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Vincent J. Mesolella Chairman

Laurie A. Horridge Executive Director

June 28, 2021

The Honorable David A. Bennett

Chairman

House Environment and Natural Resources Committee

State House

Providence, RI 02903

Re: House Bill 5923 Sub A

Dear Chairman Bennett and Members of the Committee:

I am writing to convey the Narragansett Bay Commission's (NBC) concerns and opposition to House Bill 5923 Sub A.

H5923A would prohibit the placement of new high-heat waste processing facilities in certain delineated areas. High-heat waste processing facilities are defined to encompass those that use various methods, including combustion, gasification, or pyrolysis, to dispose of, process, or treat *solid waste*. However, H5923A does not include the definition of "solid waste" that was contained in the original version of the bill, and which excludes solids or dissolved material in domestic sewage or sewage sludge.

The lack of a definition of "solid waste" is highly problematic and will have unintended consequences for the NBC and the State of Rhode Island by pulling solid waste in sewage and sewage solids under the umbrella of solid waste for purposes H5923A. This atypical treatment of solid waste in sewage and sewage solids would severely restrict the State and the NBC's alternatives for disposing of sewage sludge. Moreover, the lack of a definition would create significant confusion as both RI Gen laws 23-18.9-1 (which addresses refuse disposal) and RI DEM's Rules and Regulations for Solid Waste Management Facilities and Organic Waste Management Facilities (250-RICR-140-05-1) specifically exclude solid waste in sewage and sewage solids from the definition of solid waste. In addition, the Environmental Protection Agency likewise excludes sewage sludge from their definition of solid waste. It is essential that solid waste in sewage and sewage solids be treated differently from other solid wastes, as evidenced by RI DEM, EPA, and the General Assembly's differential treatment of the same.

As the owner and operator of the State's two largest wastewater facilities, the NBC treats 60,000,000 gallons of wastewater a day, which produces 27 dry tons of sewage sludge daily. Disposal of the sewage sludge is an essential component of the NBC's functions, and the proper handling of the same is a crucial component of the services the NBC provides, not only to the 10 cities and towns in its district, but to the entire State of Rhode Island that benefits from a cleaner

Narragansett Bay. Notably, pyrolysis is an emerging technology used to treat sewage sludge because it destroys PFAS compounds, which is a significant challenge and which environmental stewards and the RI General Assembly alike have recognized as being a significant item of concern. H5923A's lack of a definition of "solid waste" which excludes solid waste in sewage and sewage solids will severely limit the NBC and the State's ability to treat and address PFAS compounds in sewage sludge.

To that end, the NBC respectfully opposes House Bill 5923A as currently written and urges the Committee to either amend H5923A to insert a definition of solid waste that excludes solids or dissolved material in domestic sewage or sewage sludge in that definition or defeat it in its current state. Thank you for the opportunity to comment.

Sincerely,

Jennifer J. Harrington, Esq.

General Counsel and Legislative Liaison