

**Rhode Island Department of Environmental Management  
Regulatory Agenda– June 15, 2018**

**PART I - Rules Promulgated January 16, 2018 through June 15, 2018**

ERLID	Type Filing	Title	Effective Date
8576	Adoption	Freshwater & Anadromous Fishing Regulations for the Season	7/31/2017
8578	Adoption	Hunting Regulations for the Season	7/31/2017
8577	Adoption	Falconry Regulations for Season	7/31/2017
8901	Direct Final	Rhode Island Ferret Regulations	10/29/2017
8611	Amendment	Part 3 – Finfish	8/29/2017
8612	Amendment	Part 6 - General Equipment Provisions (250-RICR-90-00-6)	8/29/2017
8613	Amendment	Part 7 – Dealers (250-RICR-90-00-7)	8/29/2017
8744	Direct Final Adoption	Part 5 – Lobsters, Crabs, and Other Crustaceans (250-RICR-90-00-5)	9/6/2017
8088	Direct Final Repeal	Part 5 – Lobsters, Crabs, and Other Crustaceans	9/6/2017
8832	Direct Final Adoption	Part 1 – Definitions (250-RICR-90-00-1)	10/16/2017
8833	Direct Final Adoption	Part 3 – Finfish (250-RICR-90-00-3)	10/16/2017
8834	Direct Final Repeal	Part 3 – Finfish	10/16/2017
8835	Direct Final Repeal	Part XII – Striped Bass	10/16/2017
8836	Direct Final Repeal	Part XVI – Menhaden	10/16/2017
8987	Amendment	PART 4 – Shellfish (250-RICR-90-00-4)	11/27/2017
8768	Adoption	Part 2 - Commercial and Recreational Saltwater Fishing Licensing Regulations	1/1/2018
8962	Adoption	PART 11 – Regulations Governing Education Certification for Commercial Shellfish Harvesters (250-RICR-90-00-11)	1/4/2017
8966	Amendment	Part 3 – Finfish (250-RICR-90-00-3)	1/4/2017
8967	Amendment	Part 1 – Definitions (250-RICR-90-00-1)	1/4/2017
8963	Amendment	Part 6 - General Equipment Provisions (250-RICR-90-00-6)	1/10/2017
8961	Amendment	Medical Waste Regulations - Reg re-write to conform to new regulatory reform formatting requirements.	11/20/2017
8674	Amendment	Rules and Regulations for the Priority Determination System for Federal and State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects	10/24/2017

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**PART II - Expected Rulemaking Activity June 16, 2018 through January 16, 2019**

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulation 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 PM2.5 emissions.	42-17.1-2(19) & 23-23	Reg. No 9 has gone through the public notice/public comment process. We are waiting for post-comment clearance through ORR before filling with SOS during the 1 <sup>st</sup> quarter of 2018.	Karen Slattery, Office of Air Resources, 222-4700 x-7030	USEPA, small businesses required to obtain air permits, environmental groups
Amendment	Air Pollution Control Regulation No. 46 “CO2 Budget Trading Program”	Revise regulation to incorporate RGGI Program Review changes.	42-17.1-2(19), 23-82 & 23-23	DEM expects to complete rulemaking process during the 1 <sup>st</sup> quarter of 2018	Dena Gonsalves, Office of Air Resources, 222-4700 x-7017	Not a substantive change. Sources subject to the CO2 Budget Trading program.
Amendment	Air Pollution Control Regulation No. 47 “CO2 Budget Trading Program Allowance Distribution”	Revise regulation to incorporate RGGI Program Review changes.	42-17.1-2(19), 23-82 & 23-23	DEM expects to complete rulemaking process during the 1 <sup>st</sup> quarter of 2018	Dena Gonsalves, Office of Air Resources, 222-4700 x-7017	Not a substantive change. Sources subject to the CO2 Budget Trading program.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Part 4 – Shellfish	Adoption of Jacobs Point Shellfish Management Area	42-17.1, 42-17.6, and 42-17.7.	Hearing planned for February 2018. DEM expects to complete rulemaking process during the 1 <sup>st</sup> quarter of 2018	Jason McNamee, Chief of Marine Resources 423-1943	Recreational and commercial shell fishermen; public.
Amendment	Part 3 - Finfish	Recreational management of summer flounder, scup, black sea bass, tautog, bluefish, and striped bass for 2018; commercial management of tautog, striped bass, bluefish, skate, and menhaden for 2018.	42-17.1, 42-17.6, and 42-17.7.	Hearing planned for February 2018. DEM expects to complete rulemaking process during the 1 <sup>st</sup> quarter of 2018	Jason McNamee, Chief of Marine Resources 423-1943	Recreational and commercial fishermen; bait & tackle shop owners; fish dealers; public.
Amendment	Recycling regulations, Composting and Solid Waste Management Facilities	Reg re-write 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 complete rulemaking process during the 2 <sup>nd</sup> quarter of 2018	Chris Shafer, Office of Waste Management, 222-2797.	Owners of solid waste management facilities, composters, & commercial recyclers.
Repeal	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. Postponed coordinating with related Rulemaking Contractor Board in DOA.	46-13.2	DEM expects to complete rulemaking process during the 1 <sup>st</sup> quarter of 2018	Sue Kiernan, Office of Water Resources, 222-4700 x7600	Well Drilling Contractors, DOA, DOH, Municipalities (Building Officials)

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
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 2 <sup>nd</sup> quarter of 2018	Ernie Panciera, Office of Water Resources, 222-4700 x 7603	Developers, builder's property owners, municipal officials, state agencies and environmental community
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)	42-35, Sections 2-1-18 through 2-1-25.	DEM expects to complete rulemaking process during the 2 <sup>nd</sup> quarter of 2018	Alicia Good, Office of Water Resources, 222-4700 X7200	Developers, builders, property owners, municipal officials, state agencies and the 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)	RIGL 42-17.1	DEM expects to complete rulemaking process during the 2 <sup>nd</sup> quarter of 2018	Eric Beck, 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	Rules and Regulations for the State Revolving Fund (SRF) Program	Amend SRF Rules to make consistent with changes to the clean water act and enable RI Legislation	42-35; 46-12.2	DEM expects to complete rulemaking process during the 1 <sup>st</sup> quarter of 2018	Jay Manning Office of Water Resources, 222-4700 x 7254	Public, Private, and non-profit entities.
Repeal	Rules and Regulations Governing the Issuance of Certificates of Approval for Non-State Revolving Fund Program Loans	Repeal Non-State Revolving Fund because no longer necessary	42-35; 46-12.2	DEM expects to complete rulemaking process during the 1 <sup>st</sup> quarter of 2018	Jay Manning Office of Water Resources, 222-4700 x 7254	Public, Private, and non-profit entities.
Repeal	FY 2016 Project Priority List	Repeal FY 2016 Project Priority List no longer treated as an appendix of the Priority Determination System Regulations	42-35; 46-12.2	DEM expects to complete rulemaking process during the 1 <sup>st</sup> quarter of 2018	Jay Manning Office of Water Resources, 222-4700 x 7254	Public, Private, and non-profit entities.
Amendment	Regulations for the Rhode Island Pollutant Discharge Elimination System RIPDES	Amend Rules to incorporate federal requirements	46-12, 42-17.1 & 42-35	DEM expects to complete rulemaking process during the 2 <sup>nd</sup> quarter of 2018	Joseph Haberek, Office of Water Resources, 222-4700 x7715	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	Rhode Island Pretreatment Regulations	Amend Rules to incorporate federal requirements	46-12, 42-17.1 & 42-35	DEM expects to complete rulemaking process during the 2 <sup>nd</sup> quarter of 2018	Joseph Haberek, Office of Water Resources, 222-4700 x7715	Developers, builders, property owners, municipal officials, state agencies and the environmental community.
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 rulemaking process during the 2 <sup>nd</sup> quarter of 2018.	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	Not a substantive change.

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PART III - Expected Rule-making Activity January 16, 2019 through June 16, 2020

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulations No. 16, “Operation of Air Pollution Control Systems”	Revisions to respond to a SIP call by EPA for a start-up, shutdown, and malfunctions.	42-17.1-2(19) & 23-23	Reg. No. 16 has been cleared through ORR and now needs to be posted for public notice. We expect promulgation during 3 <sup>rd</sup> quarter of 2018.	Karen Slattery, Office of Air Resources, 222-4700 x-7030	Sources with air pollution control systems.
Amendment	Air Pollution Control	Revisions to incorporate federal requirements.	42-17.1-2(19) & 23-23	DEM expects to begin the rulemaking process during the 2 <sup>nd</sup> quarter of 2018.	Karen Slattery, Office of Air Resources, 222-4700 x-7030	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 rulemaking process during the 2 <sup>nd</sup> quarter of 2018.	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	Not a substantive change. Sources subject to the operating permit program.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
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 rulemaking process during the 2 <sup>nd</sup> quarter of 2018.	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	A stationary source with potential emissions more than 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.	42-17.1-2(19) & 23-23	DEM expects to begin the rulemaking process during the 2 <sup>nd</sup> quarter of 2018.	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	Diesel truck owners and inspection station owners.
Amendment	Air Pollution Control Regulation No. 36 “Control of Emissions from Organic Solvent Cleaning	Revisions to incorporate federal requirements.	42-17.1-2(19) & 23-23	DEM expects to begin the rulemaking process during the 2 <sup>nd</sup> quarter of 2018.	Karen Slattery, Office of Air Resources, 222-4700 x-7030	Not a substantive change.
Adoption	Freshwater & Anadromous Fishing Regulations for the 2019 – 2020 Season	To establish season bag limits and methods of take.	20-1-13	DEM expects to complete the rule making process during the 3 <sup>rd</sup> quarter of 2018	Ashley Schipritt, Division of 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 2018 – 2019 Season	To establish season bag limits and methods of take for the State of Rhode Island Hunting Regulations.	20-1-13	DEM expects to complete the rule making process during the 3 <sup>rd</sup> quarter of 2018	Ashley Schipritt, Division of Fish & Wildlife 782-3720	Hunters & Sporting goods stores
Adoption	2018 – 2019 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 complete the rule making process during the 3 <sup>rd</sup> quarter of 2018	Ashley Schipritt, Division of Fish & Wildlife 782-3720	Falconers & Suppliers of products
Amendment	Part 2 - Commercial and Recreational Saltwater Fishing Licensing Regulations	Annual review and/or amendments regarding commercial licensing	42-17.1, 42-17.6, and 42-17.7	Hearing planned for September 2018; anticipate filing during the 3 <sup>rd</sup> quarter of 2018.	Jason McNamee, Chief of Marine Resources 423-1943	Commercial and recreational saltwater fishermen; fish dealers; public
Amendment	Part 6 – General Equipment Provisions	Potential for Industry Advisory Committee proposals for regulation of gear	42-17.1, 42-17.6, and 42-17.7	Hearing planned for September 2018; anticipate filing during the 3 <sup>rd</sup> quarter of 2018.	Jason McNamee, Chief of Marine Resources 423-1943	Commercial and recreational saltwater fishermen; fish dealers; public
Amendment	Part 3 – Finfish	2019 commercial finfish regulations	42-17.1, 42-17.6, and 42-17.7	Hearing anticipated to be held in November 2018; anticipate to file during the 3 <sup>rd</sup> quarter of 2018.	Jason McNamee, Chief of Marine Resources 423-1943	Commercial and recreational saltwater fishermen; fish dealers; public

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Part 1 - Definitions	Proposed review of all terms: amendments, deletions of obsolete/un-used terms, and additions of new terms	42-17.1, 42-17.6, and 42-17.7	Hearing anticipated to be held in June 2017; anticipate to file during the 3 <sup>rd</sup> quarter of 2018.	Jason McNamee, Chief of Marine Resources 423-1943	Recreational and commercial shell fishermen; public.
Repeal	Part XVII - Maps	Repeal obsolete regulation	42-17.1, 42-17.6, and 42-17.7, 42-35-18(b)(5)	Hearing anticipated to be held in June 2017; anticipate to file during the 3 <sup>rd</sup> quarter of 2018.	Jason McNamee, Chief of Marine Resources 423-1943	Recreational and commercial shell fishermen; public.
Amendment	Hazardous Waste	Reg re-write 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 complete the rule making process during the 2 <sup>nd</sup> quarter of 2018	Mark Dennen, Office of Waste Management 222-4700, ext. 7112.	Hazardous waste generators, transporters, businesses, industry, municipalities, & state agencies that generate, or deal w/ hazardous wastes.
Amendments	Underground Storage Tank Regulations	Reg re-write to conform to new regulatory reform formatting requirements & changes to address recent statutory changes, and UST clean-up & reimbursement funding issues.	42-17.1-2 & 42-35	DEM expects to complete the rule making process during the 2 <sup>nd</sup> quarter of 2018	Kevin Gillen, Office of Waste Management 222-4700, ext. 7116	Owners/Operators of Underground Storage Tank facilities

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendments	Remediation Regulations	Reg re-write 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 complete the rule making process during the 2 <sup>nd</sup> quarter of 2018	Kelly Owens Office of Waste Management 222-2797	Responsible parties of contaminated properties, and related businesses
Amendment	Water Quality Regulations	Update the table of waterbodies to reflect new mapping and segmentation	46-12	Public Notice draft – March 2018 DEM expects to complete rulemaking process during the 3 <sup>rd</sup> quarter of 2018	Jane Sawyers, Office of Water Resources, 222-4700 x 7239	Watershed Organizations, EPA