

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

235 Promenade Street  
Providence, Rhode Island 02908  
222-2771

**JANUARY 2006 REGULATORY AGENDA**

**Rules and Regulations Filed Since June 30, 2005**

<b>Title of the Regulation As Filed with the Secretary of State's Office</b>	<b>Effective Date of the Regulation</b>	<b>Type of Filing</b>
Air Pollution Control Regulation No. 37- Rhode Island's Low Emission Vehicle Program	1/11/06	Amendment
Rules and Regulations Governing the Administration and Enforcement of the Rhode Island Mercury Education and Reduction Act Mercury Regulations	12/28/05	Amendment
Rules and Regulations Governing the Management of Marine Fisheries (Commercial Marine Licensing Regulations for 2006)	12/20/05	Adoption
<ul style="list-style-type: none"><li>• 2006 Management Plan for the Crustacean Sector</li><li>• 2006 Management Plan for the Finfish Fishery Sector</li><li>• 2006 Management Plan for the Shellfish Fishery Sector</li></ul>	12/20/05	Adoption
RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS - Part VII - Minimum Sizes of Fish/Shellfish	12/16/05	Amendment
RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS - Part VII - Minimum Sizes of Fish/Shellfish	12/02/05	Amendment

RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS - Part VII - Minimum Sizes of Fish/Shellfish	11/09/05	Amendment
RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS - Part IV - Shellfish	11/04/05	Emergency
RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS - Part VII - Minimum Sizes of Fish/Shellfish	11/01/05	Amendment
FY 2006 Project Priority List	11/01/05	Adoption
Solid Waste Regulation No. 8- Solid Waste Composting Facilities	10/25/05	Amendment
Solid Waste Regulation No. 1- General Requirements	10/25/05	Amendment
RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS - Part IV – Shellfish	10/24/05	Amendment
RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS - Part IV - Shellfish	10/21/05	Emergency
RI Hunting Regulations for the Water Fowl Season 2005 - 2006	10/06/05	Adoption
RI Falconry Regulations for the 2005 - 2006 Season	10/06/05	Adoption
RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS - Part VII - Minimum Sizes of Fish/Shellfish	10/04/05	Amendment
RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS - Part VII - Minimum Sizes of Fish/Shellfish	9/27/05	Amendment
RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS - Part VII - Minimum Sizes of Fish/Shellfish	9/14/05	Amendment

RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS - Part XII - Striped Bass	9/14/05	Amendment
Rules and Regulations for Hazardous Waste Management Hazardous Waste Regulations	9/14/05	Amendment
HUNTING REGULATIONS for the 2005-2006 SEASON	8/17/05	Adoption
RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS - Part VII - Minimum Sizes of Fish/Shellfish	8/12/05	Amendment
Freshwater and Anadromous FISHING REGULATIONS for the 2006 - 2007 SEASON	8/04/05	Adoption
Rules and Regulations Governing the Importation, Feeding, and Baiting of Cervids in Rhode Island	8/04/05	Amendment
R.I. Marine Fisheries Statutes and Regulations - Part VII - Minimum Sizes of Fish/Shellfish	7/28/05	Amendment
Rules and Regulations Governing the Management of Marine Fisheries	7/11/05	Amendment
RI Marine Fisheries Statutes and Regulations – Part VII - Minimum Sizes of Fish/Shellfish	7/08/05	Amendment

**Rules and Regulations**  
**Proposed to be Filed Between Jan. 15, 2006 and June 15, 2006**

<b>TITLE/SUBJECT AREA</b>	<b>Objective</b>	<b>Type of Filing &amp; Anticipated Schedule</b>	<b>Interested Parties</b>	<b>Agency Contact</b>
<p><b>MARINE FISHERIES</b></p> <p>LEGAL BASIS:            20-1-2, 20-1-4, 20-3-1 THROUGH 20-3-6, 20-4 THROUGH 20-10, 42.17.1, 42-17.6, 42-35-18(B)(5), AND 42-35</p>	<p>Amend/regulate fisheries methods, possession limits, and season according to federal agency mandates and decisions by the Director in conjunction with the RI Marine Fisheries Council</p>	<p><i>Amendment to existing regulation.</i></p> <p>Continuous amendments throughout the year to keep RI in compliance with federal and regional mandates and establish fisheries management rules.</p>	<p>All commercial and recreational fishermen and fish processing businesses.</p>	<p>Mark Gibson, Deputy Chief, Marine Fisheries, DEM – Fish and Wildlife 423-1940</p>
<p><b>HUNTING REGULATIONS FOR 2005-2006 SEASON;            FRESHWATER FISHING REGULATIONS FOR 2006-2007 SEASON</b></p> <p>LEGAL BASIS:            20-1-4, 20-1-12, 20-1-13, 42-17.1, 42-17.6 AND 42-35</p>	<p>Establish conditions and requirements for hunting or fishing species, bag limits, minimum size restrictions, seasons, etc. in accordance with federal guidelines and public comment.</p>	<p><i>New regulation (annual adoption of hunting/fishing regulations).</i></p> <p>DEM expects to complete the rule making process in the third quarter of 2006.</p>	<p>Recreational hunters/trappers and anglers.</p>	<p>Michael Lapisky, Fish and Wildlife, 789-7083</p>
<p><b>RI FALCONRY REGULATIONS FOR THE 2005-2006 SEASON</b></p> <p>LEGAL BASIS: 20-1-4, 20-1-12; 20-1-13; 42-17.1; 42-17.6; AND 42-35</p>	<p>Allow for the managed practice of falconry in Rhode Island.</p>	<p><i>New regulation (annual adoption of falconry regulations).</i></p> <p>DEM expects to complete the rule making process in the third quarter of 2006.</p>	<p>Falancers/recreational hunters</p>	<p>Michael Lapisky, Fish and Wildlife, 789-7083</p>

<p><b>HUNTING REGULATIONS FOR WATERFOWL SEASON 2005-2006</b></p> <p>LEGAL BASIS: 20-1-4; 20-1-5, 20-1-12; 20-1-13; 20-2-35; 20-2-37 42-17.1; 42-17.6; AND 42-35</p>	<p>Establish seasons, bag limits, and methods by which waterfowl hunting may be carried out in Rhode Island.</p>	<p><i>New regulation (annual adoption of waterfowl hunting regulations).</i></p> <p>DEM expects to complete the rule making process in the third quarter of 2006.</p>	<p>Recreational hunters.</p>	<p>Michael Lapisky, Fish and Wildlife, 789-7083</p>
<p><b>RULES AND REGULATIONS GOVERNING NUISANCE WILDLIFE CONTROL SPECIALISTS</b></p> <p>LEGAL BASIS: 20-1-18 AND 42-17.1</p>	<p>Establish 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 under Chapter 20-1.</p>	<p><i>New regulation.</i></p> <p>DEM expects to initiate the rule making process in the third quarter of 2006.</p>	<p><b>Individuals (current and future) authorized to conduct nuisance wildlife services under existing permits and municipal animal control officers.</b></p>	<p>Lori Gibson, Charles Brown, DEM Division of Fish and Wildlife, 789-0281</p>
<p><b>COMMERCIAL RECYCLING</b></p> <p>LEGAL BASIS: 23-18.8-2, 23-18.9-1, 23-18.9-7, 23-19-3, 23-19-5, 37-15, 42-17.1-2, 42-17.6, 42-20.16, AND 42-35</p>	<p>Update existing commercial recycling regulations to reflect recent amendments to the state solid waste guide plan.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to initiate the rule making process in the second quarter of 2006.</p>	<p>Businesses generating waste, waste haulers, RIRRC, municipalities, environmental advocacy groups</p>	<p>Terrence Gray, Office of the Director, 222-4700, x7100</p>
<p><b>AIR POLLUTION CONTROL PERMITS (APC REGULATION NO. 9)</b></p> <p>LEGAL BASIS: 23-23-5(12), AND 42-35</p>	<p>Streamline the permitting process based on the recommendations of a stakeholder group.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to complete the rule making process by the end of the second quarter of 2006.</p>	<p>Businesses, industry, municipalities, and/or state agencies that install or modify equipment requiring air pollution permits.</p>	<p>Doug McVay, Office of Air Resources, 222-2808, ext. 7011</p>

<p><b>EMISSIONS STANDARDS FOR SMALLER SCALE ELECTRIC GENERATION FACILITIES (APC REGULATION 43)</b></p> <p>LEGAL BASIS: 23-23(5)12 AND 42-35</p>	<p>Establish regulations limiting air pollution emissions from small-scale combined heat and power and distributed generation projects.</p>	<p><i>New regulation.</i></p> <p>DEM expects to complete the rule making process by the end of the second quarter of 2006.</p>	<p>Engine and turbine manufacturers, and large energy users, state agencies, and businesses who would consider on-site electric generation.</p>	<p>Doug McVay, Office of Air Resources, 222-2808, ext. 7011</p>
<p><b>CONTROL OF VOCs FROM COMMERCIAL AND CONSUMER PRODUCTS (APC REGULATION NO. 31)</b></p> <p>LEGAL BASIS: 23-23-5(12) AND 42-35</p>	<p>Amend APC Regulation No. 31, "Control of Volatile Organic Compound Emissions from Commercial and Consumer Products," to: 1) convert it from a contingency regulation to an active regulation; and 2) update the list of regulated products &amp; VOC limits to ensure consistency with those in the OTC model rule and neighboring states.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to complete the rule making process during the third quarter of 2006.</p>	<p>Businesses that manufacture and/or sell commercial and consumer products that emit VOCs and consumers of such products.</p>	<p>Barbara Morin, Office of Air Resources, 222-2808, ext. 7012</p>
<p><b>DEFINITIONS IN AIR POLLUTION CONTROL REGULATIONS</b></p> <p>LEGAL BASIS: 23-23-5(12) AND 42-35</p>	<p>Update the definition of "Volatile Organic Compound" in the air pollution control regulations to be consistent with the federal definition. Create a central list of consistent definitions for 15-20 terms used in several APC regulations and remove the definitions of those terms (including VOC) from individual APC regulations.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to complete the rule making process during the second quarter of 2006.</p>	<p>Businesses, industry and other entities subject to RI APC regulations.</p>	<p>Barbara Morin, Office of Air Resources, 222-2808, ext. 7012</p>
<p><b>CHEMICAL ACCIDENTAL RELEASE PREVENTION PROGRAM (APC REGULATION NO. 40)</b></p> <p>LEGAL BASIS: 23-23 (5)12 AND 42-35</p>	<p>Implement state planning requirements for accidental release prevention. (Similar to federal requirements but will respond to state-specific issues.)</p>	<p><i>New regulation.</i></p> <p>DEM expects to complete the rule making process during the second quarter of 2006.</p>	<p>Industrial facilities that store toxic or flammable substances, members of the public who reside near such facilities, and administrators of schools, hospitals, etc. in the vicinity of such industrial facilities.</p>	<p>Gina Friedman, Office of Air Resources, 222-4700, ext. 7016</p>

<p><b>INSPECTIONS OF DAMS AND RESERVOIRS (DAM SAFETY)</b></p> <p>LEGAL BASIS: 46-19, 42-17.1 AND 42-35</p>	<p>Establish a regulatory framework for several of the major provisions of the state's current dam safety law. Identify minimum requirements for maintenance of a dam, registration of a dam, and responsibilities of the department and dam owners in inspecting and repairing dams. Adopt a formal hazard classification system for dams and improve regulatory oversight of dams.</p>	<p><i>New regulation.</i></p> <p>DEM expects to complete the rule making process by the end of the third quarter of 2006.</p>	<p>Dam owners, cities and towns, property owners adjacent to and downstream of open water bodies created by a dam, and members of the general public who use water bodies created by a dam for recreational purposes.</p>	<p>David Chopy, Office of Compliance and Inspection, 222-4700 ext. 7257</p>
<p><b>USED OIL RECYCLING</b></p> <p>LEGAL BASIS: 23-19.1, 42-17.1, 46-12, 23-23, 23-18.9 AND 42-35</p>	<p>Establish management and handling standards for generators, transporters, and facilities dealing with used oil to facilitate the recycling of used oil rather than disposing as a hazardous waste.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to host a public hearing and complete the rule making process by the end of the first quarter of 2006.</p>	<p>Businesses, industry, municipalities, and state agencies that generate, transport, or deal with used oil.</p>	<p>Dean Albro, Office of Compliance &amp; Inspection, 222-1360, ext. 7400</p> <p>Sean Carney, Office of Compliance &amp; Inspection, 222-1360, ext. 7411</p>
<p><b>REGULATIONS FOR DREDGING AND THE MANAGEMENT OF DREDGE MATERIALS</b></p> <p>LEGAL BASIS: 46-6.1 AND 42-35</p>	<p>Revise and clarify public notice requirements for dredging projects.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to complete the rule making process by the end of the second quarter of 2006.</p>	<p>Marina owners, CRMC, boating public and waste processors.</p>	<p>Ronald Gagnon Office of Technical and Customer Assistance, 222-4700, ext. 7500</p>

<p><b>REGULATIONS GOVERNING ANIMAL CARE</b></p> <p>LEGAL BASIS: 4-19 AND 42-35</p>	<p>Establish comprehensive animal care regulations. Include new licensure requirements, procedures and protocols for the intake, relinquishment, sheltering, transfer and adoption of animals to and from the public.</p>	<p><i>New regulation.</i></p> <p>DEM expects to complete the rule making process in the second quarter of 2006.</p>	<p>Animal welfare groups, animal control agencies, animals volunteer groups, pet shops, kennels, pounds, auction markets, and veterinarians.</p>	<p>Chris H. Hannafin, D.V.M., RI State Public Health Veterinarian, Division of Agriculture, 222-4700, ext. 4503</p>
<p><b>ERADICATION OF SCRAPIES</b></p> <p>LEGAL BASIS: 4-4 AND CFR TITLE 9 PART 79</p>	<p>Keep Rhode Island in compliance with federal regulations governing scrapies, a fatal, degenerative disease affecting the central nervous system of sheep and goats.</p>	<p><i>New regulation.</i></p> <p>DEM expects to complete the rule making process in the third quarter of 2006.</p>	<p>Sheep and goat herders/farmers, USDS</p>	<p>Chris H. Hannafin, D.V.M and Peter B. Belinsky, V.M.D, RI State Public Health Veterinarians, Division of Agriculture, 222-2781</p>
<p><b>PESTICIDE CONTROL</b></p> <p>LEGAL BASIS: 23-25-9 AND 42-35</p>	<p>Classify pesticides that have been shown to pose a threat to groundwater and surface water within the state. Will allow use of these chemicals only by certified pesticide applicators and maintain/require reporting of the use of these chemicals on an annual basis.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to complete revisions by end of the second quarter of 2006.</p>	<p>Agricultural and Commercial Certified Applicators.</p>	<p>Liz Lopes-Duguay, Division of Agriculture, 222-4700, ext. 4510</p>
<p><b>IMPORTATION AND POSSESSION OF WILD AND EXOTIC ANIMALS</b></p> <p>LEGAL BASIS: 4-19 AND 42-35</p>	<p>Update and revise the regulations (including increasing permits fees) concerning the importation of, possession of, and standards of care for exotic and wild animals.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to complete the rule making process in the second quarter of 2006.</p>	<p>Zoos, researchers, exhibitors, veterinarians, animal welfare groups.</p>	<p>Chris H. Hannafin, D.V.M., RI State Public Health Veterinarian, Division of Agriculture, 222-4700, ext. 4503</p>



<p><b>IMPORTATION OF ANIMALS</b></p> <p>LEGAL BASIS: 4-19 AND 42-35</p>	<p>Update and revise the regulations governing the importation of animals, particularly with regard to the required import permits, certificates of veterinary inspection, and disease-free certification.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to complete the rule making process in the second quarter of 2006.</p>	<p>General public, health professions, animal industry, animal welfare groups, veterinarians, agriculture, and animal wildlife groups.</p>	<p>Chris H. Hannafin, D.V.M., RI State Public Health Veterinarian, Division of Agriculture, 222-4700, ext. 4503</p>
<p><b>REGULATIONS GOVERNING THE IMPORTATION OF EQUINE FROM CONTAGIOUS EQUINE METRITIS (CEM) AFFECTED COUNTRIES</b></p> <p>LEGAL BASIS: 4-4.1 AND 42-35</p>	<p>Update of the regulations governing importation of horses from countries where Contagious Equine Metritis (CEM) exists. Clarify quarantine protocols and establish specific permit fees.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to complete the rule making process in the second quarter of 2006.</p>	<p>Licensed CEM quarantine stations.</p>	<p>Chris H. Hannafin, D.V.M., RI State Public Health Veterinarian, Division of Agriculture, 222-4700, ext. 4503</p>
<p><b>WATER QUALITY REGULATIONS</b></p> <p>LEGAL BASIS: 46-12 AND 42-35</p>	<p>Update and revise regulations in response to DEM's triennial review of the water quality regulations as required by the federal Clean Water Act.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to complete the rule making process by the end of the second quarter of 2006.</p>	<p>Wastewater treatment facilities, industries that discharge to surface waters, applicants for water quality certifications, and environmental organizations.</p>	<p>Connie Carey, Office of Water Resources, 222-4700, ext. 7239</p>
<p><b>REGULATIONS GOVERNING THE ADMINISTRATION AND ENFORCEMENT OF THE FRESH WATER WETLANDS ACT (PHASE II AND III)</b></p> <p>LEGAL BASIS: 2-1-18 THROUGH 2-1-25 AND 42-35</p>	<p>Amend wetland regulations, in accordance with Chapter 2-1, based on the recommendations of the Wetlands Task Force and other recommendations identified by the Department.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to initiate the formal rule making process (e.g. host a public hearing) during the second quarter of 2006.</p>	<p>Developers/builders, property owners, municipal officials, state agencies, and the environmental community.</p>	<p>Carolyn Murphy, Office of Water Resources, 222-4700, ext. 7208</p>

<p><b>REGULATIONS PERTAINING TO THE OPERATION AND MAINTENANCE OF WASTEWATER TREATMENT FACILITIES</b></p> <p>LEGAL BASIS: 46-12 AND 42-35</p>	<p>Update regulations for statutory citations, technological advancements, and policy changes and additions as authorized in Chapters 46-12 and 42-35.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to complete the rule making process by the end of the fourth quarter of 2006.</p>	<p>Wastewater Treatment Facility (WWTF) operators, municipalities, industries with surface water discharging WWTFs and collection system owners (public and private).</p>	<p>Bill Patenaude, Office of Water Resources, 222-4700, ext. 7264</p>
<p><b>REGULATIONS FOR THE TREATMENT, DISPOSAL, UTILIZATION AND TRANSPORTATION OF SEWAGE SLUDGE</b></p> <p>LEGAL BASIS: 46-12 AND 42-35</p>	<p>Amend sludge regulations to reduce regulatory oversight of the distribution and utilization of Class A Biosolids, and bring the regulations more in line with EPA's sludge regulations.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to complete the rule making process by the end of the second quarter of 2006.</p>	<p>Municipalities with wastewater treatment facilities, landscaping and agricultural industries.</p>	<p>Alex Pinto, Office of Water Resources, 222-4700, ext. 7247</p>
<p><b>REGULATIONS ESTABLISHING MINIMUM STANDARDS RELATING TO LOCATION, DESIGN, CONSTRUCTION AND MAINTENANCE OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS</b></p> <p>LEGAL BASIS: 42-17.1, 23-19.5, 5-56, 5-56.1 AND 42-35</p>	<p>Substantially update the technical and protective standards for septic systems including septic tanks, grease traps, leachfields and other components of an ISDS; clarify and streamline administrative requirements; and provide a comprehensive recompilation of the ISDS rule to enhance readability.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects complete the rule making process during the fourth quarter of 2006.</p>	<p>ISDS designers, engineers, homeowners, and those in the development industry.</p>	<p>Ernie Panciera Office of Water Resources, 222-4700, ext. 7603</p>
<p><b>OPEN SPACE, RECREATION AND CLEAN WATER BOND FUND REGULATIONS</b></p> <p>LEGAL BASIS: 42-17.1, 46-12 AND 42-35</p>	<p>Adopt comprehensive set of regulations to implement the \$70 million Open Space, Recreation, Bay and Watershed Protection Bond approved in November 2004.</p>	<p><i>Amendment to existing regulation &amp; new regulation.</i></p> <p>DEM expects to complete the rule making process by the end of the first quarter of 2006.</p>	<p>Local governmental units, non-profit agencies, businesses, farmers, and environmental organizations.</p>	<p>Jay Manning, Office of Water Resources, 222-4700, ext. 7254</p> <p>Bob Sutton, Planning &amp; Development, 222-4700, ext. 4300</p>

<p><b>ACCELERATED APPLICATION PROCESSING FOR CERTAIN DEM-ISSUED PERMITS (PILOT PROGRAM)</b></p> <p>LEGAL BASIS: 42-17.1 AND 42-35</p>	<p>Establish a new program to allow a limited number of DEM issued permits (e.g. ISDS and wetlands) to be handled in an expedited manner utilizing staff in a managed overtime process.</p>	<p><i>New regulation.</i></p> <p>DEM expects to complete the rule making process by the end of the first quarter of 2006.</p>	<p>Developers, property owners, and environmental organizations.</p>	<p>Tom Getz, Office of the Director, 222-4700, ext. 2417</p>
<p>STATE PILOTAGE COMMISSION</p> <p>LEGAL BASIS: 46-9 AND 42-35</p>	<p>Amend state pilotage regulations to: 1) require the use of state issued navigational equipment; 2) add additional physical exam requirements; and 3) add night vision testing to the eye exam.</p>	<p><i>Amendment to existing regulation.</i></p> <p>DEM expects to complete the rule making process by the end of the second quarter of 2006.</p>	<p>RI licensed pilots.</p>	<p>Mike Scanlon, Boating Safety Program Coordinator, Division of Enforcement , 222-2284.</p>
<p><b>NO DISCHARGE COMPLIANCE PROGRAM</b></p> <p>LEGAL BASIS: 42-17.1, 46-12 AND 42-35</p>	<p>Adopt comprehensive set of regulations to implement RI's new sticker certification program (which takes effect June 2006) for ensuring compliance with the state's no-discharge boat sewage law.</p>	<p><i>New regulation.</i></p> <p>DEM expects to complete the rule making process during the second quarter of 2006.</p>	<p>Boat owners, marinas, harbor masters, and environmental organizations.</p>	<p>Joe Migliore, Office of Water Resources, 222-4700, ext. 7258</p>