

RHODE ISLAND
RESOURCE RECOVERY CORPORATION
PUBLIC NOTICE

Pursuant to the provisions of Chapters 23-19-13(g) (3) and 23-19-10(5) of the General Laws of Rhode Island as amended, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Rhode Island Resource Recovery Corporation gives notice of its intent to adopt rulemaking relative to the **procedure for calculating annual municipal solid waste cap allotments**.

The purpose of this rule is to establish more fair and consistent procedures for calculating the amount of solid waste that each municipality is allowed to dispose at the reduced legislatively determined fee, or 'municipal solid waste cap'.

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed rule by November 21, 2011 to Mike McGonagle, Rhode Island Resource Recovery Corporation, 65 Shun Pike Johnston, RI 02919, Phone 401.942.1430, Email – mikem@rirrc.org.

Michael J. O'Connell
Executive Director
Rhode Island Resource Recovery Corporation

Proposed Rhode Island Resource Recovery Municipal Cap Calculation Procedure

September 22, 2011

On or before April 1st prior to the Corporation's fiscal year beginning July 1st the Corporation will update the municipal solid waste disposal caps and notify each municipality of its cap allocation for the upcoming fiscal year. The following procedure shall be used to calculate the annual municipal solid waste disposal cap allocations in accordance with RIGL § 23-19-13(g)(3).

1. Obtain the **population estimate** for each municipality from the more current of the: decennial U.S. Census or the Rhode Island Department of Administration Statewide Planning Program's official Population Projection.
2. Obtain the most recent seasonal housing estimates from the decennial census.
3. Calculate total statewide **municipal sector waste generation** by totaling all solid waste, and recyclables (i.e., refuse, MRF recyclables, yard debris, scrap metal/white goods, tires, etc.) as reported annually by municipalities to RIRRC.
4. Calculate annual per capita waste generation rate by:
 - a. Calculate the assumed seasonal household waste generation (Total **Seasonal households X 0.4200 tons per year** (this is 0.48 tons per person per year X 3 persons per household X 3.5 months of occupancy));
 - b. adjust the **total municipal sector waste generation** by subtracting the **assumed seasonal housing generation** to obtain the **estimated residential sector waste generation**;
 - c. then divide the **estimated residential sector waste generation** by the **total municipal population estimate** to get the **assumed annual per capita waste generation rate**.
5. Calculate each municipality's waste generation by:
 - a. Multiplying the municipality's **estimated population** for the cap year by the **assumed residential per capita waste generation** to obtain **residential waste generation**.
 - b. Add to the **residential waste generation** the **assumed seasonal household waste generation** for the municipality.
6. Reduce the **municipal waste generation** by the **municipal cap recycling reduction target of thirty-five percent (35%)**.



MEMORANDUM

October 3, 2011

TO: RI Department of Administration
RI Economic Development Corporation
Office of Governor Chafee

FROM: Michael McGonagle, RI Resource Recovery Corporation

SUBJECT: Economic Impact and Regulatory Flexibility

Proposed Rule: Procedure for Calculating Annual Municipal Solid Waste Caps

Authority: Pursuant to Chapters 23-19-13(g) (3) and 23-19-10(5) of the General Laws of Rhode Island as amended, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws

Summary of Proposed Regulation: The purpose of this rule is to establish more fair and consistent procedures for calculating the amount of solid waste that each municipality is allowed to dispose at the reduced legislatively determined fee, or 'municipal solid waste cap'. The proposed procedure replaces the current practice of calculating the solid waste caps, which has not been formally adopted as a rule under the Administrative Procedures Act. The proposed procedure starts with an annual re-estimation of total statewide per capita municipal solid waste generation including recycling. This estimate is then reduced by solid waste diversion goals, and allocated among municipalities based population and on seasonal housing. The proposed rule differs from the current practice by allocating a portion of the total solid waste cap to seasonal housing units. To date the practice has been to allocate the solid waste cap strictly on municipal population.

Economic Impact:

Per RIGL §42-35.1-3

1. The Corporation believes that this rule will have no impact on small business. However, this proposed rule will impact the amount of municipal solid waste cap municipalities receive and therefore may impact the individual municipal solid waste disposal costs. Table 1 below provides projections of the changes to individual municipal solid waste caps.
2. There are no anticipated reporting, recordkeeping, or other administrative costs required for compliance with the proposed rules.
3. RIRRC has not identified a less intrusive or less costly alternative method to fairly allocate the municipal solid waste cap.

Table 1.

Projected Impact of Seasonal Housing Adjustment for Municipal Solid Waste Cap Calculation

Assumed Seasonal Months Occupied	3.5
Assumed Seasonal Persons Per HH	3.0
Assumed Waste Generation Per Capita Per Year	0.4800
Estimated Seasonal HH waste Generation (TPY per HH)	0.4200
Municipal Sector Waste Generation	510,074
less Seasonal Housing Estimate	502,902
Seasonal Housing Adjusted Per Capita Generation Rate	0.4778
Diversion Reduction	35.00%

Municipality	Current Cap Allotment FY2012	2010 Census Population	Seasonal Housing Units	Seasonal Generation Allotment	Permanent Population Generation (tons)	Total Generation Estimate (tons)	Diversion Reduction (tons)	FY2012 Solid Waste Cap w/Seasonal Adjustment (tons)	Decrease (tons)	Percent
Barrington	5,137	16,310	118	50	7,793	7,842	(2,745)	5,097	40	-0.8%
Bristol	7,230	22,954	300	126	10,957	11,093	(3,883)	7,211	20	-0.3%
Burnsville	5,026	15,955	230	97	7,623	7,720	(2,702)	5,018	8	-0.2%
Central Falls	6,103	19,376	5	2	9,258	9,280	(3,241)	6,019	84	-1.4%
Charlestown	2,465	7,827	1,648	692	3,740	4,432	(1,551)	2,881	(415)	16.8%
Coventry	11,029	35,014	228	95	16,729	16,825	(5,889)	10,936	93	-0.6%
Cranston	25,321	80,387	182	76	38,408	38,484	(13,469)	25,015	306	-1.2%
Cumberland	10,554	33,506	53	22	16,009	16,031	(5,511)	10,420	134	-1.3%
East Greenwich	4,141	13,148	61	26	6,281	6,307	(2,207)	4,099	42	-1.0%
East Providence	14,816	47,037	77	32	22,474	22,505	(7,877)	14,629	187	-1.3%
Exeter	2,024	6,425	58	24	3,070	3,094	(1,083)	2,011	13	-0.6%
Foster	1,451	4,606	15	6	2,201	2,207	(772)	1,435	16	-1.1%
Glocester	3,070	9,746	177	74	4,657	4,731	(1,656)	3,075	(5)	0.2%
Hopkinton	2,579	8,188	88	37	3,912	3,949	(1,382)	2,567	12	-0.5%
Jamesstown	1,703	5,405	469	197	2,582	2,779	(973)	1,807	(104)	6.1%
Johnston	9,062	28,789	58	24	13,745	13,770	(4,819)	8,950	112	-1.2%
Lincoln	6,648	21,105	47	20	10,084	10,103	(3,536)	6,567	81	-1.2%
Little Compton	1,100	3,492	752	316	1,668	1,984	(684)	1,290	(190)	17.3%
Middletown	5,087	16,150	339	142	7,716	7,859	(2,751)	5,108	(21)	0.4%
Narragansett	4,998	15,868	2,314	972	7,582	8,553	(2,994)	5,560	(561)	11.2%
New Shoreham	331	1,051	1,253	526	502	1,028	(360)	668	(337)	101.9%
Newport	7,771	24,672	1,414	594	11,788	12,382	(4,334)	8,048	(277)	3.6%
North Kingstown	8,343	28,486	374	157	12,655	12,812	(4,484)	8,328	15	-0.2%
North Providence	10,104	32,078	55	23	15,326	15,350	(5,372)	9,977	127	-1.3%
North Smithfield	3,769	11,967	21	9	5,718	5,726	(2,004)	3,722	47	-1.3%
Pawtucket	22,411	71,148	76	32	33,994	34,025	(11,909)	22,117	294	-1.3%
Portsmouth	5,477	17,389	892	370	8,308	8,679	(3,039)	5,641	(164)	3.0%
Providence	56,081	178,042	362	152	85,066	85,218	(29,826)	55,392	690	-1.2%
Richmond	2,428	7,708	41	17	3,683	3,700	(1,295)	2,405	23	-0.9%
Scituate	3,254	10,329	42	18	4,935	4,953	(1,733)	3,219	34	-1.1%
Smithfield	6,750	21,430	61	26	10,239	10,265	(3,593)	6,672	78	-1.2%
South Kingstown	9,651	30,639	2,318	974	14,639	15,612	(5,464)	10,148	(497)	5.2%
Tiverton	4,971	15,780	308	129	7,539	7,669	(2,684)	4,885	(14)	0.3%
Warren	3,342	10,811	118	50	5,070	5,119	(1,792)	3,328	15	-0.4%
Warwick	26,041	82,672	486	204	39,500	39,704	(13,896)	25,807	233	-0.9%
West Greenwich	1,932	6,135	36	15	2,931	2,946	(1,031)	1,915	17	-0.9%
West Warwick	9,195	29,191	75	32	13,947	13,979	(4,852)	9,086	109	-1.2%
Westerly	7,178	22,787	1,890	794	10,887	11,681	(4,088)	7,593	(415)	5.6%
Woonsocket	12,973	41,186	46	19	19,678	19,697	(6,894)	12,803	170	-1.3%
Total	331,548	1,052,567	17,077	7,172	502,902	510,074	(178,526)	331,548	(0)	0.0%

Regulatory Flexibility:

Per RIGL §42-35.1-4

RIRRC has considered, without limitation, each of the following methods of reducing the impact of the proposed regulation on small businesses and determined that there is no alternative approach that would be as effective and less burdensome, given the requirements of upon the Department to regulate the natural resources of this State:

- 1) The establishment of less stringent compliance or reporting requirements for small businesses;
- 2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- 3) The consolidation or simplification of compliance or reporting requirements for small businesses;

- 4) The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and
- 5) The exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

Because this rule applies strictly to municipalities RIRRC does not foresee any additional economic or administrative burdens on small businesses.

If you have any questions or comments on the proposed Rules, please contact:

Michael McGonagle, RIRRC

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