

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES

**Final Changes to Proposed Amendments to the
Rules and Regulations Governing the Administration and
Enforcement of the Fresh Water Wetlands Act
December 6, 2010**

This document contains excerpts of the proposed Amendments to the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act highlighting the changes made to the August 17, 2010 Public Notice Draft. Inserted text is double underlined (inserted text). Notes of explanation are in *italics*.

*-Changed date on title page.
-Changed Table of Contents to reflect final pagination.
-Changed dates for Public Notice, Public Hearing and filing in Rule 16.*

*-Added the words “the effective date of the adoption of these rules to paragraph 1 of Rule 7.12 A. 1) as follows.
-Added the words “on or” to paragraph 2 of Rule 7.12 A. 2) as follows.
-Added the word “the” to paragraph 4 of Rule 7.12 A. 4) as follows.*

7.12 Rhode Island Stormwater Design and Installation Standards Manual (RISDIS Manual)

A. Requirements pertaining to use of the 2010 Manual as amended

- 1) The 1993 RISDIS Manual will be superseded by the 2010 RISDIS Manual upon ~~(effective date)~~ the effective date of the adoption of these rules. Unless otherwise provided in this section, the requirements of the 2010 Manual as amended shall apply to all Requests for Preliminary Determination or Application to Alter Freshwater Wetlands submitted on or after January 1, 2011. The 2010 RISDIS Manual as amended may be used in lieu of the 1993 RISDIS Manual beginning on or after ~~(effective date)~~ the effective date of the adoption of these rules.
- 2) Applicants for projects which have a currently valid and vested Master Plan approval from the local planning board or commission on or before March 31, 2011 (“Master Plan approval”) may elect to comply with the 1993 RISDIS Manual instead of the 2010 RISDIS Manual provided that a complete application for the project is submitted to the *Director* on or before June 30, 2011. Any *project* applicant that received Master Plan approval who submits a Request for Preliminary Determination or Application to Alter Freshwater Wetlands after June 30, 2011 shall comply with the 2010 RISDIS Manual, including any future phases of a phased *project* having received Master Plan approval as of March 31, 2011. Applicants shall, at the time of application, submit a copy of the Master Plan approval document(s) demonstrating eligibility under this subsection. This subsection applies only to *projects* which require Master Plan approval.
- 4) Projects that propose a subsurface discharge of stormwater subject to the requirements of the 2010 RIDISM Manual as amended and the RIDEM Underground Injection Control (UIC) Rules and Regulations or the RIDEM Groundwater Discharge Rules and

Regulations will be considered approved and registered under said regulation(s) upon issuance of a project approval under these *Rules*.

-Added section in Rule 7.12 pertaining to RIDOT projects. See Rule 7.12 A. 3) as follows:

7.12 Rhode Island Stormwater Design and Installation Standards Manual (RISDIS Manual)

A. Requirements pertaining to use of the 2010 Manual as amended

3) In the case of any RIDOT *project* or a local government road or bridge *project*, where the design has advanced to at least the 30% completion stage on or before March 31, 2011, the Applicant may elect to comply with the 1993 RISDIS Manual instead of the 2010 RISDIS Manual provided that a complete application for the *project* is submitted to the *Director* on or before June 30, 2011. Any Request for Preliminary Determination or Application to Alter Freshwater Wetlands application submitted after June 30, 2011 for such qualified *project* shall comply with the 2010 RISDIS Manual.
