

## Rhode Island Department of Environmental Management Rulemaking Agenda – January 15, 2017

### PART I - Rules Promulgated June 16, 2016 through January 15, 2017

ERLID	Type Filing	Title	Effective Date
8331	Adoption	Freshwater & Anadromous Fishing Regulations for the 2017 – 2018 Season	7/31/2016
8401	Adoption	Hunting Regulations for the 2016 – 2017 Season	7/31/2016
8404	Adoption	2016 – 2017 Falconry Regulations	10/30/2016
8403	Adoption	Park and Management Area Rules and Regulations	10/30/2016
8405	Adoption	Rules and Regulations Governing Importation and Possession of Wild Animals	10/30/2016
8390	Amendment	Part 1 - Definitions	12/29/16
8389	Amendment	Commercial and Recreational Saltwater Fishing Licensing Regulations	1/1/17
8409	Amendment	Part 3 - Finfish	1/5/17
8411	Amendment	Part 5 – Lobsters, Crabs, and Other Crustaceans	1/5/17
8343	Amendment	Air Pollution Control Regulation No. 8 “Sulfur Content of Fuels”	1/9/2017
8344	Amendment	Air Pollution Control Regulation No. 19 “Control of Volatile Organic Compounds from Surface Coating Operations”	1/9/2017
8345	Amendment	Air Pollution Control Regulation No. 27 “Control of Nitrogen Oxide Emissions”	1/9/2017
8346	Amendment	Air Pollution Control Regulation No. 35 “Control of Volatile Organic Compounds and Volatile Hazardous Air Pollutants from Wood Products Manufacturing Operations”	1/9/2017
8347	Amendment	Air Pollution Control Regulation No. 36 “Control of Emissions from Organic Solvent Cleaning”	1/9/2017
8348	Amendment	Rhode Island Air Pollution Control General Definitions Regulation	1/9/2017

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### PART II - Expected Rulemaking Activity January 16, 2017 through June 15, 2017

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Part 6 - General Equipment Provisions	Amend and correct the location of fish trap site # 29.	42-17.1, 42-17.6, and 42-17.7, and in accordance with 42-35-18(b)(5)	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2017.	Jason McNamee, Marine Resources 423-1935	Authorized fish trap operators; general public.
Amendment	Part 4 - Shellfish	Clarification of transiting provision; deletion of obsolete rule re: temporary shellfish possession limit; clarification of process to amend commercial boat harvest schedules in Shellfish Management Areas; clarification re: minimum size of soft-shell clams.	42-17.1, 42-17.6, and 42-17.7, and in accordance with 42-35-18(b)(5)	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2017.	Jason McNamee, Marine Resources 423-1935	Recreational and commercial shellfishermen; general public.
Amendment	Importation & Possession of Wild Animals	To exempt those who possess game bird species, i.e. pheasant	4-18.3	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2017	Scott Marshall, Agriculture 222-4700 x 4503	Game bird owners
Amendment	Importation of Equines from Contagious Equine Metritis Affected Countries	Update to be consistent with federal rules	4-4.1-2	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2017	Scott Marshall, Agriculture 222-4700 x 4503	Equine Owners

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Adoption	Air Pollution Control Regulation No. 50 “Clean Diesel Fund” (260-RICR-120-00-50)	Provide reimbursement grants to companies for the purpose of reducing emissions from heavy-duty diesel vehicles operating on Rhode Island roads and improving supply chain efficiency	42-17.1-2(19), 23-23 & 31-47.3-5.1	DEM began the rulemaking process on 12/30/16.	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	Heavy duty diesel vehicle owners, RI Trucking Association, environmental groups
Amendment	Air Pollution Control Regulations No. 9, “Air Pollution Control Permits”	Add nitrogen oxides as a precursor to ozone in the definition of “major stationary source” in the PSD section of the regulation. Address the changes made to 40 CFR 51.166 in the October 20, 2010 rulemaking (75 FR 64864) regarding PM <sub>2.5</sub> emissions.	42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 1st quarter of 2017.	Doug McVay, Office of Air Resources, 222-4700 x-7011	USEPA, small businesses required to obtain air permits, environmental groups
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.	42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2017.	Doug McVay, Office of Air Resources, 222-4700 x-7011	Sources with air pollution control systems.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
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.	42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 2nd quarter of 2017.	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	Not a substantive change.
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.	42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 2nd quarter of 2017.	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	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	42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 2nd quarter of 2017.	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	A stationary source with potential emissions in excess of major source thresholds, but with actual emissions less than those thresholds
Amendment	Part 12 - Striped Bass	Recreational, commercial, and commercial floating fish trap striped bass management for the 2017 season.	42-17.1, 42-17.6, and 42-17.7, and in accordance with 42-35-18(b)(5)	DEM expects to begin the rule making process during the 2 <sup>nd</sup> quarter of 2017.	Jason McNamee, Marine Resources 423-1935	Recreational and commercial fishermen; bait & tackle shop owners; fish dealers; general public.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Part 16 - Menhaden	Commercial menhaden management for the 2017 fishing season.	42-17.1, 42-17.6, and 42-17.7, and in accordance with 42-35-18(b)(5)	DEM expects to begin the rule making process during the 2 <sup>nd</sup> quarter of 2017.	Jason McNamee, Marine Resources 423-1935	Recreational and commercial fishermen; bait & tackle shop owners; fish dealers; general public.
Amendment	Part 3 - Finfish	Recreational management of summer flounder, scup, black sea bass, tautog, and bluefish for the 2017 fishing season; commercial management of tautog and bluefish for the 2017 fishing season.	42-17.1, 42-17.6, and 42-17.7, and in accordance with 42-35-18(b)(5)	DEM expects to begin the rule making process during the 2 <sup>nd</sup> quarter of 2017.	Jason McNamee, Marine Resources 423-1935	Recreational and commercial fishermen; bait & tackle shop owners; fish dealers; general public.
Amendment	Part 4 - Shellfish	Corrections/clarifications of locations of Shellfish Management Areas; proposed new Shellfish Management Areas.	42-17.1, 42-17.6, and 42-17.7, and in accordance with 42-35-18(b)(5)	DEM expects to begin the rule making process during the 2 <sup>nd</sup> quarter of 2017.	Jason McNamee, Marine Resources 423-1935	Recreational and commercial shellfishermen; general public.
Amendment	Recycling regulations, Composting and Solid Waste Management Facilities	Rewrite to conform to new regulatory reform formatting requirements incl. some updates to recycling requirements, requirements for facilities that manage composting, construction and demolition debris, & solid waste.	23-18.9, 42-17.1, and 42-35	DEM expects to begin the rule making process during the 2 <sup>nd</sup> quarter of 2017.	Chris Shafer, Waste Management, 222-2797.	Owners of solid waste management facilities, composters, & commercial recyclers.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Medical Waste Regulations	Rewrite to conform to new regulatory reform formatting requirements	23-18.9	DEM expects to begin the rule making process during the 2 <sup>nd</sup> quarter of 2017.	Yan Li Waste Management, 222-2797.	Medical waste facilities and generators
Amendment	Priority Determination System for Federal and State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects (PPL Regulations)	Amend PPL regulations to allow rating projects proposed by non-governmental entities. Also, revising and updating project rating criteria.	42-17.1; 46-12;46-12.2	DEM expects to complete rulemaking process during the 2 <sup>nd</sup> quarter of 2017	Jay Manning, Water Resources, 222-4700 x7254	Public, private and non-profit entities.
Amendment	Narragansett Bay and Watershed Restoration Bond Fund	Amend rules to administer funds related to flood prevention authorized by a 2014 bond issue.	42-17.1-2(s), 46-12-24 and 46-12-24.1	DEM expects to complete rulemaking process during the 2 <sup>nd</sup> quarter of 2017.	Sue Kiernan, Water Resources, 222-4700 x7600	Municipalities, non-governmental watershed organizations, Emergency Management Agencies (EMA, local).
Repeal	Drilling of Drinking Water Wells	The purpose is to repeal rules in coordination with the Department of Administration pursuant to revised State law.	46-13.2	DEM expects to complete rulemaking process during the 2 <sup>nd</sup> quarter of 2017	Sue Kiernan, Water Resources, 222-4700 x7600	Well Drilling Contractors, DOA, DOH, Municipalities (Building Officials)

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Repeal	Rhode Island Aqua Fund	The purpose is to repeal rules in coordination with the Department of Administration pursuant to revised State law.	42-106, 42-17.1 and 42-35	DEM expects to complete rulemaking process during the 2nd quarter of 2017	Alicia Good, Water Resources, 22-4700 X7200	Public, private and non-profit entities.

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### PART III - Expected Rulemaking Activity June 16, 2017 through January 16, 2018

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulation No. 34, “Rhode Island Motor Vehicle Inspection/Maintenance Program”	Eliminate dynamometer testing and add heavy duty diesel vehicle testing	42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3rd quarter of 2017.	Frank Stevenson, Office of Air Resources, 222-4700 x-7021	Diesel truck owners and inspection station owners.
Amendment	Part 6 - General Equipment Provisions	Removal of obsolete regulation re: use of gillnets around Block Island; corrections/clarifications re: locations of authorized fish trap operations	42-17.1, 42-17.6, and 42-17.7, in accordance with 42-35-18(b)(5)	DEM expects to begin the rule making process during the 3 <sup>rd</sup> quarter of 2017.	Jason McNamee, Marine Resources 423-1935	Commercial fishermen; general public.
Amendment	Part 4 - Shellfish	Harvester license educational requirements.	42-17.1, 42-17.6, and 42-17.7, in accordance with 42-35-18(b)(5)	DEM expects to begin the rule making process during the 3 <sup>rd</sup> quarter of 2017.	Jason McNamee, Marine Resources 423-1935	Commercial shellfishermen; general public.
Amendment	Part 1 - Definitions	Proposed amendments, deletions, and additions to terms	42-17.1, 42-17.6, and 42-17.7, in accordance with 42-35-18(b)(5)	DEM expects to begin the rule making process during the 3 <sup>rd</sup> quarter of 2017.	Jason McNamee, Marine Resources 423-1935	Recreational and commercial shellfishermen; general public.
Adoption	Freshwater & Anadromous Fishing Regulations for the 2018 – 2019 Season	To establish season bag limits and methods of take.	20-1-13	DEM expects to begin the rule making process during the 3 <sup>rd</sup> quarter of 2017.	Ashley Schipritt, Fish & Wildlife 782-3720	Recreational anglers, bait & tackle shops



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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Adoption	Hunting Regulations for the 2017 – 2018 Season	To establish season bag limits and methods of take for the State of Rhode Island Hunting Regulations.	20-1-13	DEM expects to begin the rule making process during the 3 <sup>rd</sup> quarter of 2017.	Ashley Schipritt, Fish & Wildlife 782-3720	Hunters & Sporting goods stores
Adoption	Park Management Rules and Regulations	To establish Rules and Regulations for the State of Rhode State owned parks and management areas.	20-1-13	DEM expects to begin the rule making process during the 3 <sup>rd</sup> quarter of 2017.	Ashley Schipritt, Fish & Wildlife 782-3720	General Public & Hunters
Adoption	2017 – 2018 Falconry Regulations	To establish season bag limits and methods of take for the State of Rhode Island Falconry Regulations	20-1-13	DEM expects to begin the rule making process during the 3 <sup>rd</sup> quarter of 2017.	Ashley Schipritt, Fish & Wildlife 782-3720	Falconers & Suppliers of products
Amendment	Groundwater Quality Rules	Update Groundwater Classification and Wellhead Protection Area maps. Minor language updates.	46-12, 46-13.1, 23-18.9, 23-19.1	DEM expects to complete rulemaking process during the 4 <sup>th</sup> quarter of 2017	Ernie Panciera, Water Resources, 222-4700 x 7603	Developers, builders property owners, municipal officials, state agencies and environmental community
Amendment	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)	42-35, Sections 2-1-18 through 2-1-25.	DEM expects to complete rulemaking process during the 4 <sup>th</sup> quarter of 2017	Alicia Good, Water Resources, 222-4700 X7200	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	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)	42-17.1	DEM expects to complete rulemaking process during the 4 <sup>th</sup> quarter of 2017	VACANT, Water Resources, 222-4700 x 7700	Developers, builders, property owners, municipal officials, state agencies and the environmental community.
Amendments	Underground Storage Tank Regulations	Rewrite to conform to new regulatory reform formatting requirements & changes to address recent statutory changes, and UST cleanup & reimbursement funding issues.	42-17.1-2 & 42-35	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2018	Kevin Gillen, Waste Mgmt. 222-4700, ext. 7116	Owners/Operators of Underground Storage Tank facilities
Amendments	Remediation Regulations	Rewrite to conform to new regulatory reform formatting requirements & changes to address recent statutory changes, and technical updates.	42-35, 23-19.1, 23-19.14, 42-17.1-2, 46-12, 46-13.1, 23-19.1-6, 23-19.1-10.3, 23-19.1-11.1, 46-12-3, and 46-12-5	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2018	Kelly Owens Waste Mgmt. 222-2797	Responsible parties of contaminated properties, and related businesses
Amendment	Hazardous Waste	Rewrite to conform to new regulatory reform formatting requirements.	23-19.1, 42-17.1, 46-12, 23-23, 23-18.9, & 42-35	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2018	Mark Dennen, Waste Mgmt. 222-4700, ext. 7112.	Hazardous waste generators, transporters, businesses, industry, municipalities, & state agencies that generate, or deal w/ hazardous wastes.

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Amendment	Air Pollution Control Regulations No. 46, “CO <sub>2</sub> Budget Trading Program”	Revisions to implement EPA’s Clean Power Plan.	42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4th quarter of 2017.	Frank Stevenson, Office of Air Resources, 222-4700 x-7021	Power plants, environmental groups, USEPA,
Amendment	Air Pollution Control Regulations No. 47, “CO <sub>2</sub> Budget Trading Program Allowance Distribution”	Revisions to implement EPA’s Clean Power Plan.	42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4th quarter of 2017.	Frank Stevenson, Office of Air Resources, 222-4700 x-7021	Power plants, environmental groups, USEPA,
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.	42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4th quarter of 2017.	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	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.	42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4th quarter of 2017.	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	Sources emitting toxic air pollutants & consultants conducting modeling for those sources