



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

June 15, 2012

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

Re: 2012 DEM Regulatory Agenda

Dear Governor Carcieri:

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 2012 Regulatory Agenda Mid Year Report for the Department of Environmental Management.

The attached document provides a summary of the rules and regulations that DEM has filed since January 16, 2012 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

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

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PART I - Rules Promulgated January 16, 2012 through June 15, 2012

ERLID	Type Filing	Title	Effective Date
6698	Amendment	Air Pollution Control Regulation No. 43-General Permits for Smaller-Scale Electric Generation Facilities	2/2/12
6587	Amendment	Administrative Rules of Practice & Procedure of the Administrative Adjudication Division for Environmental Matters	3/26/2012
6750	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	1/17/2012
6777	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	1/31/2012
6786	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	2/20/2012
6790	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	2/28/2012
6800	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	3/1/2012
6768	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes for Fish/Shellfish	4/12/2012
6769	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part XII – Striped Bass	4/12/2012
6821	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	3/22/2012
6828	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	3/29/2012
6846	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	4/12/2012
6767	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part IV –Shellfish	5/03/2012
6861	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	4/19/2012
6863	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	4/23/2012
6871	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	5/2/52012
6806	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part XV – Lobsters, Other Crustaceans, and Horseshoe Crabs	5/31/2012
6807	Amendment	Rhode Island Marine Fisheries Statutes & Regulations –Part XVI - Menhaden Regulations	5/31/2012
6878	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	5/14/2012
6885	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	5/25/2012
6886	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	5/29/2012
6900	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	6/5/2012
6901	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	6/8/2012
6904	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	6/11/2012

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PART II - Expected Rulemaking Activity June 16, 2012 through January 16, 2013

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Underground Injection Control Program Rules	Major revision and update of all rule aspects, and for consistency with the Stormwater Manual	RIGL Chapters 46-12, 46-13.1, 42-35, 42-17.1, and 42-17.6	DEM expects to complete rule making process during the 2nd quarter of 2012. (June 30, 2012)	Terry Simpson, Office of Water Resources, 222-4700 x 7602	Commercial and industrial property owners, consultants
Amendment	Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems	Address statutory changes for cesspool phaseout, upgrade triggers for critical resource areas.	RIGL Chapters 42-35, 42-17.1, 5-56, 5-56.1, 23-19.5, 23-24.3 & 23-19.15	DEM expects to complete rule making process during the 2nd quarter of 2012. (June 30, 2012)	Russ Chateauf, Office of Water Resources, 222-4700 x 7700	Developers, builders, property owners, municipal officials, state agencies, and environmental community
Amendment	Rules & Regulations for the Operation and Maintenance of Wastewater Treatment Facilities	To add regulations to the existing requirement that WWTFs accept septage only from haulers licensed by DEM OWM.	RIGL Chapters §46-12, §42-35, §42-17.1 and §42-17.6	DEM expects to complete the rule making process during the 3rd quarter of 2012.	Bill Patenaude, Office of Water Resources, 222-4700 x7264	Municipalities (WWTFs), WWTF Contract Operators, septage haulers <i>Note: this currently exists It adds it to the regulatory language.</i>
Amendment	Rules & Regulations for the Freshwater Wetlands Regulations	The purpose is to implement tolling legislation expected from current session.	RIGL Chapter 42-17.2-1-22	DEM expects to complete the rule making process during the 3 rd quarter of 2012	Russ Chateauf, Office of Water Resources, 222-4700 x 7700	Eligible permit holders and Developers, builders, property owners, municipal officials, state agencies, & environmental community

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New	Electronic Waste – Environmentally Sound Recycling & Reuse Standards	Establish comprehensive set of regulations to implement RI’s Electronic Waste Law (adopted in 2008).	RIGL Chapters 23-24.10-12 & 42-17.1	DEM expects to complete the rulemaking process in the 3rd quarter of 2012.	Elizabeth Stone, Waste Management, 222-4700 x 2422	Electronics manufacturers, RIRRC, & electronic waste collectors / recyclers /processors.
Amendment	Recycling regulations, Composting and Solid Waste Management Facilities	Updates to recycling requirements, requirements for facilities that manage construction and demolition debris, & solid waste.	RIGL Chapters 23-18.9, 42-17.1, and 42-35	DEM expects to begin the rule making process during the 4th quarter of 2012	Laurie Grandchamp, Office of Waste Management, 222-2797 x 7143	Owners of solid waste management facilities, commercial recyclers.
Amendment	RI Marine Fisheries Statutes & Regulations – Part VII - Minimum Size of Fish/Shellfish	Establish Commercial Summer Flounder, Scup, Black Sea Bass, & Tautog Regulations for 2013	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 42-17.1, 42-17.6, & 42-35	DEM expects to complete the rule making process during 4th quarter of 2012	Mark Gibson, Fish & Wildlife, Marine Fisheries 423-1935	Commercial Fishers & Fish Dealers
Adoption	Commercial Fishing Licensing Regulations	Establish Fishing Regulations for the 2013 licensing season & Division Sector Management plans for 2013	RIGL Chapters 20-1-4, 20-1-5, 0-2.2-1, 42-17.1, 42-17.6, & 42-35	DEM expects to complete the rule making process during the 4th quarter of 2012	Mark Gibson, Fish & Wildlife, Marine Fisheries 423-1935	Commercial Fishers & Fish Dealers

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Amendment	RI Marine Fisheries Statutes & Regulations – Part IV - Shellfish	Establish Commercial Regulations for Shellfish Winter Management areas for 2012-2013	RIGL Chapters 20-1-4, 20-1-5, 42.17.1, 42-17.6, & 42-35	DEM expects to complete the rule making process during 4th quarter of 2012	Mark Gibson, Fish & Wildlife, Marine Fisheries 423-1935	Commercial Fishers & Fish Dealers
Amendment	Priority Determination System for Federal & State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects.	Publish FY 2013 Project Priority List	RIGL Chapters 46-12.2, 42-17.1 & 46.12	DEM expects to complete the rule making process during the 3 rd quarter of 2012	Jay Manning, Office of Water Resources, 222-3961 x 7254	Cities & Towns
Amendment	Water Quality Regulations	To allow the discharge of skeet and trap target and non-lead shot over and/or into waters of the state from shooting range practices.	RIGL Chapters 42-35, 46-12 and 42-17.1.	DEM expects to complete rule making process during the 3 rd quarter of 2012	Angelo Liberti, Office of Water Resources, 222-4700 x 7225	Owners and members of shooting facilities and the environmental community
Amendment	Rules and Regulations for Governing the Administration and Enforcement of the Freshwater Wetlands Act	Add provisions for single family lot OWTS/FWW joint permitting	RIGL Chapters 2-1-20.1, 42-17.1, 42-17.6, and 42-35.	DEM expects to complete rule making process during the 3 rd quarter of 2012	Russ Chateaufneuf, Office of Water Resources, 222-4700 x 7700	Developers, builders, property owners, municipal officials, state agencies, and environmental community

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulation No. 9 “Air Pollution Control Permits”	Add major source baseline date, minor source baseline date, ambient air increments and significant impact levels for PM-2.5.	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3rd quarter of 2012	Doug McVay, Office of Air Resources, 222-4700 x 7011	USEPA, Environmental groups, electric generating facilities, large fuel burning sources.
Amendment	Air Pollution Control Regulation No. 22, “Air Toxics” and the “Air Toxics Modeling Guidance:”	Correct errors and update references in the regulation. Update and expand modeling specifications in the guidance.	RIGL Chapters: 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3rd quarter of 2012	Barbara Morin, Office of Air Resources, 222-4700 x 7012	Sources emitting toxic air pollutants and major sources of criteria pollutants.
Amendment	Air Pollution Control Regulation No. 37, RI's Low Emission Vehicle Program	Update regulation to match California amendments	RIGL 42-17.1-2(s) & 23-23	DEM expects to file the amended regulation by 4th quarter 2012	Frank Stevenson Office of Air Resources, 222-2808 x 7021	Auto Manufacturers
Repeal	Air Pollution Control Regulation No. 41 – NOx Budget Trading Program	Repeal entire regulation	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3rd quarter of 2012	Doug McVay, Office of Air Resources, 222-4700 x 7011	Electric Generating Facilities
Amendment	Air Pollution Control Regulation No. 8 – Sulfur Content of Fuels	Lower the allowable sulfur content of home heating oil and residual fuel oil.	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4th quarter of 2012	Doug McVay, Office of Air Resources, 222-4700 x 7011	USEPA, Environmental groups, large fuel burning sources, American Petroleum Institute, Heating Oil suppliers.

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Amendment	Air Pollution Control Regulation No. 19, “Control of VOC from Surface Coating Operations”	Update requirements for limiting VOC emissions from surface coaters to be consistent with revised EPA Control Technology Guidelines	RIGL Chapters: 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4th quarter of 2012	Barbara Morin, Office of Air Resources, 222-4700 x 7012	Surface coaters coating flat wood paneling, paper, film, foil, metal furniture and large appliances
Amendment	Air Pollution Control Regulation No. 21, “Control of VOC from Printing Operations:	Update requirements for limiting VOC emissions from printing operations to be consistent with revised EPA Control Technology Guidelines	RIGL Chapters: 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4th quarter of 2012	Barbara Morin, Office of Air Resources, 222-4700 x 7012	Lithographic, letterpress and flexible package printing operations
Adoption	New Air Pollution Control Regulation limiting VOC emissions from fiberglass boat manufacturing materials	Adopt requirements for limiting VOC emissions from fiberglass boat manufacturing to be consistent with EPA Control Technology Guidelines	RIGL Chapters: 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4th quarter of 2012	Barbara Morin, Office of Air Resources, 222-4700 x 7012	Fiberglass boat manufacturers

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Adoption	Hunting Regulations	Establish hunting regulations for 2012-2013	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rulemaking process during the 3rd quarter of 2011	Catherine Sparks, Fish & Wildlife, 222-4700 x 2301	Hunters & sporting goods stores.
Adoption	Freshwater & Anadromous Fishing Regulations	Establish freshwater & anadromous fishing regulations for 2013-2014	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 3rd quarter of 2012.	Catherine Sparks, Fish & Wildlife, 222-4700 x 2301	Recreational anglers, bait & tackle shops
Adoption	Rules & regulations for Falconry	Establish falconry regulations for 2012-2013	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rulemaking process during the 3rd quarter of 2012.	Catherine Sparks, Fish & Wildlife, 222-4700 x 2301	Falconers, & suppliers of products
Adoption	Rules & regulations for waterfowl hunting	Establish waterfowl hunting regulations for 2012-2013	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rulemaking process during the 3rd quarter of 2012.	Catherine Sparks, Fish & Wildlife, 222-4700 x 2301	Hunters, & sporting goods stores.

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Adoption	Nuisance Wildlife Control Specialists Regulations	To establish the standards under which “nuisance wildlife control specialists” may be permitted to conduct the capture, handling, disposition, exclusion and other activities as related to wildlife protected by the Department under Rhode Island General Laws (RIGL) Chapter 20-1.	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 3rd quarter of 2012.	Catherine Sparks, Fish & Wildlife, 222-4700 x 2301	Nuisance Wildlife Control Specialists; licensed trappers
Amendment	Rules & Regulations for Operators of Wastewater Treatment Facilities	The purpose is to clarify licensure requirements, simplify wording, and revise training and other licensure rules.	RIGL Chapters §42-17.4 and §42-35	DEM will conduct the rule making process when the Board completes deliberations and approves draft revisions possibly during the 4 th quarter of 2012.	Bill Patenaude, Office of Water Resources, 222-4700 x 7264	Municipalities (WWTFs), WWTF Contract Operators, licensed wastewater operators.

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PART III - Expected Rule-making Activity January 16, 2013 through June 16, 2013

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Hazardous Waste	Incorporation of new federal rules and updates, and additional revisions with respect to hazardous waste generator requirements.	RIGL Chapters 23-19.1, 42-17.1, 46-12, 23-23, 23-18.9, & 42-35	DEM expects to complete the rule making process by 6/2013, pending public input.	Mark Dennen, Office of Waste Management 222-4700 x 7112	Hazardous waste generators, transporters, businesses, industry, municipalities, & state agencies that generate, transport, or deal with hazardous wastes.
Amendment	Air Pollution Control Regulation No. 11, “Petroleum Liquids Marketing and Storage”	Remove requirements for operation of Stage II vapor recovery systems and add specifications for removal of those systems; Update requirements for Stage I systems	RIGL Chapters: 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 1 st quarter of 2013	Barbara Morin, Office of Air Resources, 222-4700 x 7012	Owner and operators of gasoline dispensing facilities
Amendment	RI Marine Fisheries Statutes & Regulations – Part XVI – Menhaden Regulations	Amend Commercial Menhaden Regulations for 2013	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 42-17.1, 42-17.16, & 42-35	DEM expects to complete the rule making process during the 1st quarter of 2013	Mark Gibson, Fish & Wildlife, Marine Fisheries 423-1935	Commercial fishers & Fish Dealers

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	RI Marine Fisheries Statutes & Regulations – Part VII - Minimum Size of Fish/Shellfish	Establish Recreational Summer Flounder, Scup, Black Sea Bass, Tautog and also commercial Tautog, and skate Regulations for 2013	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 42-17.1, 42-17.16, & 42-35	DEM expects to complete the rule making process during the 1st quarter of 2013	Mark Gibson, Fish & Wildlife, Marine Fisheries 423-1935	Recreational fishers & Bait & tackle shop owners, and Commercial fishers & Fish Dealers
Amendment	RI Marine Fisheries Statutes & Regulations – Part XII - Striped Bass	Establish Recreational and Commercial Striped Bass Regulations for 2013	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 42-17.1, 42-17.16, & 42-35	DEM expects to complete the rule making process during the 1st quarter of 2013	Mark Gibson, Fish & Wildlife, Marine Fisheries 423-1935	Recreational & Commercial Fishers; Fish dealers; bait & tackle shop owners
Amendment	RI Marine Fisheries Statutes & Regulations – Part VII - Minimum Size of Fish/Shellfish	Establish Summer Flounder Sector Allocation regulations for 2013	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 42-17.1, 42-17.16, & 42-35	DEM expects to complete the rule making process during the 3rd quarter of 2013	Mark Gibson, Fish & Wildlife, Marine Fisheries 423-1935	Commercial fishers & Fish Dealers
Amendment	RI Marine Fisheries Statutes & Regulations – Part IV - Shellfish	Amend Conch (Whelk) Regulations for 2013	RIGL Chapters 20-1-4, 20-1-5, 42.17.1, 42-17.6, & 42-35	DEM expects to complete the rule making process during 1st quarter of 2013	Mark Gibson, Fish & Wildlife, Marine Fisheries 423-1935	Commercial Fishers & Fish Dealers