



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

June 15, 2011

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

Re: 2011 DEM Regulatory Agenda

Dear Governor Chafee:

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 2011 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, 2011 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,

A handwritten signature in blue ink, appearing to read "Janet Coit".

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, 2011 through June 15, 2011.

ERLI D	Type Filing	Title	Effective Date
6482	Amendment	RI Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	5/24/2011
6385	Amendment	RI Marine Fisheries Statutes & Regulations – Part IV - Shellfish	5/18/2011
6405	Amendment	RI Marine Fisheries Statutes & Regulations – Part XVII – Maps	5/18/2011
6383	Amendment	RI Marine Fisheries Statutes & Regulations – Part XII – Striped Bass	5/4/2011
6384	Amendment	RI Marine Fisheries Statutes & Regulations – Part XVI – Menhaden Regulations	5/4/2011
6382	Amendment	RI Marine Fisheries Statutes & Regulations – Part VII – Minimize Size for Fishy/Shellfish	4/28/2011
6389	Amendment	Underground Storage Facilities used for Petroleum Products & Hazardous Materials	4/26/2011
5940	Adoption	Air Pollution Control Regulation No. 48 - “Outdoor Wood Boilers”	4/14/2011
6307	Amendment	Air Pollution Control Regulation No. 28 – Operating Permit Fees	1/31/2011
6308	Amendment	Air Pollution Control Regulation No 29 – Operating Permits	1/31/2011
6306	Amendment	Air Pollution Control Regulation No. 9 – Air Pollution Control Permits	1/31/2011
6256	Adoption	2011 Management Plan for the Crustacean Sector	1/18/2011
6254	Adoption	2011 Management Plan for Finfish Fishery Sector	1/18/2011
6255	Adoption	2011 Management Plan for the Shellfish Fishery Sector	1/18/2011
6253	Adoption	Commercial Fishing Licensing Regulations	1/18/2011
6258	Amendment	RI Marine Fisheries Statutes & Regulations – Part XIV – Fish Traps	1/18/2011
6409	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	3/3/2011
6449	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes of Fish/Shellfish	4/8/2011
6452	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	4/14/2011
6459	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	4/15/2011
6468	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	5/4/2011
6479	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	5/10/2011
6480	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	5/13/2011
6484	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	6/3/2011

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PART II - Expected Rulemaking Activity June 16, 2011 through January 16, 2012.

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Adoption	Rhode Island Marine Fisheries Statutes & Regulations – Rules & Regulations Governing the Management of Marine Fisheries	Establish Regulations for the 2012 licensing season & Three Sector Management plans for 2012	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 4 th quarter of 2011	Robert Ballou, Fish & Wildlife, Marine Fisheries 423-1926	Commercial Fishers & Fish Dealers
Amendment	Marine Fisheries Statutes & Regulations – Part VII - Minimum Size of Fish/Shellfish	Establish Commercial Summer Flounder, Scup, Black Sea Bass, & Tautog Regulations for 2012	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 the 4 th quarter of 2011	Robert Ballou, Fish & Wildlife, Marine Fisheries 423-1926	Commercial Fishers & Fish Dealers
Amendment	Marine Fisheries Statutes & Regulations – Part IV - Shellfish	Establish Commercial Regulations for Shellfish Winter Management areas for 2011-2012	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 the 4 th quarter of 2011	Robert Ballou, Fish & Wildlife, Marine Fisheries 423-1926	Commercial Fishers & Fish Dealers
Amendment	Marine Fisheries Statutes & Regulations – Part VII - Minimum Size of Fish/Shellfish	Amend Summer Flounder Sector Allocation Program for 2012	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 4 th quarter of 2011	Robert Ballou, Fish & Wildlife, Marine Fisheries 423-1926	Commercial fishers & Fish Dealers

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Amendment	Marine Fisheries Statutes & Regulations – Part XVI – Menhaden Regulations	Establish Commercial Menhaden Regulations for 2012	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 1 st quarter of 2012	Robert Ballou, Fish & Wildlife, Marine Fisheries 423-1926	Commercial fishers & Fish Dealers
Adoption	Rhode Island Marine Fisheries Statutes & Regulations – Rules & Regulations Governing the Management of Marine Fisheries	Establish Regulations for the 2012 licensing season & Three Sector Management plans for 2012	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 4 th quarter of 2011	Robert Ballou, Fish & Wildlife, Marine Fisheries 423-1926	Commercial Fishers & Fish Dealers
Amendment	Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems	To implement RIGL 42-17.1-2.5: Tolling (2010) of expiration periods.	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 rulemaking process during the 2nd quarter of 2011 (will be done June 30, 2011)	Russ Chateauf, Office of Water Resources, 222-4700 x 7700, Ernie Panciera & Gary Powers, DEM Legal, 222-4700 x2308	Eligible permit holders and Developers, builders, property owners, municipal officials, state agencies, & environmental community
Amendment	Underground Injection Control Program	Major revision and update of all aspects of the Rules, and update for consistency with the Stormwater Manual	RIGL Chapters 42-35, 42-17.1 & 42-12, 46-13.1	DEM expects to complete the rule making process during the 3rd quarter of 2011.	Ernie Panciera, Office of Water Resources, 222-4700, x7603	Commercial and industrial property owners, consultants.

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Amendment	Rules & Regulations for the Treatment, Disposal, Utilization & Transportation of Sewage Sludge	The purpose is to clarify ambiguous sections of the rules & regulations and 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 3rd quarter of 2011	Alex Pinto, Office of Water Resources, 222-4700, x7227	Municipalities (WWTFs), WWTF Contract Operators, Agriculture Industry, Landscaping Industry, & Fertilizer Industry
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 3rd quarter of 2011	Russ Chateaufneuf, Office of Water Resources, 222-4700 x 7700	Eligible permit holders and Developers, builders, property owners, municipal officials, state agencies, & environmental community
Amendment	Priority Determination System for Federal & State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects.	Publish FY 2012 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 2011	Jay Manning, Office of Water Resources, 222-3961, x 7254	Cities & Towns

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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 4th quarter of 2011.	Bill Patenaude, Office of Water Resources, 222-4700, x7264	Municipalities (WWTFs), WWTF Contract Operators, licensed wastewater operators.
Amendment	Rules & Regulations for the Operation and Maintenance of Wastewater Treatment Facilities	The purpose is to add to the regulations the existing requirement that WWTFs accept septage only from haulers licensed by RI 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 4th quarter of 2011.	Bill Patenaude, Office of Water Resources, 222-4700, x7264	Municipalities (WWTFs), WWTF Contract Operators, septage haulers Note: this requirement currently exists. The addition will only add it to regulatory language.
Amendment	RI APC 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) and 23-23	DEM expects to publish Public Notice by 9/30/11 and complete rulemaking by 12/31/11.	Barbara Morin, Office of Air Resources, 222-4700, x-7012	Surface coaters coating flat wood paneling, paper, film, foil, metal furniture and large appliances

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Amendment	RI APC 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) and 23-23	DEM expects to publish Public Notice by 9/30/11 and complete rulemaking by 12/31/11.	Barbara Morin, Office of Air Resources, 222-4700, x-7012	Lithographic, letterpress and flexible package printing operations
Amendment	RI APC 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) and 23-23	DEM expects to publish Public Notice by 9/30/11 and complete rulemaking by 12/31/11.	Barbara Morin, Office of Air Resources, 222-4700, x-7012	Sources emitting toxic air pollutants and major sources of criteria pollutants.
Adoption	Air Pollution Control Regulation No. 49 – Rhode Island Transportation Conformity State Implementation Plan	Regulation to outline state procedures to be used to determine the conformity of transportation plans, programs and projects to the state implementation plan (SIP). Also to satisfy EPA requirement.	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to complete the rule making process during the 3rd quarter of 2011	Frank Stevenson, Office of Air Resources, 222-4700, x-7021	RIDOT, Office of Statewide Planning (MPO)
Amendment or Repeal	Air Pollution Control Regulation No. 41 – NOx Budget Trading Program	Eliminate the provisions of the rule applicable to the former EPA NOx Budget program	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4th quarter of 2011	Doug McVay, Office of Air Resources, 222-4700, x-7011	Electric Generating Facilities
Amendment	RI APC 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 2011	Doug McVay, Office of Air Resources, 222-4700, x-7011	USEPA, Environmental groups, electric generating facilities, large fuel burning sources.

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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 2011	Doug McVay, Office of Air Resources, 222-4700, x-7011	USEPA, Environmental groups, large fuel burning sources, American Petroleum Institute, Heating Oil suppliers.
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 and address changes to the CA greenhouse gas standards.	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4th quarter of 2011	Frank Stevenson, Office of Air Resources, 222-4700, x-7021	Automobile manufacturers, automobile dealers, consumers
Adoption	Hunting Regulations	Establish hunting regulations for 2011-2012	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 ext. 2301	Hunters, & sporting goods stores.
Adoption	Freshwater & Anadromous Fishing Regulations	Establish freshwater & anadromous fishing 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 rule making process during the 3rd quarter of 2011.	Catherine Sparks, Fish & Wildlife, 222-4700 ext. 2301	Recreational anglers, bait & tackle shops

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Adoption	Rules & regulations for Falconry	Establish falconry regulations for 2011-2012	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 ext. 2301	Falconers, & suppliers of products
Adoption	Rules & regulations for waterfowl hunting	Establish waterfowl hunting regulations for 2011-2012	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 ext. 2301	Hunters, & sporting goods stores.
Amendment	Parks & Management Area Regulations	Modify regulations for parks and management areas for 2011-2012	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 3 rd quarter of 2011	Catherine Sparks, Fish & Wildlife, 647-3367	Hunters, anglers, bait and tackle shops, sporting goods stores, & non-consumptive recreational users.
Amendments	Remediation Regulations	Incorporate Legislative Commission on Arsenic recommendations; and new outreach requirements for Environmental Justice areas.	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 by September 2011	Tracee Lewis, Office of Waste Management 222-2797	Environmental Justice advocates, Consultants, Housing groups, Small Business owners, Navy, other Responsible Parties.

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PART III - Expected Rule-making Activity January 16, 2012 through June 16, 2012:

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Marine Fisheries Statutes & Regulations – Part VII - Minimum Size of Fish/Shellfish	Establish Recreational Summer Flounder, Scup, Black Sea Bass, Tautog Regulations for 2012	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 1 st quarter of 2012	Robert Ballou, Fish & Wildlife, Marine Fisheries 423-1926	Recreational fishers & Bait & tackle shop owners.
Amendment	Marine Fisheries Statutes & Regulations – Part XII - Striped Bass	Establish Recreational and Commercial Striped Bass Regulations for 2012	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 1 st quarter of 2012	Robert Ballou, Fish & Wildlife, Marine Fisheries 423-1926	Recreational & Commercial Fishers; Fish dealers; bait & tackle shop owners
Amendments	Solid Waste – Regulation 9 – Municipal/commercial recycling	Update recycling requirements, and incorporate recycling rules into Solid Waste Rules	RIGL Chapters 23-18.9, 42-17.1, & 42-35	DEM expects to complete the rule making process by April, 2012	Laurie Grandchamp, 222-4700, ext 7143	Commercial recyclers, municipalities.