

## REGULATORY AGENDA – June 15, 2009

**Agency Name:** Rhode Island Department of Environmental Management

**PART I - Rules Promulgated January 16, 2009 through June 15, 2009:**

*Please indicate if your agency did not promulgate rules during this period, OR complete the following for each rule promulgated:*

<b>ERLID</b>	<b>Type Filing</b>	<b>Title</b>	<b>Effective Date</b>
5723	Amendment	Water Quality Regulations	6/2/2009
5673	Amendment	Governing the Administration & Enforcement of the Fresh Water Wetlands Act	6/5/2009
5538	Amendment	Air Pollution Control Regulation No. 31 – Control of Volatile Organic Compounds from Consumer Products	6/4/2009
5539	Amendment	Air Pollution Control Regulation No. 33 – Control of Volatile Organic Compounds from Architectural Coatings & Industrial Maintenance Coatings	6/4/2009
5540	Adoption	Air Pollution Control Regulation No. 44 – Control of Volatile Organic Compounds from Adhesives & Sealants	6/4/2009
5598	Amendment	Air Pollution Control Regulation No. 29 – Operating Permits	6/11/09
5423	Adoption	RI Marine Fisheries Statues & Regulations- Part II- Licensing- 2009 Shellfish Management Plan	2/5/2009
5424	Adoption	RI Marine Fisheries Statues & Regulations- Part II- Licensing- 2009 Finfish Management Plan	2/5/2009
5425	Adoption	RI Marine Fisheries Statues & Regulations- Part II- Licensing- 2009 Crustacean Management Plan	2/5/2009
5557	Amendment	RI Marine Fisheries Statues & Regulations – Part VII – Minimum Sizes of Fish/Shellfish	2/16/2009
5560	Amendment	RI Marine Fisheries Statues & Regulations – Part IV – Shellfish	2/16/2009
5599	Amendment	RI Marine Fisheries Statues & Regulations – Part III – Marine Fisheries Council	2/20/2009
5600	Amendment	RI Marine Fisheries Statues & Regulations – Part VII – Minimum Sizes of Fish/Shellfish	2/20/2009
5633	Amendment	RI Marine Fisheries Statues & Regulations – Part III – Marine Fisheries Council	3/18/2009
5645	Amendment	RI Marine Fisheries Statues & Regulations – Part III – Marine Fisheries Council	4/3/2009
5646	Amendment	RI Marine Fisheries Statutes & Regulations – Part VII – Minimum Size of Fish / Shellfish	4/23/2009
5648	Amendment	RI Marine Fisheries Statutes & Regulations – Part I – Legislative Findings	4/23/2009
5652	Amendment	RI Marine Fisheries Statues & Regulations – Part IV – Shellfish	4/28/2009
5654	Amendment	RI Marine Fisheries Statues & Regulations – Part III – Marine Fisheries Council	4/10/2009
5657	Amendment	RI Marine Fisheries Statues & Regulations – Part III – Marine Fisheries Council	4/16/2009
5663	Amendment	RI Marine Fisheries Statues & Regulations – Part III – Marine Fisheries Council	5/1/2009
5672	Amendment	RI Marine Fisheries Statues & Regulations – Part III – Marine Fisheries Council	4/24/2009
5715	Amendment	RI Marine Fisheries Statues & Regulations – Part III – Marine Fisheries Council	5/13/2009
5716	Amendment	RI Marine Fisheries Statues & Regulations – Part III – Marine Fisheries Council	5/17/2009

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**PART II - Expected Rule-making Activity June 16, 2009 through January 15, 2010:**

*Please indicate if your agency does not anticipate rule-making activity during this period, OR complete the following for each rule anticipated:*

<b>Type Filing</b>	<b>Title/Subject Area</b>	<b>Objective</b>	<b>Legal Basis</b>	<b>Anticipated Schedule</b>	<b>Agency Contact</b>	<b>Interested Parties</b>
Amendment	Groundwater Quality	Update the Groundwater Classification Map & the Wellhead Protection Area Map; & Minor Language Changes	RIGL Chapters:42-35, 46-12, 46-13.1, 23-18.9, 23-19.1, 42-17.6, & 42-17.1	DEM expects to complete the rule making process during the 3rd quarter of 2009	Ernie Panciera, Office of Water Resources, 222-4700, Ext. 7603	Water Suppliers, communities, property owners in affected areas, & consultants
Amendment	Establishing Minimum Standards Relating to Location, Design, Construction, & Maintenance of Onsite Wastewater Treatment Systems.	Update the Onsite regulations to incorporate cesspool phase-out requirements.	RIGL Chapters: 42-35, 42-17.1, 5-56, 5-56.1, 23-19.5, 23-24.3 & 23.19.15-1	DEM expects to complete the rule making process during the 3rd quarter of 2009.	Ernie Panciera, Office of Water Resources, 222-4700, Ext. 7603	OWTS designers, engineers, & those in the development industry; homeowners; & municipalities
Amendment	Priority Determination System for Federal & State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects.	Publish FY 2010 Project Priority List	RIGL Chapters:46-12.2, 42-17.1 & 46.12	DEM expects to complete the rule making process during the 3rd quarter of 2009	Jay Manning, Office of Water Resources, 222-3961, Ext. 7254	Cities & Towns

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Amendment	Treatment, Disposal, Utilization & Transportation of Sewage Sludge	The purpose is to clarify ambiguous sections of the rules & regulations & to consolidate the format of the regulations	RIGL Chapters: 42-17, 42-17.6, 46-12, 23-18.9, 23-19.1, & 42-35	DEM expects to complete the rule making process during the 4th quarter of 2009	Alex Pinto, Office of Water Resources, 222-4700, Ext. 7227	Municipalities (WWTFs), WWTF Contract Operators, Agriculture Industry, Landscaping Industry, & Fertilizer Industry
Amendment	Underground Injection Control Program	Major revision & update of all aspects of the Rules	RIGL Chapters:42-35, 42-17.1, 42-12, 46-13.1	DEM expects to complete the rule making process during the 4th quarter of 2009.	Ernie Panciera, Office of Water Resources, 222-4700, Ext. 7603	Commercial & industrial property owners, & consultants.
Amendment	Administration & Enforcement of the Fresh Water Wetlands Act	Establish a new categorical preliminary determination to streamline processing routine Wetlands permit applications. Requires self-certification for compliance with permits.	RIGL Chapters:2-1-18 through 2-1-25 & 42-35	DEM expects to complete the rule making process during the 4th quarter of 2009	Alicia Good, Water Resources, 222-4700 ext. 7200, Ron Gagnon, Technical & Customer Assistance, Ext. 7500	Developers/builders, property owners, municipal officials, state agencies, & the environmental community.

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Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish & Shellfish	Establish Commercial Summer Flounder regulations for 2010.	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 4th quarter of 2009.	Robert Ballou, Fish & Wildlife, 423-1920	Commercial fishers & fish dealers.
Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish & Shellfish	Establish Commercial Scup regulations for 2010	RIGL Chapters 20-1-4, 20-1-12, 20-1-13, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rulemaking process during the 4th quarter of 2009.	Robert Ballou, Fish & Wildlife, 423-1920	Commercial fishers & fish dealers.
Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish & Shellfish	Establish Commercial Black Sea bass regulations for 2010.	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 4th quarter of 2009.	Robert Ballou, Fish & Wildlife, 423-1920	Commercial fishers & fish dealers.

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Amendment	Marine Fisheries Commercial Licensing Regulations & Sector Management Plans	Establish Commercial licensing regulations & sector management plans for 2010.	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 4th quarter of 2009.	Robert Ballou, Fish & Wildlife, 423-1920	Commercial fishers & fish dealers.
Amendment	Marine Fisheries Regulations Part IV Shellfish	Establish Commercial regulations for shellfish winter management areas for 2010.	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 4th quarter of 2009.	Robert Ballou, Fish & Wildlife, 423-1920	Commercial fishers & fish dealers.
Adoption	Freshwater & Anadromous Fishing	Establish freshwater & anadromous fishing regulations for 2010-2011	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 4th quarter of 2009.	Robert Ballou, Fish & Wildlife, 423-1920	Recreational anglers, bait & tackle shops

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Adoption	Hunting	Establish hunting regulations for 2009-2010	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 4th quarter of 2009	Robert Ballou, Fish & Wildlife, 423-1920	Hunters, sporting goods stores.
Amendment	Parks & Management Area	Modify regulations for parks & management areas for 2009-2010	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 4th quarter of 2009	Robert Ballou, Fish & Wildlife, 423-1920	Hunters, anglers, bait & tackle shops, sporting goods stores, non-consumptive recreational users.
Adoption	Falconry	Establish falconry regulations for 2009-2010	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 4th quarter of 2009	Robert Ballou, Fish & Wildlife, 423-1920	Falconers, suppliers of products

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Adoption	Waterfowl hunting	Establish waterfowl hunting regulations for 2009-2010	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 4th quarter of 2009	Robert Ballou, Fish & Wildlife, 423-1920	Hunters, sporting goods stores.
Adoption	Marine Fisheries Regulations Part VII Minimum Sizes of Fish & Shellfish	Implement ASMFC winter flounder regulations for 2009-2010	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 4th quarter of 2009	Robert Ballou, Fish & Wildlife, 423-1920	Commercial fishers, recreational anglers, & fish dealers.
Adoption	Marine Fisheries Regulations Part VII Minimum Sizes of Fish & Shellfish	Implement ASMFC coastal shark regulations for 2009-2010	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 4th quarter of 2009	Robert Ballou, Fish & Wildlife, 423-1920	Commercial fishers, recreational anglers, & fish dealers.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
New Regulation	Electronic Waste – Environmentally Sound Recycling & Reuse Standards		RIGL Chapters 23-24.10-12 & 42-17.1	DEM expects to complete the rulemaking process in the 4 <sup>th</sup> quarter of 2009.	Elizabeth Stone, Waste Management, 222-4700 Ext. 2422	Electronics manufacturers, RIRRC, & electronic waste collectors/recyclers/processors.
Amendment	Air Pollution Control Regulation No. 25 - Control of VOC Emissions from Cutback & Emulsified Asphalt	Strengthen VOC limits for asphalt products for road paving consistent with neighboring states	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to complete the rulemaking process in the 4 <sup>th</sup> quarter of 2009.	Edward Burns, Air Resources, 222-4700, Ext. 7013	Municipalities & DOT
Amendment	Air Pollution Control Regulation No. 21 - Control of VOC Emissions from Printing Operations	Adopt VOC limits for inks used for Lithographic Printing Materials, Letterpress Printing Materials, Flexible Packaging Printing Materials consistent w/ EPA guidance	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to complete the rulemaking process in the 4 <sup>th</sup> quarter of 2009.	Barbara Morin, Air Resources, 222-4700, Ext. 7012	Printers

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Amendment	Air Pollution Control Regulation No. 19 - Control of VOC Emissions from Surface Coating Operations	Amend VOC limits for coatings used in Flatwood, Paper, Film & Foil coating; Metal Furniture coating; Large Appliance Coating consistent w/ EPA guidance	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to complete the rulemaking process in the 4 <sup>th</sup> quarter of 2009.	Barbara Morin, Air Resources, 222-4700, Ext. 7012	Surface coaters
Amendment	Air Pollution Control Regulation No. 35 – Control of VOCs & Volatile HAPs from Wood Products Manufacturing Operations	Amend VOC limits for flatwood coatings consistent with EPA guidance	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to complete the rulemaking process in the 4 <sup>th</sup> quarter of 2009.	Barbara Morin, Air Resources, 222-4700, Ext. 7012	Surface coaters
Amendment	Air Pollution Control Regulation No. 27 - Control of Nitrogen Oxides Emissions	Revise Reg. 27 to reduce the NOx stack testing frequency from the current annual stack testing requirement to a less frequent basis.	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to complete the rulemaking process in the 4 <sup>th</sup> quarter of 2009.	Ted Burns, Office of Air Resources, 222-2808 ext. 7013	Sources required conducting annual stack testing under this rule.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulation No. 37 - RI's Low Emissions Vehicle Program	Amendments will address changes to the California Zero Emissions Vehicle regulation & other minor amendments to synchronize the two sets of regulations & address changes to the CA greenhouse gas standards.	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to complete the rulemaking process in the 4 <sup>th</sup> quarter of 2009.	Frank Stevenson, Air Resources, 222-4700, Ext. 7021	Automobile manufacturers, Automobile dealers, consumers
Amendment	Enforcement of the Farm, Forest, & Open Space Act.	Update Appendix B. Forest Stewardship Plan Requirements, to comply w/ USDA's federal guidelines for minimum plan requirements.	RIGL Chapters: 44-27 & 44-5-39 through 41.	DEM expects to complete the rule making process by in the 3rd quarter of 2009.	Cathy Sparks, Forest Environment, 647-3367	Landowners & potential landowners who are enrolled in the Farm, Forest & Open Space Program; Forestry Consultants; U.S. Forest Service.
Amendment	Composting & Solid Waste Management Facilities	Amend solid waste regulations in accordance with legislative changes, and revisions for facilities that separate &/or process construction and demolition debris.	RIGL Chapters 23-18.9, 42-17.1, & 42-35	DEM expects to complete the rule making process in the 4 <sup>th</sup> quarter of 2009	Mary Kay, Office of Legal Services 222-4700, ext. 2304	Municipalities, solid waste management community, & compost facilities.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Hazardous Waste	Incorporation of new federal manifest rules. Additional revisions may include updates for treatment, storage, & disposal facilities to incorporate federal changes through July 2005.	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 in the 4 <sup>th</sup> quarter of 2009.	Mark Dennen, Office of Waste Management 222-4700, ext. 7112	Hazardous waste transporters, businesses, industry, municipalities, & state agencies that generate, transport, or deal with hazardous wastes.
Amendment	Medical Waste Regulations	Revise reporting requirements and fee collection procedures for generators.	RIGL Chapter 23-19.12	DEM expects to complete the rule making process in the 4 <sup>th</sup> quarter of 2009	Mark Dennen, Office of Waste Management, 222-4700, ext. 7112	Facilities and entities that generate medical waste.
Amendment	Commercial Recycling Regulations	Revise reporting requirements, and standards for mandatory recycling	RIGL Chapters 23-18.9, 23-18.8, 23-19, 37-15, 42-17.6, 42-20.16, & 42-35	DEM expects to complete the rule making process in the 4 <sup>th</sup> quarter of 2009	Mark Dennen, Office of Waste Management, 222-4700, ext. 7112	Businesses, and commercial entities mandated by current statute to recycle.

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Amendment	Underground Storage Tanks	Make revisions to address requirements of the federal Energy Act, including new operator training requirements.	RIGL Chapters 42-17.1-2 & 42-35	DEM expects to complete the rule making process in the 3 <sup>rd</sup> quarter of 2009.	Kevin Gillen, Office of Waste Management, 222-4700, ext. 7116	Underground storage tank owners, municipalities, & environmental consultants.
Amendment	Site Remediation	Incorporate requirements addressing sites in Environmental Justice (EJ) areas, revisions to streamline current approval process, and revisions to current standards for arsenic.	RIGL Chapters 23-19.1, 23-19.14, 42-17.1-2, 46-12 & 46-13.1 & 42-35	DEM expects to complete the rule making process in the 4 <sup>th</sup> quarter of 2009.	Leo Hellested, Office of Waste Management 222-4700, ext. 7502	Environmental consultants, regulated community, & environmental organizations.
Adoption	Animal Care	To establish care regulations of licensed animal care facilities	RIGL Chapters 42-35, 42-17 & 4, & 1-22	DEM expects to complete the rule making process during the 4 <sup>th</sup> quarter of 2009.	Dr. Scott Marshall, State Veterinarian or Dr. Peter Belinsky, Public Health Veterinarian	Animals care facilities (municipal pounds, shelters, pet shops, & kennels)

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Amendment	Importation & Possession of Exotic (Wild) Animals	To modify & update existing rules & regulations	RIGL Chapter 42-17.1-2(19) & 4-18	DEM expects to complete the rule making process during the 4th quarter of 2009.	Dr. Scott Marshall, State Veterinarian or Dr. Peter Belinsky, Public Health Veterinarian	Anyone wishing to import or possess a wild or exotic animal as defined in regulations
Amendment	Water Pollution	Update Rating Criteria & minor edits for Rules & Regulations for Priority Determination System for Federal & State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects	RIGL Chapters: 46-12.2, 42-17.1 & 46.12	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Jay Manning, Water Resources 222-4700 ext. 7254	Cities & Towns
Amendment	Priority List	FY 2009 Project Priority List pending Federal Stimulus Bill	RIGL Chapters 46-12.2, 42-17.1, & 46.12	DEM expects to complete the rule making process during the 2nd quarter	Jay Manning, Water Resources 222-4700 ext. 7254	Cities & Towns

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**PART III - Expected Rule-making Activity JANUARY 16, 2010 through JUNE 15, 2010:**

*Please indicate if your agency does not anticipate rule-making activity during this period, OR complete the following for each rule anticipated:*

<b>Type Filing</b>	<b>Title/Subject Area</b>	<b>Objective</b>	<b>Legal Basis</b>	<b>Anticipated Schedule</b>	<b>Agency Contact</b>	<b>Interested Parties</b>
Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish & Shellfish	Establish Commercial & Recreational Tautog regulations for 2010	RIGL Chapters 20-1-4, 20-1-12, 20-1-13, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rulemaking process during the 2nd quarter of 2010.	Robert Ballou, Fish & Wildlife, 423-1920	Recreational & commercial fishers. Fish dealers
Amendment	Marine Fisheries Regulations Part XII Striped Bass	Establish Commercial Striped Bass regulations for 2010	RIGL Chapters 20-1-4, 20-1-12, 20-1-13, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rulemaking process during the 2nd quarter of 2010.	Robert Ballou, Fish & Wildlife, 423-1920	Commercial fishers & fish dealers.
Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish & Shellfish	Establish Recreational Summer Flounder regulations for 2010	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 2nd quarter of 2010.	Robert Ballou, Fish & Wildlife, 423-1920	Recreational Anglers

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Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish & Shellfish	Establish Recreational Scup regulations for 2010	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 2nd quarter of 2010.	Robert Ballou, Fish & Wildlife, 423-1920	Recreational Anglers
Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish & Shellfish	Establish Recreational Black Sea bass regulations for 2010	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 2nd quarter of 2010.	Robert Ballou, Fish & Wildlife, 423-1920	Recreational Anglers
Amendment	Marine Fisheries Regulations Part XV Lobster & Other Crustaceans	Establish conditions & requirements in accordance with federal guidelines for lobster management areas.	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 2nd quarter of 2010.	Robert Ballou, Fish & Wildlife, 423-1920	Commercial fishers & fish dealers.

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Amendment	Hazardous Waste Regulations 3.00 & 5.00	Incorporate the Federal standards into the State regulations to assist companies in complying with the rules	RIGL Chapters 23-19.1 & 23-19.4	Go out to public notice by June 15, 2010.	Sean Carney, Office of Compliance & Inspection 222-4700 ext 7411	Companies that generate hazardous waste
Amendment	Air Pollution Control Regulation No. 23 - Control of Perchloroethylene from Dry Cleaning Operations	Amend dry cleaning requirements to be consistent w/ amended EPA rule	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to complete the rulemaking process in the 1st quarter of 2010.	Barbara Morin, Air Resources, 222-4700, Ext. 7012	Dry Cleaners
Amendment	Air Pollution Control Regulation No. 41-NO <sub>x</sub> Budget Trading Program	Amend regulation to eliminate requirements from EPA's NO <sub>x</sub> Budget Trading Program that no longer apply.	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to complete the rule making process in 2nd quarter 2010	Douglas McVay, Air Resources, 222-2808, x-7011.	Power Plants