



State of Rhode Island and Providence Plantations

State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

EXECUTIVE ORDER

08-03

July 2, 2008

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RHOODE ISLAND STATE
INFORMATION
CENTER

RHODE ISLAND RESOURCE RECOVERY CORPORATION

WHEREAS the Rhode Island Resource Recovery Corporation (“RIRRC”) is charged in Rhode Island General Laws §23-19-1.1 to “provide the utmost in protection of public health and the environment;” and

WHEREAS Rhode Island General Laws §23-19-2 recognizes that many municipalities in Rhode Island “have serious solid waste management problems;” and

WHEREAS, pursuant to Rhode Island General Laws §23-19-2(8), environmentally sound systems and services for solid waste management and resource recovery “is a matter of important public interest and concern” and must be maintained for the health of the public and its welfare; and

WHEREAS, pursuant to Rhode Island General Laws §23-19-2(9), inappropriate landfill disposal of solid waste creates potential for pollution and environmental degradation; and

WHEREAS, RIRRC operates the central landfill that is reserved for the disposal of the vast majority of solid waste generated by this State of Rhode Island; and

WHEREAS, RIRRC is charged with a multitude of tasks including but not limited to managing projects, making plans, surveys and investigations, designing

solid waste management facilities, constructing processing facilities, resource recovery facilities, and disposal facilities; and

WHEREAS, RIRRC has for the past nine (9) months failed to have a sufficient number of commissioners to constitute a quorum and conduct its statutorily prescribed business;

WHEREAS, the business of a public corporation such as RIRRC in normal circumstances require a functioning board of directors to manage its affairs and conduct the business of the corporation;

WHEREAS, I, as Governor of the State of Rhode Island, have fulfilled my duty to keep RIRRC capable of performing its statutory duties by submitting names of individuals to be appointed to the commission to the Rhode Island State Senate to enable the RIRRC to conduct business; and

WHEREAS, the Rhode Island Senate, despite repeated requests, notices and warnings by the Office of the Governor, has failed to act upon the list of nominees I have submitted for confirmation and has adjourned for the indefinite future without allowing RIRRC to conduct its business; and

WHEREAS, as a result, RIRRC cannot conduct business and has no ability to approve a budget for fiscal year 2009 commencing July 1, 2008 and I have been informed by the Executive Director of RIRRC that as of July 2, 2008:

- a) there will be an abrupt and immediate curtailment of services at the landfill;
- b) 600 vehicles per day handling about 7 million pounds of solid waste and 800,000 pounds of recyclables will be turned away;
- c) municipalities and commercial customers will have to find alternative sites, if available, which will cost three to four times the fees currently charged at the central landfill operated by RIRRC;
- d) RIRRC will be unable to prepare for the opening of the next phase of the landfill to the detriment of the people of Rhode Island. The existing phase will reach capacity in the fall of 2009. RIRRC needs to contract immediately with vendors for preparation and construction of the next phase including approval of major construction projects for excavation, rock blasting, sewer and water system relocations, and heavy equipment purchases. These contracts need to be executed in the next thirty (30) days for any work to commence this construction season.

WHEREAS pursuant to article 9, sections 1 and 2 of the Rhode Island Constitution the governor is the chief executive officer of this state and must take care that the laws be faithfully executed and pursuant to Chapter 15 of Title 30 the

governor can declare a disaster emergency by executive order if he finds the threat of a disaster is imminent; and

WHEREAS Rhode Island General Laws §30-15-3 defines a "disaster," in part, as an imminent threat of widespread or severe damage or injury resulting from a man made cause that endangers the health, safety or resources of the people of the state;

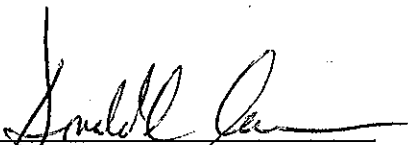
WHEREAS a closed landfill and inoperable RIRRC, charged by statutory provisions set forth above with providing "the utmost in protection of public health and the environment" would have a severe environmental impact on the state and adverse effect upon the health, safety and welfare of the public.

NOW, THEREFORE, I, DONALD L. CARCIERI, by virtue of the authority vested pursuant to Chapter 15 of Title 30 of the Rhode Island General Laws as Governor of the State of Rhode Island and Providence Plantations, do hereby find that a disaster threat is imminent for the reasons set forth above and declare a state of emergency and ORDER and DIRECT as follows:

1. RIRRC will continue to operate and conduct business necessary under the Rhode Island General Laws under my direction to ensure the public health safety and welfare of the people of the State of Rhode Island during the period encompassed by this Executive Order;
2. The Director of the Department of Administration will serve as a liaison between the Office of the Governor and the Executive Director of RIRRC and report to me under the aegis of this Executive Order as frequently as appropriate on business that has been or needs to be conducted.

This Executive Order shall take effect immediately upon the date thereof and shall remain in effect for a period of thirty (30) days. The Executive Order shall be rescinded should, during this time period, the State Senate confirms my appointments to the RIRRC that are before it.

So Ordered:


Donald L. Carcieri

Dated: 7/2/08