

2015 Emerging Environmental Priorities

THE ENVIRONMENT COUNCIL OF RHODE ISLAND (ECRI)

ENERGY

Restore Rhode Island's Residential Renewable Energy Tax Credit.

Lead organizations: the Sierra Club – Rhode Island chapter

An incentive like this would augment the benefits of other renewable energy policies by enabling more Rhode Islanders to install renewable energy systems at their homes. This legislation was tabled in the 2013 [S0127/H5116] and 2014 [S2213/H7083] sessions, sponsored both years by Rep. Deb Ruggiero and Sen. Josh Miller.

Expand Rhode Island's Renewable Energy Standard.

Lead organizations: Conservation Law Foundation; The Acadia Center

Rhode Island's Renewable Energy Standard (RES) (RIGL 39-26) sets requirements for utilities to purchase electricity from eligible renewable energy resources. Starting at 3% in 2007, the statute incrementally increases the percent of renewables, ending at 16% in 2019. Renewable energy advocates and the environmental community plan to work in the General Assembly (beginning in the 2015 session) to support legislation that would extend the RES for additional years, and expand the obligation beyond 16%.

Extend Rhode Island's Least Cost Procurement mandate beyond 2017.

Lead organizations: The Acadia Center; Conservation Law Foundation

Rhode Island's Least Cost Procurement mandate ensures that energy procurement decisions maximize the use of the lowest-risk, lowest-cost, and cleanest resource available for supplying the state's energy needs — energy efficiency. Most of the legislative provisions supporting Least Cost Procurement expire in 2017. The EERMC recommends that the legislature renew Rhode Island's commitment to leadership in energy efficiency by extending the Least Cost Procurement mandate and its complementary provisions. Continuing this economic strategy of investing in low cost, cost-effective energy efficiency is perhaps the single most important step that state policymakers can take towards ensuring a secure, cost-effective, and sustainable energy future for Rhode Island.

LAND/WATER

Phase out cesspools by requiring removal at point-of-sale.

Lead organizations: Save the Bay; the Audubon Society of RI; Clean Water Action

Cesspools are an outdated wastewater management method—still used by tens of thousands in R.I.—that contaminates groundwater in the Bay's watershed, contributing to beach closings and fish kills that hurt our economy. While environmentalists and homebuilders united to support legislation to gradually phase out cesspools by requiring their removal from property at its point-of-sale [S2684/H7724], shortsighted opposition from realtors ended up killing the bill.

The 2014 bill was sponsored by Sen. Sue Sosnowski and Rep. Teresa Tanzi; Rep. Tanzi also sponsored a House-only bill in 2013 [H5732].

A working group, which includes Save the Bay, Clean Water Action, and DEM, has been working on addressing issues from last year, particularly funding for septic system upgrades. Cities and towns must have onsite waste management plans (OWMPs) to be eligible to apply to the Community Septic Loan Program (CSSLP). CSSLP funds come from the State Revolving Fund and are administered by the RI Housing Agency. Money is used by participating towns to provide low interest loans to homeowners to cover the costs associated with septic system repairs and upgrades. So far, 29 cities have OWMPs, and the 10 that don't have plans have been contacted by DEM. Cities with OWMPs can then provide low interest loans to homeowners through the CSSLP program to pay for the upgrade.

Act on the recommendations of the Wetlands Task Force.

Lead organizations: Audubon Society of RI; Save the Bay; RI Land Trust Council; Clean Water Action

Freshwater and coastal wetlands cover over 71,000 acres of Rhode Island or about 11 percent of the State's area. Regulation of wetlands is primarily at the State level; although some municipalities have adopted their own standards. The Wetlands Legislative Task Force was established in 2013 to evaluate the adequacy of the protection of wetlands by both the State and municipalities. The task force found that the 1971 Wetlands Act contains significant gaps and is not adequate to protect wetlands.

Recommendations include:

- Revise state law to define or redefine the terms “jurisdictional area”, “buffer”, and “setback” as they apply to wetlands regulation.
- Revise state law to provide state agencies with additional authority and jurisdiction in order to allow for the adoption of strengthened protective requirements for freshwater wetlands as well as the lands adjacent to these resources.

Defend protected land from encroachment.

Lead organizations: RI Land Trust Council; Audubon Society of RI

The General Assembly passed up an opportunity in 2014 to defend protected land from encroachment (vandalism, theft, and destruction). A bill sponsored by Sen. Sue Sosnowski and Rep. Donna Walsh [S2619/H7684] proposed to increase penalties for cutting trees, stealing stone walls, and otherwise intentionally damaging protected open space lands. This legislation, supported by the Attorney General's office and based on effective legislation in Connecticut, passed the Rhode Island House but was never scheduled for a vote in the Senate.

Enable local governments to establish dedicated funding for land conservation – the Community Preservation Act.

Lead organizations: RI Land Trust Council; Save the Bay

In 2013, the proposed Community Preservation Act [S0696/H5633], sponsored by Sen. Lou DiPalma and Rep. Deb Ruggiero, attempted to replicate a very successful Massachusetts

program for funding land conservation by giving local governments the authority to establish dedicated funding for land conservation, park development, and historic preservation. The bill received very positive hearings but stalled in committee and was never scheduled for a vote. The Community Preservation Act is enabling legislation for local governments requiring local voter approval. This would establish a pay-as-you-go strategy for funding investments in land conservation and parks development – an alternative to continued borrowing through bonds. Rhode Island voters demonstrated overwhelming support for investing in land conservation, with 71.2% of voters voting yes on Question 7 on the November 2014 ballot.

Support stormwater/green infrastructure.

Lead organizations: Audubon Society of RI; Clean Water Action

Green infrastructure investments would reduce nutrient pollution into Narragansett Bay and other waterways, while creating more resilient coastal communities that are able to use natural buffer systems to withstand coastal erosion and extreme storm events. An example of supporting green infrastructure would be limiting curbs to allow water to infiltrate into grassed/landscaped areas.

Label genetically modified foods.

Lead organization: Sierra Club - Rhode Island chapter

A genetically engineered food, or genetically modified organism (GMO), is a plant or meat product that has had its DNA artificially altered in a laboratory by genes from other plants, animals, viruses or bacteria. Legislation has been introduced in 2013 and 2014 that would require that food containing GMOs be labeled as such before putting it on the market for sale in Rhode Island. A version of this bill was sponsored in 2013 by Rep. Raymond Hull [H5278] and in 2014 by Rep. Dennis Canario [HR7402].

WASTE

Ban single-use plastic bags.

Lead organizations: Eco Youth United; Environment RI

The Plastic Waste Reduction Act proposes to “ban” plastic bags, or prohibit the distribution of disposable plastic checkout bags at the point-of-sale at retail establishments. This legislation would protect the marine trade and tourism industries by keeping our state and its coast clean, healthy, and beautiful. This is a simple measure that has received the support of over 170 small Rhode Island businesses. Reducing our landfill-bound waste will also increase our landfill’s life and put off the cost of finding a new location after Johnston. Both years – the 2013 bill [S0404/H5403] sponsored by Rep. Maria Cimini and Sen. Donna Nesselbush, and the 2014 bill [S2314/H7178] sponsored by Rep. Cimini again and by Frank Lombardo in the Senate – the measure saw highly supportive committee hearings but never advanced to a vote.

Expand the diversion of paper and packaging through a producer responsibility program.

Lead organizations: Clean Water Action; Sierra Club – Rhode Island chapter

In 2013, the Marine Debris Reduction Act [H5264] was introduced to encourage the reduction of packaging for consumer goods and, alternatively, the use of more reusable and recyclable materials in the packaging of consumer goods. A producer responsibility program would require

the *producers* of post-consumer packaging to pay for collection, recovery and recycling to help reduce the cost burden of managing post-consumer packaging materials, encourage recycling, and educate consumers about how to dispose of their products and attendant packaging. Doing so would reduce marine debris, preserve valuable landfill space, increase recovery rates of packaging, and minimize costs incurred by municipalities. A Senate Study Commission in 2012-2013 [S3073] also reviewed the opportunity to expand the diversion of paper and packaging through a producer responsibility program.

Enact a producer responsibility program for Compact Fluorescent Bulbs.

Lead organization: Clean Water Action

CFL bulbs, while significantly more energy efficient and long-lasting than traditional light bulbs, contain 4 to 5 milligrams of mercury each. As long as the mercury is contained within the light bulb, it poses no harm to humans or the environment. But even small amounts of mercury can pollute drinking water, and when those light bulbs are tossed in the trash and crushed, the mercury in each can be released into the environment. In 2012, legislation was introduced by Representative Donna Walsh and Senator Ruggerio [S 2398/H7443] to expand extended producer responsibility (EPR) programs including a program for CFL bulbs. The bill would have required the Department of Environmental Management to create a product stewardship program that would involve manufacturers of CFLs in the responsibility for dealing with CFLs when they have reached the end of their useful lives. The bill was held for further study.

In 2014, the Clean Water Fund, with funding from the Southern Union settlement, established a pilot CFL bulb and linear bulb recycling program at 13 hardware stores. The successful program started in August 2014 and has recycled 1,706 bulbs — 1,080 tubes up to 4 feet and 626 compact fluorescents. That means nearly 7 grams of mercury removed from the ecosystem. An EPR strategy would give bulb manufacturers the responsibility for the recycling program.

Expand food scrap recycling programs to small businesses and the residential sector.

Lead organizations: Sierra Club – Rhode Island chapter

Arguably the biggest solid waste accomplishment from the General Assembly in 2013-14 was legislation to require food-oriented businesses to responsibly handle food waste (turning it into compost or animal feed). The bill [S2315/H7033], sponsored by Sen. Catherine Cool Rumsey and Rep. Donna Walsh, was modeled after programs in Connecticut and Massachusetts. While the legislation represents a landmark step in Rhode Island's approach to organic waste, political timidity and lobbying by retail interests weakened the bill from its original version; while all of the largest food scrap producers will begin a composting program in 2016, provisions dealing with smaller businesses were removed from the final bill language. Further legislation is needed to bring food scrap recycling programs to small businesses and to the residential sector.

TRANSPORTATION

Increase the operating budget of RIPTA.

Lead organizations: RIPTA Riders Alliance; Sierra Club – Rhode Island chapter

In 2014, the General Assembly took a step in the right direction by establishing a partial new funding source for RIPTA in the 2014 budget. This new funding comes from the Highway

Maintenance Fund, which will see increased revenues through a 1-cent hike in the gas tax — which will also henceforth be indexed to inflation. However, the initial amount that RIPTA will receive under this allocation is insufficient for long-term sustainability, and still suffers from the self-defeating loop between private gasoline consumption, gas tax revenues, and public transit demand. In order to expand service in growing communities and provide reasonable transportation options, RIPTA will need to increase its operating budget year over year.

BUDGET

Maintain and increase DEM staffing.

The Department of Environmental Management (DEM) continues to be targeted by some lawmakers who oppose how the state regulates private activity and protects natural resources in the public interest. While Gov. Chafee held the line on maintaining agency staffing levels in both the 2014 and 2015 budgets, little has been done by the legislature to improve DEM's enforcement and local oversight programs. New programs requiring DEM staff time and resources have been created by the legislature while no additional funds or staff positions have been added in well over a decade.