

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**Rules and Regulations for the  
DEM Expedited Permit Process**



April 1992

Regulation DEM-01-92

**AUTHORITY:** These regulations are adopted in accordance with § 42-35 pursuant to § 42-117 of the Rhode Island General Laws of 1956, as amended

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DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
RULES AND REGULATIONS FOR THE DEM EXPEDITED PERMIT PROCESS

**Section 1. PURPOSE**

The purpose of these rules and regulations is to implement the requirements of § 42-117 of the General Laws of Rhode Island of 1956, as amended, to provide a mechanism for business and industry to secure any necessary licenses or permits in an expeditious manner, without waiving the lawful conditions of the license or permits.

**Section 2. LEGAL AUTHORITY**

These rules and regulations are promulgated pursuant to the requirements and provisions of § 42-17.1, § 42-35, and § 42-117, The Expedited Permit Process, of the Rhode Island General Laws.

**Section 3. DEFINITIONS**

For the purposes of these regulations, the following terms shall have the following meanings:

**"Certificate of Critical Economic Concerns"** is a certificate issued by the Economic Development Council as prescribed in § 42-117-4 of the R.I. General Laws.

**"Department (DEM)"** is the R.I. Department of Environmental Management

**"Director"** is the Director of DEM or his/her designated representative.

**"Economic Development Council"** is the Economic Development Council set forth in §42-63-5 of the Rhode Island General Laws.

**"Person"** is any natural person, company, corporation, partnership or any type of business entity

**"Project of critical economic concern"** is an undertaking designated by the Economic Development Council to-be significant, in its operational stage, by its ability to enhance, promote and encourage business, commerce and industry in Rhode Island and to stimulate jobs and relieve underemployment and unemployment in Rhode Island pursuant to RIGL § 42-117-3..

**"State Agency"** is any office, department, board, commission, bureau, division, authority, public corporation, agency or instrumentality of the State of Rhode Island.

**"Substantially complete application"** is an application that contains all the information necessary to process the application and render a decision including design plans, support documentation, and full payment of all fees.

## **Section 5. APPLICATION PROCESS**

(a) Request for status as a project of critical economic concern: A person, through the Governor, may apply to the Economic Development Council and request that his or her project be classified as a project of critical economic concern. The council shall hold a hearing on the request within thirty days of the filing of the request. If the project is found to be a project of Critical economic concern, the council may issue a Certificate of Critical Economic concern. The issuance and the filing of a Certificate of Critical Economic Concern does not constitute, and shall not be considered, a waiver of any element, rule, regulation or statute upon which the license or permit is granted.

(b) Filing of certificate: A person shall file the Certificate of Critical Economic Concern with the DEM Office of Environmental Coordination. A person must also file the Certificate of Critical Economic Concern with the necessary permit application(s) required for the project with the appropriate DEM division(s). The Department shall give priority to the project of critical economic concern in the handling and processing of the application. The Office of Environmental Coordination will be responsible for tracking and reporting on the status of the application.

### (c) Prioritizing Certificates of Critical Economic Concern

The Department of Economic Development shall determine which project shall have priority when more than one Certificate of Critical Economic Concern has been issued.

### (d) Action by the Department:

(1) Within three (3) months of the submission of a substantially complete application as determined by the Department, the Office of Environmental Coordination will render a written report to the applicant on the status of the application. The report shall contain information detailing the deficiencies in the application which will enable the applicant to make a sound business decision as to whether or not to pursue the application. The report shall be sent to the applicant.

(2) If a final decision on the application is not rendered within three months from the date a substantially complete application was submitted, then the Office of Environmental Coordination shall on the fourth (4th), fifth (5th), and sixth (6th) months of the anniversary of submission provide the applicant with a written report on the status of the application. If at the end of the sixth (6th) month, a decision has not been rendered on the application, then, in addition to the applicant, a copy of the monthly written report shall be delivered monthly thereafter to the Governor and the Economic Development Council until a decision to accept or reject the application has been made.

**Section 6. LIBERAL APPLICATION**

The terms and provisions of these rules and regulations shall be liberally construed to allow the Department to effectuate the purposes of state law, goals, and policies, provided however, that all fees must be paid in full and all federal and state requirements must be met.

**Section 7. SEVERABILITY**

If any provision of these rules and regulations or the application thereof to any local government unit or circumstance is held invalid by a court of competent jurisdiction, the remainder of the rules and regulations shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections shall not affect the validity of the remainder of these rules and regulations.

The foregoing "Rules and Regulations for the DEM Expedited Permit Process", after due notice, is hereby adopted and filed with the Secretary of State this \_\_\_\_\_ th day of February, 1992 to become effective twenty (20) days thereafter, in accordance with the provisions of Chapter 42-35 of the Rhode Island General Laws.

\_\_\_\_\_  
Louise Durfee,  
Department of Environmental Management

Notice given on: \_\_\_\_\_

Public Hearing held: \_\_\_\_\_

Filing Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_