



Draft Standard Operating Procedure for Developing and Approving Policies

1. **APPLICABILITY.** This Standard Operating Procedure (SOP) applies to all programs in the Rhode Island Department of Environmental Management (DEM). This Procedure applies to all staff involved in any task that is appropriate for developing and approving policies.
2. **PURPOSE.** Section 42-35-2 (Attachment A) of the Rhode Island general laws defines the manner in which agencies are to make information available to the public. One of the requirements of this law is to allow the public to review regulations and policies that are used by the agency to discharge its functions. According to the statute, “No agency rule, order, or decision is valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection as herein required...”

In order to comply with the statute, DEM will review all policies that are used in the decision-making process.

3. DEFINITIONS

- 3.1 Director - Refers to the Director of the Rhode Island Department of Environmental Management.
- 3.2 Originator - Refers to the individual primarily responsible for the development of a policy, including drafting, review, finalization, and distribution.
- 3.3 Policy - Operational standards, practices or procedures that guide the Division or Office in the conduct of DEM day- to-day affairs.
- 3.4 Standard Operating Procedure (SOP) – Is the description of a prescribed method that must be used by DEM staff to complete certain routine or repetitive operations, analyses, or actions. SOPs do not establish policy and are not appropriate to describe procedures or requirements that apply to members of the public, other than persons acting as agents of, or under contract with, the DEM.

4. RESPONSIBILITIES

- 4.1 **COMPLIANCE** - All staff engaged in the development of policies are responsible for becoming familiar and complying with the contents of this procedure prior to drafting or revising a policy. Supervisors are responsible for ensuring that staff is familiar with and adhere to this Standard Operating Procedure for developing policies. The Office of Legal Services must schedule any policy in place before this document’s effective date for review and periodic renewal. At the time of any revision after the effective date of this SOP, an existing policy must be brought into conformance with the provisions Section 5 of this document. Until revision or renewal occurs, no changes are required to bring currently effective policies into conformance with this SOP.



- 4.2 **DEVELOPMENT** - The Originator is responsible for initial development. Initial development includes word processing and distribution for review.
- 4.3 **APPROVAL** - The Originator is responsible for obtaining preliminary and final approval of a proposed SOP.
- 4.4 **DISTRIBUTION** - After all approval signatures have been obtained, the Originator is responsible for distributing the SOP to any affected parties, as evidenced by a completed distribution list on the Coversheet.

5. GUIDELINES AND PROCEDURES

- 5.1 **ORIGINATION** - A staff member, a contractor or an agent of the Department may originate a draft policy
- 5.2 **CONTENTS** – All new policies developed by DEM should include the following contents in the order outlined below.
 - 5.2.1 **APPLICABILITY** - The first section of a policy contains a brief statement identifying the scope of the policy and indicates the individuals and programs that are affected by the policy.
 - 5.2.2 **PURPOSE** - The second section of a policy contains a brief statement explaining the objective of the policy.
 - 5.2.3 **DEFINITION** - The third section of a policy lists the meaning of words or groups of words not commonly known to the potential user of the policy. For example, technical terms and/or acronyms are described in this section.
 - 5.2.4 **RESPONSIBILITY** - The fourth section of a policy lists all the individuals or groups responsible for implementing the policy, performing certain tasks associated with the policy and their duties in the implementation of the policy.
- 5.3 **FORMAT**
 - 5.3.1 **CONFORMANCE TO STANDARD** - All policies must at least include the *Page Header Contents* information as detailed in Section 5.3.2 of this SOP. All other information shall be included in the header.
 - 5.3.2 **PAGE HEADER CONTENTS.** Each page, including the coversheet, shall include a header containing the Department logo in the upper left corner, and a document identifier in the upper right hand corner that contains the following information in nine (9) point bolded type, Arial: SOP No, Effective Date, Revision No, Last Revision Date, and page number.



- 5.4 POLICY DEVELOPMENT AND APPROVAL PROCESS** - The policy approval process may consist of a preliminary draft cycle and a final approval cycle.
- 5.4.1 **PRELIMINARY DRAFT DEVELOPMENT** - In the preliminary draft cycle, the originator contacts their direct supervisor to gain approval for going forward with drafting a proposed policy. Upon approval to proceed, the originator should work with appropriate staff to prepare a draft. “Appropriate staff” should include a representative group of individuals who will be affected by the policy. Any staff member who makes a request to review a draft policy should be provided that opportunity.
- 5.4.2 **PRELIMINARY DRAFT APPROVAL** - The signatures required for preliminary draft approval should correspond to the scope and applicability of the policy. Policy applying to a discrete unit within an Office, at a minimum, needs a sign-off from the project and program manager. The preliminary draft must first be submitted to the Originator’s project or program manager for comment and approval to proceed with the review process. Upon receiving approval to proceed, if other supervisors on the same management level as the Originator’s supervisor have staff affected by provisions in the draft SOP, the draft should then be circulated to them for review and comment. Reviewers are free to use their judgment to include additional individuals and groups whose input they believe would be valuable to the process. All required reviewers must submit a response to the Originator, indicating approval or changes necessary to obtain their approval.
- 5.4.3 **COMMENT RECONCILIATION** - The Originator of the draft policy will resolve any issues raised in comments during the draft review cycle. Upon resolution of the comments, the Originator must obtain approval signatures on the Draft Approval Routing Sheet from any unit supervisor and Division / Office Director whose staff will be affected by the policy. The completed Draft Approval Routing Sheet should be retained in a file created during the policy drafting process.
- 5.4.4 **FINAL APPROVAL** - As with preliminary draft approval, the signatures necessary for final approval should be commensurate with the policy scope and applicability. All policies need to be reviewed and approved by the Office of Legal Services.
- (A) **PROGRAM SPECIFIC POLICIES.** Preliminarily approved drafts of program specific policies must receive final approval from the relevant Division / Office Chief. Only these two (2) signatures should be on the Policy Coversheet.
- (B) **MULTI-PROGRAM / BUREAU POLICIES.** Preliminarily approved drafts of multi-program policies must receive final approval from the appropriate Bureau and Assistant Directors and a sign off from the QAM.

6. REFERENCES

- 6.1 DEM QUALITY MANAGEMENT PLAN (September 2003)



FIGURE 1 – COVERSHEET - POLICIES APPROVALS

Director

Print Name Signature Date: _____

Assistant Director of Water Resources

Print Name Signature Date: _____

Assistant Director of Air, Waste and Compliance

Print Name Signature Date: _____

Associate Director of Natural Resources

Print Name Signature Date: _____

Office of Legal Services

Print Name Signature Date: _____

DISTRIBUTION:

BUREAU OF ENVIRONMENTAL PROTECTION

Air, Waste & Compliance

- () Air Resources, Office of By: _____ Date: _____
- () Compliance & Inspection, Office of By: _____ Date: _____
- () Technical and Customer Assistance, Office of By: _____ Date: _____
- () Waste Management, Office of By: _____ Date: _____

Water

- () Groundwater & Wetlands Protection By: _____ Date: _____
- () Surface Water Protection By: _____ Date: _____

BUREAU of NATURAL RESOURCES

- () Agriculture Division By: _____ Date: _____
- () Coastal Resources Division By: _____ Date: _____
- () Fish & Wildlife Division By: _____ Date: _____
- () Forest Environment Division By: _____ Date: _____
- () Law Enforcement Division By: _____ Date: _____
- () Parks & Recreation Division By: _____ Date: _____

BUREAU of POLICY & ADMINISTRATION

- () Human Resources By: _____ Date: _____
- () Information Management By: _____ Date: _____
- () Management Services By: _____ Date: _____
- () Planning & Development By: _____ Date: _____
- () Strategic Planning & Policy By: _____ Date: _____
- () Sustainable Watersheds By: _____ Date: _____

Director's Office

- () Administrative Adjudication Division By: _____ Date: _____
- () Communication & Media Relations By: _____ Date: _____
- () Criminal Investigation Division By: _____ Date: _____
- () Environmental Response By: _____ Date: _____
- () Legal Services, Office of By: _____ Date: _____
- () Ombudsman By: _____ Date: _____

Title: _____ Originator: _____



FIGURE 3 – DRAFT APPROVAL ROUTING FORM
DRAFT APPROVAL ROUTING FORM – POLICY DEVELOPMENT

Date in Process:

Policy Title:

Identification No.:

Revision No.:

Originator Name:

The attached draft is forwarded for your evaluation and comment. Suggested changes should be concise and reasons specific. Return to sender.

Supervisor:

_____ redraft based on comments OK
Print Name Initials Date

Office Director:

_____ redraft based on comments OK
Print Name Initials Date



FIGURE 4 – IDENTIFICATION AND CODING SYSTEM

Office of the Director (OD)
OD-QM..... Quality Manager

Bureau of Environmental Protection (BEP)
BEP-AWC Air, Waste & Compliance
BEP-WR..... Water Resources

AIR Resources (A)

A-A..... Administration
A-I..... Inspection
A-M Monitoring
A-MS..... Mobile Sources
A-P Permitting
A-T Toxics

Waste Management (WM)

WM-B..... Brownfields
WM-FF..... Federal Facilities
WM-MW..... Medical Waste
WM-SR..... Site Remediation
WM-SW..... Solid Waste
WM-SF..... Superfund
WM-LUST..... Leaking Underground Storage Tanks
WM-UST Underground Storage Tanks

Water Resources (WR)

WR-GWC..... Ground Water Certification
WR-W Watersheds TMDL
WR-WQC Water Quality Certifications
WR-WRR Water Resource Regulation

Information Management Unit (IMU)

Agriculture (AG)

AG-P Pesticides



Attachment A

§ 42-35-2 Public information – Adoption of rules – Availability of rules and orders. – (a) In addition to other rule making requirements imposed by law, each agency shall:

(1) Adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(2) Adopt rules of practice, setting forth the nature and requirements of all formal and informal procedures available, and including a description of all forms and instructions used by the agency;

(3) Make available for public inspection all rules and all other written statements of policy or interpretations formulated, adopted, or used by the agency in the discharge of its functions;

(4) Make available for public inspection all final orders, decisions, and opinions.

(b) No agency rule, order, or decision is valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection as herein required, except that this provision is not applicable in favor of any person or party who has actual knowledge thereof.