

**Rhode Island Department of Environmental Management  
Regulatory Agenda– January 15, 2012**

**PART I - Rules Promulgated June 16, 2011 through January 16, 2012.**

<b>ERLID</b>	<b>Type Filing</b>	<b>Title</b>	<b>Effective Date</b>
6422	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part VII – Minimum Sizes for Fish/Shellfish	07/03/2011
6505	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	06/28/2011
6507	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	06/30/2001
6525	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	07/18/2011
6538	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	07/28/2011
6559	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	08/11/2011
6565	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	08/23/2011
6567	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	08/25/2001
6568	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	08/30/2011
6570	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	08/31/2011
6575	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	09/02/2011
6579	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	09/13/2011
6585	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	09/23/2011
6596	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	10/03/2011
6625	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	10/05/2011
6666	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	10/21/2011
6670	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	10/25/2011
6672	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	10/26/2011
6677	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	11/03/2011
6580	Adoption	Commercial Fishing Licensing Regulations	11/30/2011
6581	Adoption	2012 Management Plan for the Finfish Fishery Sector	11/30/2011
6582	Adoption	2012 Management Plan for the Shellfish Fishery Sector	11/30/2011
6583	Adoption	2012 Management Plan for the Crustacean Fishery Sector	11/30/2011
6685	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part IV – Shellfish	11/30/2011
6688	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	11/14/2011
6691	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	11/18/2011
6708	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	12/02/2011
6637	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part VII – Minimum Sizes for Fish/Shellfish	1/01/2012
6721	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	12/16/2011

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6723	Amendment	Rhode Island Marine Fisheries Statutes and Regulations – Part III – Marine Fisheries Council	12/21/2011
6362	Amendment	Remediation Regulations	11/9/2011
6526	Adoption	APC Regulation No. 49, Transportation Conformity	10/20/2011
6465	Amendment	Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems	6/30/11
6669	Amendment	Rules and Regulations for Sewage Sludge Management	1/4/12
6724	Amendment	Fiscal Year 2012 Project Priority List	1/6/12
6692	Adoption	Rules Related to Electronic Document Submissions	1/10/12
6103	Adoption	Hunting Regulations for the 2011 -2012 Season	8/17/2011
6102	Adoption	Freshwater & Anadromous Fishing Regulations for the 2012 - 2013 Season	8/17/2011
6206	Adoption	Rhode Island Regulations for the Falconry Season 2011 - 2012	9/16/2011
6207	Adoption	Rhode Island Regulations for the Waterfowl Season 2011 - 2012	9/16/2011

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**PART II - Expected Rulemaking Activity January 16, 2012 through June 15, 2012.**

<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	RI Marine Fisheries Statutes and Regulations – Part XVI – Menhaden Regulations	Amend 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, and 42-35	DEM expects to complete the rule making process during the 1st quarter of 2012	Mark Gibson, Fish and Wildlife, Marine Fisheries 423-1935	Commercial fishers and fish dealers
Amendment	RI Marine Fisheries Statutes and Regulations – Part VII - Minimum Size of Fish/Shellfish	Establish Recreational Summer Flounder, Scup, Black Sea Bass, Tautog and also commercial Tautog, and skate regulations for 2012	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 42-17.1, 42-17.16, and 42-35	DEM expects to complete the rule making process during the 1st quarter of 2012	Mark Gibson, Fish and Wildlife, Marine Fisheries 423-1935	Recreational fishers and Bait and tackle shop owners, and commercial fishers and fish dealers
Amendment	RI Marine Fisheries Statutes and 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, and 42-35	DEM expects to complete the rule making process during the 1st quarter of 2012	Mark Gibson, Fish and Wildlife, Marine Fisheries 423-1935	Recreational and commercial fishers; fish dealers; bait and tackle shop owners
Amendment	RI Marine Fisheries Statutes and Regulations – Part VII - Minimum Size of Fish/Shellfish	Adopt Summer Flounder Sector Allocation regulations for 2012	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 42-17.1, 42-17.16, and 42-35	DEM expects to complete the rule making process during the 2nd quarter of 2012	Mark Gibson, Fish and Wildlife, Marine Fisheries 423-1935	Commercial fishers and fish dealers
Amendment	RI Marine Fisheries Statutes and Regulations – Part IV - Shellfish	Amend Conch (Whelk) Regulations for 2012	RIGL Chapters 20-1-4, 20-1-5, 42.17.1, 42-17.6, and 42-35	DEM expects to complete the rule making process during 1st quarter of 2012	Mark Gibson, Fish and Wildlife, Marine Fisheries 423-1935	Commercial fishers and fish dealers

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Amendment	Recycling regulations, Composting and Solid Waste Management Facilities	Updates to recycling requirements, requirements for facilities that manage construction and demolition debris, & solid waste.	RIGL Chapters 23-18.9, 42-17.1, and 42-35	DEM expects to begin the rule making process during the 2nd quarter of 2012	Laurie Grandchamp, Office of Waste Management, 222-2797, x7143	Owners of solid waste management facilities, commercial recyclers.
Amendment	Air Pollution Control 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) and 23-23	DEM expects to begin the rule making process during the 2nd quarter of 2012	Doug McVay, Office of Air Resources, 222-4700, x7011	USEPA, Environmental groups, electric generating facilities, large fuel burning sources.
Amendment	Air Pollution Control Regulation No. 22, “Air Toxics” and the “Air Toxics Modeling Guidance:”	Correct errors & update references in the regulation. Update & expand modeling specifications in the guidance.	RIGL Chapters 42-17.1-2(19) and 23-23	DEM expects to begin the rule making process during the 1st quarter of 2012	Barbara Morin, Office of Air Resources, 222-4700, x7012	Sources emitting toxic air pollutants and major sources of criteria pollutants.
Amendment	Air Pollution Control Regulation No. 37, Rhode Island's Low Emission Vehicle Program	Update regulation to match California amendments	RIGL Chapters 42-17.1-2(s) and 23-23	DEM expects to file the amended regulation by 2 <sup>nd</sup> quarter of 2012	Frank Stevenson Office of Air Resources, 222-2808, x7021	Auto Manufacturers
Repeal	Air Pollution Control Regulation No. 41 – NOx Budget Trading Program	Repeal entire regulation	RIGL Chapters 42-17.1-2(19) and 23-23	DEM expects to begin the rule making process during the 1 <sup>st</sup> quarter of 2012	Doug McVay, Office of Air Resources, 222-4700, x7011	Electric Generating Facilities

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Amendment	Air Pollution Control Reg.# 43, General Permits for Smaller Scale Electric Generation Facilities	Revise regulation so that more emergency generators are eligible for an administratively simpler permitting process	RIGL Chapters 42-17.1-2(19) and 23-23	DEM expects to file the revised regulation in 1 <sup>st</sup> quarter of 2012.	Doug McVay, Office of Air Resources, 222-4700, x7011	Businesses, cites/towns, state facilities
Amendment	Underground Injection Control Program Rules	Major revision and update of all aspects of the Rules, and update for consistency with the Stormwater Manual	RIGL Chapters 46-12, 46-13.1, 42-35, 42-17.1, and 42-17.6	DEM expects to complete rule making process during the 1st quarter of 2012	Terry Simpson, Office of Water Resources, 222-4700 x7602	Commercial and industrial property owners, consultants
Amendment	Rules and 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 1st quarter of 2012.	Bill Patenaude, Office of Water Resources, 222-4700, x7264	Municipalities (WWTFs), WWTF contract operators, septage haulers Note: Requirement currently exists. This will only add it to regulatory language.
Amendment	Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems	Address statutory changes for cesspool phase out, upgrade triggers for critical resource areas, single family lot OWTS/FWW joint permitting	RIGL Chapters 42-35, 42-17.1, 5-56, 5-56.1, 23-19.5, 23-24.3 and 23-19.15	DEM expects to complete rule making process during the 2nd quarter of 2012	Russ Chateauneuf, Office of Water Resources, 222-4700 x7700	Developers, builders, property owners, municipal officials, state agencies, and environmental community

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Amendment	Rules and Regulations for Governing the Administration and Enforcement of the Freshwater Wetlands Act	Add provisions for single family lot OWTS/FWW joint permitting	RIGL Chapters 2-1-20.1, 42-17.1, 42-17.6, and 42-35.	DEM expects to complete rule making process during the 2nd quarter of 2012	Russ Chateauneuf, Office of Water Resources, 222-4700 x7700	Developers, builders, property owners, municipal officials, state agencies, and environmental community
Amendment	Water Quality Regulations	To allow the discharge of skeet and trap target and non-lead shot over and/or into waters of the state from shooting range practices.	RIGL Chapters 42-35, 46-12 and 42-17.1.	DEM expects to complete rule making process during the 2nd quarter of 2012	Angelo Liberti, Office of Water Resources, 222-4700 x7225	Owners and members of shooting facilities and the environmental community
Amendment	Rules and Regulations for Onsite Wastewater Treatment Systems	The purpose is to implement tolling legislation expected from current session.	RIGL Chapters 42-35, 42-17.1, 5-56, 5-56.1, 23-19.5, 23-24.3 and 23-19.15	DEM expects to complete the rule making process during the 2nd quarter of 2012	Russ Chateauneuf, Office of Water Resources, 222-4700 x7700	Eligible permit holders & developers, builders, property owners, municipal officials, state agencies, & environmental community
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 x. 2301	Hunters, & sporting goods stores.

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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 x. 2301	Recreational anglers, bait & tackle shops
Adoption	Nuisance Wildlife Control Specialists Regulations	To establish the 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 by the Department under RIGL Chapter 20-1.	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 1st quarter of 2012	Catherine Sparks, Fish & Wildlife, 222-4700 x. 2301	Nuisance Wildlife Control Specialists; licensed trappers

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**PART III - Expected Rule-making Activity June 16, 2012 through January 15, 2013:**

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Amendment	RI Marine Fisheries Statutes and Regulations – Part VII - Minimum Size of Fish/Shellfish	Establish Commercial Summer Flounder, Scup, Black Sea Bass, and Tautog Regulations for 2013	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 42-17.1, 42-17.6, and 42-35	DEM expects to complete the rule making process during 4th quarter of 2012	Mark Gibson, Fish and Wildlife, Marine Fisheries 423-1935	Commercial fishers and fish dealers
Adoption	Commercial Fishing Licensing Regulations	Establish Fishing Regulations for the 2013 licensing season and Sector Management plans for 2013	RIGL Chapters 20-1-4, 20-1-5, 0-2.2-1, 42-17.1, 42-17.6, and 42-35	DEM expects to complete the rule making process during the 4th quarter of 2012	Mark Gibson, Fish and Wildlife, Marine Fisheries 423-1935	Commercial fishers and fish dealers
Amendment	RI Marine Fisheries Statutes and Regulations – Part IV - Shellfish	Establish Commercial Regulations for Shellfish Winter Management areas for 2012-2013	RIGL Chapters 20-1-4, 20-1-5, 42.17.1, 42-17.6, and 42-35	DEM expects to complete the rule making process during 4th quarter of 2012	Mark Gibson, Fish and Wildlife, Marine Fisheries 423-1935	Commercial fishers and fish dealers
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) and 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	EPA, environmental groups, large fuel burning sources, American Petroleum Institute, heating oil suppliers.



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Amendment	Air Pollution Control 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 begin the rule making process during the 3rd quarter of 2011	Barbara Morin, Office of Air Resources, 222-4700, x-7012	Surface coaters coating flat wood paneling, paper, film, foil, metal furniture and large appliances
Amendment	Air Pollution Control 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 begin the rule making process during the 3rd quarter of 2011	Barbara Morin, Office of Air Resources, 222-4700, x-7012	Lithographic, letterpress and flexible package printing operations
Adoption	New Air Pollution Control Regulation limiting VOC emissions from fiberglass boat manufacturing materials	Adopt requirements for limiting VOC emissions from fiberglass boat manufacturing to be consistent with EPA Control Technology Guidelines	RIGL Chapters 42-17.1-2(19) and 23-23	DEM expects to begin the rule making process during the 3rd quarter of 2011	Barbara Morin, Office of Air Resources, 222-4700, x-7012	Fiberglass boat manufacturers
Amendment	Rules and 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 & developers, builders, property owners, municipal officials, state agencies, & environmental community

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Amendment	Rules and 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 2012.	Bill Patenaude, Office of Water Resources, 222-4700, x7264	Municipalities (WWTFs), WWTF contract operators, licensed wastewater operators.
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 x. 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 x. 2301	Hunters & sporting goods stores.