which may impact waters of the state; under chapter 46-23, the coastal resources management council is charged with regulating alteration of freshwater wetlands in the vicinity of the coast and other activities that impact coastal resources.

(2) The statewide standards established pursuant to these authorities may be inadequate to protect the natural resources of our state and need to be reevaluated based on current scientific data.

(3) Many municipalities have implemented stricter setback and septic disposal standards to strengthen protection of critical local environmental resources including groundwater, coastal and fresh water wetlands, rivers and streams, and drinking supplies.

(4) Dissimilar municipal standards have resulted in a land use system wherein local governments manage watersheds and groundwater aquifers using a variety of methods resulting in diverse outcomes.
(5) The lack of a uniform process tends to burden businesses and property owners that require a predictable regulatory environment in order to be successful.

(6) Clear, predictable and reliable standards and a regulated process are needed to foster a business climate that will grow our economy while ensuring the protection of our natural resources.

(b) No later than December 31, 2014, the Rhode Island division of planning in consultation with the task force established in subsection (c), shall prepare and submit to the governor, the senate president and the speaker of the house a report that is based upon current science, water resources and wetlands protection needs, and addresses onsite waste water treatment system (OWTS) regulation, and watershed planning. The report shall make recommendations that ensure the protection of this state’s natural resources while balancing the need for economic development and shall:

(1) Include an assessment of the adequacy of protection afforded to wetlands and/or waters of the state under sections 2-1-18 through 2-1-25, subdivisions 42-17.1-2(2) and (12), and section 46-23 of the general laws;

(2) Identify gaps in protection for septic disposal and various wetlands; and

(3) Recommend statutory and/or regulatory changes that are required to protect wetlands statewide, including, that upon the establishment of such standards by the legislature, municipalities shall not adopt or enforce any local ordinances or requirements for OWTS or wetland buffers and setbacks that exceed or otherwise conflict with such recommended statewide standards.

(c) The Rhode Island division of planning shall establish a task force and appoint members thereto representing a balance of the interests to ensure the protection of this state’s natural resources while recognizing the need for economic development, and at a minimum shall include:

(1) The director of the department of environmental management, or designee;

(2) The director of the office of regulatory reform, or designee;

(3) The executive director of the coastal resources management council, or designee;

(4) One representative each from an environmental entity and a builders’ trade association;

(5) At least two (2) municipal representatives;

(6) At least two (2) representatives from the business community; and

(7) At least one civil engineer, or one environmental engineer with experience in OWTS and wetlands regulation, and one wetlands biologist.
(d) Implementation - The director of the department of environmental management in consultation with the director of the office of regulatory reform shall submit to the governor, the speaker of the house and the senate president, proposed legislation establishing statewide standards identified in the report issued pursuant to subsection (b) no later than January 31, 2015.

(e) This section shall not apply to OWTSs maintenance and cesspool phase-outs.

SECTION 2. This act shall take effect upon passage.
This act would require the Rhode Island division of planning, in consultation with a task force representing diverse interests, to prepare and submit to the governor, the senate president and the speaker of the house, a report that would make recommendations for state standards that addresses onsite waste water treatment system OWTSs regulations, and wetlands and watershed planning. This act would not apply to OWTS, maintenance, and cesspool phase-outs.

This act would take effect upon passage.