



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
235 Promenade Street, Providence, RI 02908-5767
Rhode Island Relay 711

June 13, 2014

The Honorable Lincoln Chafee
Governor of the State of Rhode Island
Executive Chambers
State House
Providence, RI 02903

Re: 2014 DEM Regulatory Agenda

Dear Governor Chafee:

In accordance with the provisions of Section 42-35-5.1 of the Rhode Island General Laws, I am pleased to provide you with the 2014 Regulatory Agenda Mid Year Report for the Department of Environmental Management (DEM).

The attached document provides a summary of the rules and regulations that DEM has filed since January 16, 2014 and those it intends to promulgate in the coming months. As you know, we continue to work closely with several stakeholder groups on various initiatives relating to our regulatory programs; and we continue to track statutory and regulatory changes at the federal level. If, through these or any other avenues, the need arises to pursue additional measures, I will provide you with updates.

The attached document will be posted on the Department's Web site at <http://www.state.ri.us/dem/pubs/index.htm>

Sincerely,

Janet Coit
Director

Attachment

c/ Secretary of State A. Ralph Mollis
Speaker Gordon Fox
Senate President Teresa Pavia-Weed

**Rhode Island Department of Environmental Management
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PART I - Rules Promulgated January 16, 2014 through June 15, 2014

ERLID	Type Filing	Title	Effective Date
7597	Amendment	Rules & Regulations for Hazardous Waste Management	2/10/2014
7647	Amendment	RI Marine Fisheries Regulations – Part III – Marine Fisheries Council	1/27/2014
7657	Amendment	RI Marine Fisheries Regulations – Part III – Marine Fisheries Council	2/7/2014
7709	Amendment	RI Marine Fisheries Regulations – Part III – Marine Fisheries Council	3/14/2014
7740	Amendment	RI Marine Fisheries Regulations – Part III – Marine Fisheries Council	4/3/2014
7754	Amendment	RI Marine Fisheries Regulations – Part III – Marine Fisheries Council	4/10/2014
7756	Amendment	RI Marine Fisheries Regulations – Part III – Marine Fisheries Council	4/17/2014
7671	Amendment	RI Marine Fisheries Regulations – Part III – Marine Fisheries Council	5/28/2014
7672	Amendment	RI Marine Fisheries Regulations – Part IV - Shellfish	5/28/2014
7673	Amendment	RI Marine Fisheries Regulations – Part VII - Finfish	5/28/2014
7675	Amendment	RI Marine Fisheries Regulations – Part XII – Striped Bass	5/28/2014
7676	Amendment	RI Marine Fisheries Regulations – Part XVI - Menhaden	5/28/2014
7790	Amendment	RI Marine Fisheries Regulations – Part III – Marine Fisheries Council	5/9/2014
7797	Amendment	RI Marine Fisheries Regulations – Part III – Marine Fisheries Council	5/15/2014
7635	Amendment	RI Marine Fisheries Regulations - Part XV - Lobsters, Other Crustaceans, and Horseshoe Crabs	6/5/2014
7803	Amendment	RI Marine Fisheries Regulations – Part III – Marine Fisheries Council	5/19/2014
7809	Amendment	RI Marine Fisheries Regulations – Part III – Marine Fisheries Council	5/22/2014
7814	Amendment	RI Marine Fisheries Regulations – Part III – Marine Fisheries Council	5/27/2014
7820	Amendment	RI Marine Fisheries Regulations – Part III – Marine Fisheries Council	5/29/2014
7822	Amendment	RI Marine Fisheries Regulations – Part III – Marine Fisheries Council	6/2/2014
7658	Amendment	Rules & Regulations for the Narragansett Bay & Watershed Restoration Bond Fund	4/4/14
7711	Amendment	Air Pollution Control Regulation No. 8 – Sulfur Content of Fuels	6/24/14
7712	Amendment	Air Pollution Control Regulation No. 20 – Burning of Alternative Fuels	6/24/14
7611	Amendment	Rules & Regulations Prevention, Control, & Suppression of Rabies Within Rhode Island	2/16/14
7758	Amendment	Aquaculture of Marine Species in Rhode Island Waters	6/1/14

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PART II - Expected Rulemaking Activity June 16, 2014 through January 16, 2015

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Adoption	Freshwater & Anadromous Fishing Regulations for the 2015 – 2016 Season	To establish season bag limits and methods of take.	RIGL 20-1-13	DEM expects to complete the rule making process during the 3 rd quarter of 2014	Ashley Schipritt, Division of Fish & Wildlife, 782-3720	Recreational anglers, bait & tackle shops
Adoption	Hunting Regulations for the 2014 – 2015 Season	To establish season bag limits & methods of take for Rhode Island Hunting Regulations.	RIGL 20-1-13	DEM expects to complete the rule making process during the 3 rd quarter of 2014	Ashley Schipritt, Division of Fish & Wildlife, 782-3720	Hunters & Sporting good stores
Adoption	Park Management Rules & Regulations	To establish Rules & Regulations for Rhode State owned parks & management areas.	RIGL 20-1-13	DEM expects to complete the rule making process during the 3 rd quarter of 2014	Ashley Schipritt, Division of Fish & Wildlife, 782-3720	General Public & Hunters
Adoption	Rhode Island Regulations for the Waterfowl Season 2014 – 2015	To establish season bag limits & methods of take for Rhode Island Hunting Regulations	RIGL 20-1-13	DEM expects to complete the rule making process during the 3 rd quarter of 2014	Ashley Schipritt, Division of Fish & Wildlife, 782-3720	
Adoption	Rules & Regulations Governing Nuisance Wildlife Control Specialist	To establish rules & regulations for the handling of nuisance wildlife.	RIGL 20-1-13	DEM expects to complete the rule making process during the 3 rd quarter of 2014	Ashley Schipritt, Division of Fish & Wildlife, 782-3720	Nuisance Wildlife Control Specialist & suppliers of products

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Adoption	2014 – 2015 Falconry Regulations	To establish season bag limits & methods of take for Falconry Regulations	RIGL 20-1-13	DEM expects to complete the rule making process during the 3 rd quarter of 2014	Ashley Schipritt, Division of Fish & Wildlife, 782-3720	Falconers & Suppliers of products
Amendment	RI Marine Fisheries Regulations – Part VII - Finfish	Revise commercial regulations for regulated finfish species for 2015	RIGL 42-17.1, 42-17.6, 42-17.7 & 42-35	DEM expects to complete the rule making process during the 1 st quarter of 2015	Mark Gibson, Marine Fisheries, 423-1935	Commercial Fishermen & Fish Dealers
Amendment	Sector Management Plans – Finfish, Shellfish, & Crustacean	Revise plans to guide in development of revised commercial licensing regulations.	RIGL Chapters 42-17.1, 42-17.6, 42-17.7 & 42-35	DEM expects to complete the rule making process during the 1 st quarter of 2015	Mark Gibson, Marine Fisheries, 423-1935	Commercial Fishermen
Amendment	Commercial & Recreational Saltwater Fishing Licensing Regulations	Revise commercial licensing regulations for 2015;	RIGL 42-17.1, 42-17.6, 42-17.7 & 42-35	DEM expects to complete the rule making process during the 1 st quarter of 2015	Mark Gibson, Marine Fisheries, 423-1935	Commercial Fishermen & Fish Dealers
Amendment	RI Marine Fisheries Statutes & Regulations – Part IV - Shellfish	Revise commercial Winter harvest schedules for Shellfish Management Areas for 2014-2015	RIGL 42-17.1, 42-17.6, 42-17.7 & 42-35	DEM expects to complete the rule making process during the 1 st quarter of 2015	Mark Gibson, Marine Fisheries, 423-1935	Commercial Fishermen & Fish Dealers

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Amendment	RI Marine Fisheries Statutes & Regulations – Part XVI – Menhaden Regulations	Amend Commercial Menhaden Regulations for 2015	RIGL 42-17.1, 42-17.6, 42-17.7 & 42-35	DEM expects to complete the rule making process during the 1 st quarter of 2015	Mark Gibson, Marine Fisheries, 423-1935	Commercial fishermen & Fish Dealers
Amendment	Priority Determination System for Federal & State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects.	Publish FY 2015 Project Priority List	RIGL 46-12.2, 42-17.1 & 46.12	DEM expects to complete the rule making process during the 3 rd quarter of 2014	Jay Manning, Office of Water Resources, 222-4700, x7254	Cities & Towns
Amendment	Rules for the Discharge of Non-Sanitary Wastewater & other Fluid to or Below the Ground Surface	Clarification – closures, setbacks, existing approvals, etc.	RIGL 42-35, 46-12, 46.13.1, 42-17.1,42-17.6	DEM expects to complete rulemaking process during the 3 rd quarter of 2014	Ernie Panciera, Office of Water Resources, 222-4700 x 7603	Regulated Facilities, Environmental Consultants, & EPA
Amendment	Rules & Regulations for Governing the Administration & Enforcement of the Freshwater Wetlands Act	The purpose is to add provisions for single family lot OWTS/FWW joint permitting & to implement tolling legislation that was amended on June 25, 2013.	RIGL 2-1-20.1, 42-17.1, 42-17.6, 42-35 & 42-17.2-1-22	DEM expects to complete rulemaking process during the 3 rd quarter of 2014	Carol Murphy, Office of Water Resources, 222-4700, x7208	Developers, builders, property owners, municipal officials, state agencies, environmental community & eligible permit holders.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Rules & Regulations Establishing Minimum Standards Relating to Location, Design, Construction & Maintenance of Onsite Wastewater Treatment Systems.	The purpose is to add provisions for single family lot OWTS/FWW joint permitting & to implement tolling legislation that was amended on June 25, 2013.	RIGL 42-35,42-17.1,5-56,5-56.1, 23-19.5,23-24.3,46-13.2, 23-19.15	DEM expects to complete rulemaking process during the 3 rd quarter of 2014	Brian Moore, Office of Water Resources, 222-4700, x7713	Developers, builders, property owners, municipal officials, state agencies, environmental community & eligible permit holders.
Amendment	Rules & Regulations for the Operation & Maintenance of Wastewater Treatment Facilities	The purpose is to add to the regulations the existing requirement that WWTFs accept septage only from haulers licensed by RI DEM OWM.	RIGL 46-12, §42-35, §42-17.1 & 42-17.6	DEM expects to complete rulemaking process during the 4 th quarter of 2014	Bill Patenaude, Office of Water Resources, 222-4700, x7264	Municipalities (WWTFs), WWTF Contract Operators, septage haulers Note: this requirement currently exists. The addition will only add it to regulatory language.
Amendment	Rules & Regulations for Drilling of Drinking Water Wells	The purpose is to repeal rules in coordination with the Department of Administration pursuant to revised State law.	RIGL 46-13.2	DEM expects to complete rulemaking process during the 4 th quarter of 2014	Ernie Panciera, Office of Water Resources, 222-4700 x 7603	Well Drilling Contractors, DOA, DOH, Municipalities (Building Officials)

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulation No. 22, "Air Toxics"	Update references to modeling guidelines.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3 rd quarter of 2014	Barbara Morin, Office of Air Resources, 222-4700 x 7012	Sources emitting toxic air pollutants & consultants conducting modeling for those sources
Amendment	Air Pollution Control Regulation No. 12, "Incinerators"	Incorporate Federal requirements for sewage sludge incinerators by reference.	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3 rd quarter of 2014	Gina Friedman, Office of Air Resources, 222-4700 x 7016	Sewage sludge incinerators
Amendment	Air Pollution Control Regulation No. 23, "Control of Perchloroethylene Emissions from Dry Cleaning Operations" & No. 32, "Control of Volatile Organic Compounds from Marine Vessel Loading Operations:	Technical revisions to correct errors	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3 rd quarter of 2014	Barbara Morin, Office of Air Resources, 222-4700 x 7012	None - not a substantive change

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Amendment	Air Pollution Control Regulation No. 19, “Control of Volatile Organic Compounds from Surface Coating Operations” & No. 44, “Control of Volatile Organic Compounds from Adhesives & Sealants”	Correct technical errors & change applicability and exemption specifications so there is no overlap in the operations regulated by the two regulations.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3 rd quarter of 2014	Barbara Morin, Office of Air Resources, 222-4700 x 7012	Sources with operations that apply industrial adhesives & sealants.
Amendment	Air Pollution Control Regulation No. 27, “Control of Nitrogen Oxide Emissions.”	For stationary sources that are subject to the regulation & are required to conduct annual stack testing reduce the frequency of the required testing.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3 rd quarter of 2014.	Karen Peltier, Office of Air Resources, 222-2808 x 7136	Stationary sources that emit greater than 50 tons of nitrogen oxides per year.
Amendment	Air Pollution Control Regulations No. 9, “Air Pollution Control Permits” and No. 22, “Air Toxics”	Update Acceptable Ambient Levels & Minimum Quantity Thresholds consistent w/ current toxicological data.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4 th quarter of 2014	Barbara Morin, Office of Air Resources, 222-4700 x 7012	Sources emitting toxic air pollutants & consultants conducting modeling for those sources

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Amendment	Air Pollution Control Regulations No. 9, “Air Pollution Control Permits”	Revise permitting thresholds so that it is clearer when permits are necessary. Add major source requirements for PM-2.5. Update reference to modeling guidelines.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4 th quarter of 2014	Doug McVay, Office of Air Resources, 222-4700 x 7011	USEPA, small businesses required to obtain air permits, environmental groups
Amendment	Air Pollution Control Regulation No. 35, “Control of Volatile Organic Compounds & Volatile Hazardous Air Pollutants from Wood Products Manufacturing Operations”	Modify applicability specifications to exempt major sources of Hazardous Air Pollutants (HAP) that have minimal HAP emissions from wood products manufacturing operations.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4 th quarter of 2014	Barbara Morin, Office of Air Resources, 222-4700 x 7012	Boat builders and other major HAP sources with small wood products manufacturing operations.

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PART III - Expected Rule-making Activity January 16, 2015 through June 16, 2015

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Recycling regulations, Composting & Solid Waste Management Facilities	Updates to recycling requirements, requirements for facilities that manage composting, construction & demolition debris, & solid waste.	RIGL 23-18.9, 42-17.1, & 42-35	DEM expects to complete the rule making process in 2015.	Laurie Grandchamp, Office of Waste Management, 222-2797 x 7143	Owners of solid waste management facilities, composters, & commercial recyclers.
Amendment	Groundwater Quality Rules	Update Groundwater Classification & Wellhead Protection Area maps. Minor language updates.	RIGL 46-12, 46-13.1, 23-18.9, 23-19.1	DEM expects to complete rulemaking process during the 1 st quarter of 2015	Ernie Panciera, Office of Water Resources, 222-4700 x 7603	Developers, property owners, municipal officials, water suppliers, state agencies & environmental community