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LC01220/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

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:

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

3 **42-64.13-10. Statewide standards for wetlands and septic disposal. -- (a) The general**
4 **assembly finds and declares:**

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

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

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

16 (4) Dissimilar municipal standards have resulted in a land use system wherein local
17 governments manage watersheds and groundwater aquifers using a variety of methods resulting
18 in diverse outcomes.

1 (5) The lack of a uniform process tends to burden businesses and property owners that
2 require a predictable regulatory environment in order to be successful.

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

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

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

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

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

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

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

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

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

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

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

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

33 (7) At least one civil engineer, or one environmental engineer with experience in OWTS
34 and wetlands regulation, and one wetlands biologist.

1 (d) Implementation - The director of the department of environmental management in
2 consultation with the director of the office of regulatory reform shall submit to the governor, the
3 speaker of the house and the senate president, proposed legislation establishing statewide
4 standards identified in the report issued pursuant to subsection (b) no later than January 31, 2015.

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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MANAGEMENT--JURISDICTION

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

6 This act would take effect upon passage.

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