

**Rhode Island Department of Environmental Management  
Regulatory Agenda – January 15, 2016**

**PART I - Rules Promulgated June 16, 2015 through January 16, 2016**

ERLID	Type Filing	Title	Effective Date
8108	Adoption	Freshwater & Anadromous Fishing Regulations for the 2016 – 2017 Season	8/6/2015
8107	Adoption	Hunting Regulations for the 2015 – 2016 Season	8/6/2015
8154	Adoption	Rhode Island Regulations for the Waterfowl Season 2015 – 2016	10/1/2015
8153	Adoption	2015 – 2016 Falconry Regulations	10/1/2015
8087	Adoption	Marine Fisheries Regulations: Lobster, Crabs, and Other Crustaceans	6/22/2015
8088	Repeal	Marine Fisheries Regulations: Part XV - Lobsters, Other Crustaceans, & Horseshoe Crabs	6/22/2015
8136	Amendment	Rhode Island Marine Fisheries Regulations: Shellfish	6/22/2015
8137	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	6/22/2015
8141	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	7/3/2015
8142	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	7/8/2015
8155	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	7/24/2015
8162	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	8/6/2015
8170	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	8/16/2015
8190	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	9/4/2015
8196	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	9/9/2015
8206	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	9/14/2015
8208	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	9/18/2015
8212	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	10/2/2015
8216	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	10/14/2015
8217	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	10/16/2015
8220	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	10/23/2015
8178	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	10/29/2015
8223	Amendment	Marine Fisheries Regulations: Shellfish	10/29/2015
8177	Amendment	Marine Fisheries Regulations: Aquaculture	10/29/2015
8176	Amendment	Marine Fisheries Regulations: Licensing	10/29/2015
8227	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	10/29/2015
8234	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	10/30/2015
8243	Amendment	Marine Fisheries Regulations: Part III – Marine Fisheries Council	11/6/2015
8218	Amendment	Marine Fisheries Regulations: Part I – Legislative Findings	12/11/2015
8219	Amendment	Marine Fisheries Regulations: Finfish	12/11/2015

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**PART II - Expected Rulemaking Activity January 16, 2016 through June 16, 2016**

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Adoption	Rules and Regulations Governing Collector's Permits	To establish standards for issuance of collector's permits for the taking, handling, and / or possession of any species of wild animal.	Sections 20-1-18, 20-1-21 and 20-1-22 and RIGL 42-17.1, and 42-17.6	DEM expects to complete the rule making process during the 1 <sup>st</sup> quarter of 2016	Ashley Schipritt Division of Fish & Wildlife 782-3720	General Public, schools, colleges, aquariums
Amendment	Air Pollution Control Regulation No. 12, "Incinerators"	Incorporate Federal requirements for sewage sludge incinerators by reference.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2016	Gina Friedman, Office of Air Resources, 222-4700 x 7016	Sewage sludge incinerators
Amendment	Air Pollution Control Regulation No. 19, "Control of Volatile Organic Compounds from Surface Coating Operations"	Revisions to the registration section to make the requirements consistent with APC Regulation No. 14.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 1 <sup>st</sup> t quarter of 2016.	Doug McVay, Office of Air Resources, 222-4700 x 7011	Not a substantive change
Amendment	Air Pollution Control Regulation No. 19, "Control of Volatile Organic Compounds from Surface Coating Operations"	Correct technical errors and change applicability and exemption specifications so there is no overlap in the operations regulated by this regulation and APC Regulation No. 44.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 1 <sup>st</sup> t quarter of 2016.	Doug McVay, Office of Air Resources, 222-4700 x 7012	Sources with operations that apply industrial adhesives and sealants.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulation No. 27, “Control of Nitrogen Oxide Emissions.”	For stationary sources that are subject to the regulation and are required to conduct annual stack testing reduce the frequency of the required testing.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2016.	Karen Peltier, Office of Air Resources, 222-2808 x 7136	Stationary sources that emit greater than 50 tons of nitrogen oxides per year.
Amendment	Air Pollution Control Regulation No. 35, “Control of Volatile Organic Compounds and Volatile Hazardous Air Pollutants from Wood Products Manufacturing Operations”	Modify applicability specifications to exempt major sources of Hazardous Air Pollutants (HAP) that have minimal HAP emissions from wood products manufacturing operations.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2016.	Doug McVay, Office of Air Resources, 222-4700 x 7011	Boat builders and other major HAP sources with small wood products manufacturing operations.
Amendment	Air Pollution Control Regulation No. 36, “Control of Emissions from Organic Solvent Cleaning”	Modify the regulation to include potential alternative control technologies and add a de minimis solvent use exemption for degreasing equipment.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2016.	Ted Burns, Office of Air Resources, 222-4700, x-7013	Miscellaneous sources conducting cleaning using organic solvents
Amendment	Air Pollution Control Regulation No. 13, “Particulate Emissions From Fossil Fuel Fired Steam or Hot Water Generating Units ”	Technical corrections to eliminate a section of the rule that no longer applies.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 2 <sup>nd</sup> quarter of 2016.	Doug McVay, Office of Air Resources, 222-4700 x 7012	Not a substantive change.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulation No. 16, “Operation of Air Pollution Control Systems”	Revisions to respond to a SIP call by EPA for startup, shutdown and malfunctions.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 2 <sup>nd</sup> quarter of 2016.	Doug McVay, Office of Air Resources, 222-4700 x 7012	Sources with air pollution control systems.
Amendment	Air Pollution Control Regulation No. 28, “Operating Permit Fees”	Revisions to dates for payments of fees to be consistent with DEM’s current practice.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 2 <sup>nd</sup> quarter of 2016.	Doug McVay, Office of Air Resources, 222-4700 x 7012	Not a substantive change. Sources subject to the operating permit program.
Amendment	Air Pollution Control Regulation No. 29, “Operating Permits”	Revisions to the eligibility requirements for emission caps to allow more sources to be eligible for an emissions cap	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 2 <sup>nd</sup> quarter of 2016.	Doug McVay, Office of Air Resources, 222-4700 x 7012	A stationary source with potential emissions in excess of major source thresholds, but with actual emissions less than those thresholds
Amendment	Air Pollution Control Regulation No. 34, “Rhode Island Motor Vehicle Inspection/Maintenance Program”	Eliminate dynamometer testing and add heavy duty diesel vehicle testing	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 2 <sup>nd</sup> quarter of 2016.	Frank Stevenson, Office of Air Resources, 222-4700 x 7021	Diesel truck owners and inspection station owners.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Marine Fisheries – Finfish	Amend recreational regulations for the 2016 season for Summer flounder, Scup, Black sea bass, Tautog; amend commercial regulations for Tautog.	RIGL 42-17.1, 42-17.6, and 42-17.7	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2016.	Jason McNamee, Marine Fisheries 423-1935	Recreational and commercial fishermen; bait & tackle shop owners; fish dealers
Amendment	Marine Fisheries - Striped Bass	Amend recreational and commercial regulations for Striped Bass for the 2016 season.	RIGL 42-17.1, 42-17.6, and 42-17.7	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2016.	Jason McNamee, Marine Fisheries 423-1935	Recreational and commercial fishermen; bait & tackle shop owners; fish dealers
Amendment	Marine Fisheries – Part 19 Fish/Shellfish Dealers	Striped Bass fin clipping requirement	RIGL 42-17.1, 42-17.6, and 42-17.7	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2016.	Jason McNamee, Marine Fisheries 423-1935	Recreational and commercial fishermen; bait & tackle shop owners; fish dealers
Repeal	Marine Fisheries - Part 17 - Maps	Repeal obsolete and inaccurate map	RIGL 42-17.1, 42-17.6, and 42-17.7	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2016.	Jason McNamee, Marine Fisheries 423-1935	Recreational and commercial fishermen; bait & tackle shop owners; fish dealers
Amendment	Marine Fisheries Part 13 – Gillnets	Commercial gillnetting management	RIGL 42-17.1, 42-17.6, and 42-17.7	DEM expects to begin the rule making process during the 2 <sup>nd</sup> quarter of 2016.	Jason McNamee, Marine Fisheries 423-1935	Recreational and commercial fishermen; bait & tackle shop owners; fish dealers

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Marine Fisheries Part 16 – Menhaden	Commercial menhaden management	RIGL 42-17.1, 42-17.6, and 42-17.7	DEM expects to begin the rule making process during the 2 <sup>nd</sup> quarter of 2016.	Jason McNamee, Marine Fisheries 423-1935	Recreational and commercial fishermen; bait & tackle shop owners; fish dealers
Amendment	Marine Fisheries - Shellfish	Corrections to Shellfish Management Area boundaries	RIGL 42-17.1, 42-17.6, and 42-17.7	DEM expects to begin the rule making process during the 2 <sup>nd</sup> quarter of 2016.	Jason McNamee, Marine Fisheries 423-1935	Recreational and commercial fishermen; bait & tackle shop owners; fish dealers
Amendment	Rules and Regulations for the Narragansett Bay and Watershed Restoration Bond Fund	Amend rules to administer funds related to flood prevention authorized by a 2014 bond issue	RIGL 42-17.1-2(s), 46-12-24 and 46-12-24.1	DEM expects to complete rulemaking process during the 1 <sup>st</sup> quarter of 2016	Sue Kiernan, Office of Water Resources, 222-4700 x7600	Municipalities, non-governmental watershed organizations, Emergency Management Agencies (EMA, local).
Amendment	Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems (OWTS Rules)	Amend OWTS Rules to incorporate changes to the R.I. Cesspool Act passed during 2015 legislative session (point-of-sale cesspool upgrades) and make other minor clarifications and technical changes	Chapter 42-35 pursuant to RIGL 42-17.1, 5- 56, 5-56.1, 23-19.5, 23-24.3, 46-13.2, and 23-19.15	DEM expects to complete rulemaking process during the 1 <sup>st</sup> quarter of 2016	Jon Zwarg, Office of Water Resources, 222-4700 x7205	Realtors, banks/lenders, Builders/Developers, property owners, Licensed OWTS Designers and Installers, and the environmental advocacy community.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Priority Determination System for Federal & State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects	Publish FY 2016 Project Priority List	RIGL 46-12.2, 42-17.1 & 46.12	DEM expects to complete the rule making process during the 1 <sup>st</sup> quarter of 2016.	Jay Manning, Office of Water Resources, 222-4700 x7254	Cities & Towns
Amendment	Rules & Regulations for Drilling of Drinking Water Wells	The purpose is to repeal rules in coordination with the Department of Administration pursuant to revised State law	Chapter 46-13.2	DEM expects to complete rulemaking process during the 2 <sup>nd</sup> quarter of 2016	Sue Kiernan, Office of Water Resources, 222-4700 x7600	Well Drilling Contractors, DOA, DOH, Municipalities (Building Officials)

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**PART III - Expected Rule-making Activity June 16, 2016 through January 16, 2017**

<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	Rules and Regulations Governing the Administration and Enforcement of The Fresh Water Wetlands Act	Amend the Freshwater Wetland Regulations to incorporate revisions to the Freshwater Wetlands Act from the 2015 Legislative Session (Single Standard Bill S737B)	Chapter 42-35, Sections 2-1-18 through 2-1-25.	DEM expects to complete rulemaking process during the 3 <sup>rd</sup> quarter of 2016	Alicia Good, Office of Water Resources 222-4700 X7200	Developers, builders, property owners, municipal officials, state agencies and the environmental community.
Amendment	Groundwater Quality Rules	Update Groundwater Classification and Wellhead Protection Area maps. Minor language updates.	Chapter 46-12, 46-13.1, 23-18.9, 23-19.1	DEM expects to complete rulemaking process during the 3 <sup>rd</sup> quarter of 2016	Ernie Panciera, Office of Water Resources 222-4700 x 7603	Developers, builders property owners, municipal officials, state agencies and environmental community
Amendment	Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems (OWTS Rules)	Amend OWTS Rules to incorporate changes to the Freshwater Wetlands Act from the 2015 Legislative Session (Single Standard Bill S737B)	Chapter 42-17.1	DEM expects to complete rulemaking process during the 3 <sup>rd</sup> quarter of 2016	Brian Moore, Office of Water Resources 222-4700 x 7700	Developers, builders, property owners, municipal officials, state agencies and the environmental community.



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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulations No. 9, “Air Pollution Control Permits”	Revise permitting thresholds so that it is clearer when permits are necessary. Update reference to modeling guidelines. Revise requirements for major sources to be consistent with federal requirements.	Chapter 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3 <sup>rd</sup> quarter of 2016.	Doug McVay, Office of Air Resources, 222-4700 x 7011	USEPA, small businesses required to obtain air permits, environmental groups
Amendment	Air Pollution Control Regulations No. 9, “Air Pollution Control Permits” and No. 22, “Air Toxics”	Update Acceptable Ambient Levels & Minimum Quantity Thresholds consistent w/ current toxicological data.	Chapter 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3 <sup>rd</sup> quarter of 2016.	Doug McVay, Office of Air Resources, 222-4700 x 7011	Sources emitting toxic air pollutants & consultants conducting modeling for those sources
Amendment	Air Pollution Control Regulations No. 46, “CO <sub>2</sub> Budget Trading Program”	Revisions to implement EPA’s Clean Power Plan.	Chapter 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4 <sup>th</sup> quarter of 2016.	Frank Stevenson, Office of Air Resources, 222-4700 x 7021	Power plants, environmental groups, USEPA,
Amendment	Commercial and Recreational Saltwater Fishing Licensing Regulations	Revise commercial licensing regulations for 2017	Chapter 42-17.1, Section 20-1-4, Section 20-2.	DEM expects to begin the rule making process during the 4 <sup>th</sup> quarter of 2016	Jason McNamee, Marine Fisheries 423-1935	Commercial fishermen; fish dealers; general public

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Marine Fisheries Regulations – Shellfish	Revise commercial Winter harvest schedules for Shellfish Management Areas for 2016-2017	RIGL 42-17.1, 42-17.6, and 42-17.7,	DEM expects to begin the rule making process during the 4 <sup>th</sup> quarter of 2016	Jason McNamee, Marine Fisheries 423-1935	Commercial fishermen; fish dealers; general public
Amendment	Marine Fisheries Regulations – Finfish	Revise commercial regulations for regulated finfish species for 2017	RIGL 42-17.1, 42-17.6, and 42-17.7	DEM expects to begin the rule making process during the 4 <sup>th</sup> quarter of 2016	Jason McNamee, Marine Fisheries 423-1935	Commercial Fishermen; fish dealers; general public