



## STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration  
 BUDGET OFFICE  
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**Memorandum**

**To:** The Honorable Steven M. Costantino  
 Chairman, House Finance Committee

The Honorable Daniel DaPonte  
 Chairman, Senate Finance Committee

**From:** Rosemary Booth Gallogly  
 Executive Director/State Budget Officer *R.B. Gallogly*

**Date:** February 16, 2010

**Subject:** New Article for FY 2011 Appropriations Act

The Governor requests that a new article be included in the FY 2011 Appropriations Act (H-7397). This article would extend the municipal tipping fees for the Resource Recovery Corporation, enacted in the 2009 session of the General Assembly, for an additional year. Due to an oversight by the Budget Office, we were not aware that these new fees would expire as of June 30, 2010. In addition, the separate section of the general laws, 23-19-13, that provided the Corporation the authority to assess a tipping fee to municipalities was amended in the last session to sunset the section limiting the annual increase to 7.5% as of June 30, 2009. As a result, without the extension of these fees, it appears the Corporation would have the authority to charge any fee as of July 1, 2010.

This article would establish a new section under the Resource Recovery Corporation section of the general laws and delete the section called "Interim Rates" currently under Chapter 39-3 entitled "Regulatory Powers of Administration". We believe this is the more appropriate section of law to contain this language.

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If you have any questions on this new article, please feel free to contact me.

RBG:sm 10-13

Attachment

cc: Representative Robert A. Watson  
Senator Dennis L. Algiere  
Sharon Reynolds Ferland ✓  
Peter Marino  
Tim Costa  
Michael Cronan  
Gregory Stack

## ARTICLE X

### RELATING TO MUNICIPAL TIPPING FEES

SECTION 1. Section 39-3-11.2 of the General Laws in Chapter 39-3 entitled "Regulatory Powers of Administration" is hereby repealed:

~~39-3-11.2 Interim rates.~~ Notwithstanding the provisions of titles 23 and 39, the municipal tipping fee charged by the resource recovery corporation shall be as follows:

~~(1) Thirty two dollars (\$32.00) per ton from July 1, 2009 to June 30, 2010, for any municipality that recycles between zero percent (0%) and twenty three and ninety nine hundredths percent (23.99%) of its solid waste at the corporation's material recycling facility ("MRF") in Johnston.~~

~~(2) Thirty one dollars (\$31.00) per ton from July 1, 2009 to June 30, 2010, for any municipality that recycles between twenty four percent (24%) and twenty nine and ninety nine hundredths percent (29.99%) of its solid waste at the Corporation's ("MRF") in Johnston.~~

~~(3) Thirty dollars (\$30.00) per ton from July 1, 2009 to June 30, 2010, for any municipality that recycles between thirty percent (30%) and thirty four and ninety nine hundredths percent (34.99%) of its solid waste at the Corporation's ("MRF") in Johnston.~~

~~(4) Twenty nine dollars (\$29.00) per ton from July 1, 2009 to June 30, , for any municipality that recycles thirty five percent (35%) or more of its solid waste at the Corporation's ("MRF") in Johnston.~~

~~(5) The corporation shall issue a rebate not later than September 1, 2010 to those municipalities qualifying for a year end tipping fee adjustment according to the municipality's actual recorded tonnage delivered to the MRF in Johnston, and in accordance with the provisions of the municipality's current year signed solid waste and recycling services agreement with the corporation.~~

SECTION 2. Chapter 23-19 of the General Laws entitled "Rhode Island Resource Recovery Corporation" is hereby amended by adding thereto the following section:

23-19-13.4 Interim rates. – The municipal tipping fee charged by the resource recovery corporation shall be as follows:

(1) Thirty-two dollars (\$32.00) per ton from July 1, 2010 to June 30, 2011, for any municipality that recycles between zero percent (0%) and twenty-three and ninety-nine hundredths percent (23.99%) of its solid waste at the corporation's material recycling facility ("MRF") in Johnston.

(2) Thirty-one dollars (\$31.00) per ton from July 1, 2010 to June 30, 2011, for any municipality that recycles between twenty-four percent (24%) and twenty-nine and ninety-nine hundredths percent (29.99%) of its solid waste at the Corporation's ("MRF") in Johnston.

(3) Thirty dollars (\$30.00) per ton from July 1, 2010 to June 30, 2011, for any municipality that recycles between thirty percent (30%) and thirty-four and ninety-nine hundredths percent (34.99%) of its solid waste at the Corporation's ("MRF") in Johnston.

(4) Twenty-nine dollars (\$29.00) per ton from July 1, 2010 to June 30, 2011, for any municipality that recycles thirty-five percent (35%) or more of its solid waste at the Corporation's ("MRF") in Johnston.

(5) The corporation shall issue a rebate not later than September 1, 2011 to those municipalities qualifying for a year end tipping fee adjustment according to the municipality's actual recorded tonnage delivered to the MRF in Johnston, and in accordance with the provisions of the municipality's current-year signed solid waste and recycling services agreement with the corporation.

SECTION 3. This article shall take effect as of July 1, 2010.