

DEM11 Office of Waste Management

DEM11.1 Waste Transportation Permitting Files

This series relates to the issuance of permits to companies to transport regulated wastes. This includes hazardous, medical and septage waste. Each company file contains three sections: a permit application section, a hazardous waste fee section (hazardous waste transporters only), and an incident/history section. Permits and licenses are good for one year.

The permit application section contains documentation related to company applications for permits to carry waste within or through the state of Rhode Island. The file also includes vehicle checklists, information concerning the licensing of each of the company's waste transportation vehicles, records of driver training, as well as emergency plans. Records are arranged by company name for each year.

The hazardous waste fee section includes records documenting the quarterly payment of hazardous waste fees to DEM. The incident/history section relates to incidents and events such as company violations, ownership changes, and company closure that are an important part of the company's regulatory history.

This series also includes two types of electronic data. One consists of quarterly reports accompanying the payment of hazardous waste fees. A second set consists of partial extracts of data from the permitting file.

a) Paper files

Retention: Retain five (5) years.

b) Electronic data

Retention: Permanent.

c) Permit applications along with vehicle checklists

Retention: Retain three (3) years.

d) Hazardous waste quarterly report certifications/fee collection

Retention: Retain three (3) years.

DEM11.2 Annual Hazardous Waste Evaluation and Fee Reports

Each year the Department must produce a written report of its evaluation of total fees collected during the past fiscal year (beginning July 1 and ending June 30). The Department produces written evaluations within ninety days of the close of the fiscal year and makes the evaluation available to the public. The Department accepts written comments on the report for a period of ninety (90) days following its release. After the close of the ninety (90) day comment period the Department conducts a meeting to discuss the written comments that are received.

Retention: Permanent.

DEM11.3 Waste Transportation Manifests

This series includes waste transportation manifests. These documents provide a record of the chain of custody of each shipment of waste transported within, to, or from Rhode Island. Each manifest provides evidence of the waste generator, the company or companies involved in the transportation of the waste, and the final recipient/destination as well as the nature of the waste.

Retention: Retain ten (10) years.

DEM11.4 Hazardous Waste Management Facilities Permit Files

The construction, substantial alteration, or operation of a hazardous waste treatment, storage or disposal facility requires an operating permit or approval from the Director of DEM for the life of the facility. The Department is empowered to grant, renew, deny, suspend or revoke permits for the operation of hazardous waste management facilities as well as the plans and specifications for the installation of any equipment in such facilities. Permits are valid for up to five years and must be periodically renewed.

This series consists of documentation relating to the issuance of permits for the operation of hazardous waste treatment, storage, and disposal facilities. The records document the application review process and the renewal process. The application documentation contents of the file depend on the nature of the waste, waste facility, and type of permit application (including incinerator, land disposal, landfill, universal wastes, and mixed waste.) Records include, but are not limited to, completed application forms, documentation of ownership as well as a list of owners, and properly stamped and registered general plans. Plans and specifications may include, but are not limited to, the following: design and construction documentation, on-site operational plans and units, access control measures, property lines, container system designs, water presence and management within a certain distance of the proposed facility, photographs of existing facilities, a federally conformant groundwater monitoring plan that can determine facility's impact on the groundwater in the uppermost aquifer underlying the facility, flood plain operations, chemical and physical analysis of hazardous waste and a copy of a waste analysis plan, procedural accident contingency plans, area traffic patterns, financial assurance documentation, and copies of manifests for materials sent or received by facilities.

a) Facility self-inspection reports

Retention: Retain three (3) years.

b) Closure Reports

Retention: Permanent.

c) All other records

Retention: Retain thirty (30) years.

DEM11.5 Solid Waste Management Facilities Permit Files

Waste Management is responsible for minimizing environmental hazards associated with the operation of facilities handling solid waste generated by residential, institutional, commercial, industrial and agricultural sources. This currently encompasses solid waste landfills, transfer

stations and collection stations, incinerators and resource recovery facilities, waste tire storage and recycling facilities, petroleum-contaminated soil processing facilities, and facilities that process construction and demolition debris, and composting facilities.

Depending on the type of waste, these facilities cannot lawfully operate without licensing and/or registration by the DEM. This series pertains to the licensing and registration of these facilities. The licenses remain valid for three years. File contents may vary with type of facility. Records may include, but are not limited to, site plans, radius plans, construction and engineering plans, operational plans, corrective action plans, and facility closure plans, as well as various site investigation reports, periodic inspection reports and correspondence relating to legal or regulatory compliance issues. Depending on the type of solid waste, the files may also contain documents related to proof of property and facility ownership, insurance and surety arrangements, groundwater hydrology, fingerprinting/sample testing documentation, sedimentation and erosion control, contingency plans, and inventories of records to be kept and correspondence related to orders, license denials, suspensions, or revocations for non-compliant facilities.

Retention:

a) Leaf and yard waste composting facility registrations

Retention Retain (3) three years.

b) Putrescible waste composting facility registrations

Retention: Retain (3) three years.

c) Mixed solid waste composting facility license applications

Retention: Retain (3) three years.

d) Construction and demolition debris processing facility registration applications

Retention: Retain ten (10) years after closure.

e) Construction and demolition debris processing facility permit applications

Retention: Retain ten (10) years after closure.

f) Waste tire storage and recycling facility licenses

Retention: Retain three (3) years.

g) Petroleum contaminated soil processing facility license applications

Retention: Retain ten (10) years after closure.

h) Resource recovery facility license applications

Retention: Retain twenty (20) years after closure.

i) Landmark cases

Retention: Permanent.

DEM11.6 Solid Waste Surveys

This series consists of reports from waste management facilities on solid waste collection and disposals. Most of these are solid waste transfer stations and processing facilities for construction and demolition debris. The reports indicate how much of different kinds of waste were received and where the waste was sent.

Retention: Permanent.

DEM11.7 Medical Waste Facility Permit Applications

These files consist of applications to operate medical waste processing facilities and medical waste transfer stations. They include information on how waste will be processed, how records will be kept and descriptions of quality control procedures. The files also include efficacy testing to demonstrate the technology is capable of destroying microorganisms in waste.

Retention: Retain twenty (20) years.

DEM11.8 Medical Waste Transporter Reports

Transporters of medical or septage waste must obtain a permit from the DEM (pursuant to Section 14.03 of the Rules and Regulations Governing the Generation, Transportation, Storage, Treatment Management and Disposal of Regulated Medical Waste in Rhode Island). They are also required by Section 14.14 of these regulations to submit a Medical Waste Transporter Report for the periods January 1 to June 30 and July 1 to December 31 of each year.

Retention: Retain three (3) years.

DEM11.9 Facility Operating Records

Permitting facilities (for solid, medical or hazardous wastes) are often required to submit records regarding regular self-inspections, quantities of waste received and other routine operations.

Retention: Retain three (3) years.

DEM11.10 Underground Storage Tank Registration Files

“Underground Storage Tanks” refers to underground tanks whose volume is ten percent or more beneath the surface of the ground, as well as associated components, including piping, used to contain an accumulation of petroleum product or hazardous material. To protect the waters of the state, including groundwater, certain classes of underground storage tanks specified in the state regulation require Department of Environmental Management (DEM) certificates of registration that demonstrate legal and regulatory compliance. Facility owners and operators of proposed and existing systems must complete, certify, and submit to DEM the application forms available from the Department, applicable registration fees, as well as

supporting documentation. This series consists of records spanning the opening and closure of UST facilities. Documentation pertains to applicant profile, payment of applicable fees,

the nature of UST structure, the site, the surrounding environment, and operational information. Files include applications, applications renewals, and detailed installation plans and specifications for the tank system, written descriptions, including technical specifications of proposed tank size, tank construction material and type and material to be stored, and proposed leak monitoring systems, proposed spill/overflow protection methods, corrosion protection methods, and operation and maintenance requirements for any of the above. Files also include site plans, which detail proposed locations of tanks, piping, and dispensing pumps, proposed locations of on-site monitoring or observation wells, as well as water table elevations, and location of public and private water supply wells or reservoirs within a certain distance of the facility. For existing tanks, documentation provides evidence of current condition of tanks, including tightness tests, installation and operation history and site plans. Files may also include documentation related to temporary or permanent site closure.

Retention: Permanent.

DEM11.11 Leaking Underground Storage Tank Remediation Records

DEM UST program responsibility includes responses to reported releases of petroleum products or hazardous materials from regulated UST systems. This series includes records that document responses to reported UST system releases. Records may include Release Characterization Reports, closure assessment reports, site investigation reports, corrective action plans (“CAP”), Orders of Approval for CAPs. Records may include, but are not limited to the following information: a history of the site, including, but not limited to, any and all past environmental enforcement actions related to a release, a site plan showing the location and the immediately surrounding area, and identifying the following items: the nature, degree and extent of contamination threats to the public health and environment, description of the site’s hydrogeology, description of the area surrounding the site and identification of all human and environmental receptors, corrective action plans, which may include proposed method for remediation, detailed design plans, proposed plans for the disposal of any products or by-products from the remediation activities, results of any aquifer testing or pilot testing required to support the remedial system, or a detailed proposal to conduct such testing, proposed schedule for implementation of the corrective action plan, proposed groundwater monitoring program including the monitoring wells and copies of No Further Action letters and Orders of Approval.

Retention: Permanent.

DEM11.12 Tightness Tester Licensing Records

Any individual or business wishing to conduct tank tightness tests in Rhode Island must be licensed by the DEM. This series includes documentation related to the license application, approval, renewal, as well as license revocation and suspension process. Individual applicant files include, but may not be limited to, documentation pertaining to applicant certification of appropriate liability insurance, certification issued by the manufacturer of the equipment attesting to applicant’s successful completion of training in DEM-accepted tightness test

method pertaining to the test equipment, description of the equipment to be used to perform tests, responsibility for maintenance and calibration of the equipment, and description of the applicant's relevant experience.

Retention: Retain fifteen (15) years after last application.

DEM11.13 Underground Storage Tank (UST) Financial Responsibility Claims and Reimbursement Fund Files

All owners/operators of USTs in Rhode Island storing petroleum or hazardous waste are required to have appropriate insurance coverage for their operations in case storage tank leaks occur. The Rhode Island Underground Storage Tank Financial Responsibility Act, created by Rhode Island statute, provides UST operators with an option for coverage that provides compensation of eligible costs for remediation following leak incidents, provided they are in compliance with the UST regulations. DEM's UST program is responsible for overseeing the administration and implementation of the Reimbursement Fund. Documentation in this series pertains to applications for membership in the fund, as well as documentation relating to review of submissions and claims for reimbursement from eligible parties following leak incidents, approval, modification, or denial of claims. Documentation includes compliance application forms and other application related documents. Other documentation pertains to claims, including reimbursement forms, lists of eligible and ineligible expenses, accounts of remediation expenses, audit documentation, incident descriptions forms, soil information, and remediation system information and monitoring technology. The files may include DEM claim approval and denial documents, appeals and hearings documentation, and subrogation agreements.

Retention: Retain three (3) three years after settlement of latest claim.

DEM11.14 Site Investigation Documents – State Sites

Records in this series relate to the description and assessment of state hazardous waste sites, including their location, conditions, the identification of responsible parties, as well as planned responses. Records may include, but are not limited to, notification of release documents, preliminary assessments, site inspections, site histories, Notices of Violation and Immediate Compliance Orders, Letters of Responsibility, Program Letters, site plans and drawings showing location of buildings, tanks, wells, sampling locations, environmentally significant features, potentially contaminated areas, and surrounding environment for pre-remedial site assessments, Remedial Decision Letters, risk assessment documents and hazardous ranking documents of site assessment projects. Files may also include site investigation plans, site investigation reports and other reports as well as feasibility studies, to allow director of DEM to adequately assess the nature and extent of contamination, and to evaluate and design a proposed remedy. Also may include quality assurance project plans for site remediation projects. Related records may include pictures, film, samples and other evidence

a) Final documents

Retention: Permanent.

b) Draft documents and copies

Retention: Retain until receipt of final documents.

DEM11.15 Remedial Action Files – State Sites

This series consists of records related to the planning, implementation, and progress of activities concerning the remediation of sites based upon pre-remediation assessments and findings. The contents of each project file depend on DEM's involvement, the course of action, and process of remediation. Remediation can range from relatively informal process of communication and action to formal and increasingly coercive requirements, depending on the severity of the episode, as well as the impact and urgency of the situation. Records may include letters of agreement, Consent Agreements, Remedial Agreements, site remediation plans, Remedial Action Work Plans, various orders to responsible parties, approval letters, Remedial Approval Letters, Orders of Approval, risk assessments, background studies, Interim Letters of Compliance, Letters of Compliance, maintenance and monitoring documentation, progress reports of remedial actions, and remedial design documents. The files may also contain documentation related to site closures, including records of operation of closure, Closure Reports, and post-closure site reviews. Files may also include Environmental and Use Restriction (ELUR) and Soil Management Plans.

a) Final documents

Retention: Permanent.

b) Draft documents and copies

Retention: Retain until receipt of final documents.

DEM11.16 Emergency and Short-Term Response Permit Files

DEM has established a procedure and regulation relating to emergency and short-term responses to minimize or stop release of hazardous materials posing an imminent threat to the state's environment. The Director may require the submittal of monitoring and evaluation progress reports on a specified schedule throughout the Emergency and Short-Term Response Action. To remove imminent hazards that are anticipated to take longer than twenty-four (24) hours, responsible parties must obtain an Emergency Permit prior to initiating treatment actions proposed as part of that response. Emergency Permit applications must include the manner and location of all proposed treatment operations. Copies of public notices published in a local newspaper of largest regional circulation accompany Emergency Permits. Records may include, but are not limited to, Emergency Permit applications, copy of issued permits, copies of public notices, affidavits of publication, short-term response work plans, and Emergency and Short-Term Response Report providing a detailed summary of all investigations and activities taken in response to the release, including all analytical data and disposal documentation. Files may also include records documenting independent certification of the accuracy of the report.

a) Final documents

Retention: Permanent.

b) Draft documents and copies

Retention Retain until receipt of final documents.

DEM11.17 Pre-Remedial Documentation – Superfund Sites

The Department of Environmental Management is responsible for responding to in-state releases of hazardous substances as defined by the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), known as the Superfund Law. This series concerns sites evaluated for Environmental Protection Agency (EPA) National Priority List status. Releases include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant). This series includes documentation related to DEM's responsibilities, including federal-state memoranda/letters of agreement with respect to the responsibility for identification, investigation, and financing of responses to hazardous waste sites that fall, or potentially fall under CERCLA jurisdiction. Depending on the state's role as defined by agreement, pre-remediation may include activities related to site investigation and data gathering. Records may include correspondence with Principle Responsible parties (entity responsible for various phases of remediation), site discovery documentation, site prioritization, preliminary assessments, removal action reports, site investigations and expanded site investigations, feasibility studies, risk assessments, quality assurance project plans. Files may also include Records of Decision, Orders of Approval for complex site remedies, and Remedial Approval Letters for simple site remedies, as well as maintenance/monitoring reports, five-year reviews of Superfund sites, Settlement Agreements and related correspondence.

a) Final documents

Retention: Permanent.

b) Draft documents and copies

Retention: Retain until receipt of final documents.

DEM11.18 Remedial Documentation – Superfund Sites

Remediation refers to the implementation, operation, and maintenance of remedial actions. Records include remedial action work plans, remedial action reports, remediation design and approval documents, monitoring reports, progress reports, construction completion reports, and closure reports, as well as post-closure documentation, maintenance/monitoring reports, delisting documentation, Settlement Agreements and related correspondence.

a) Final documents

Retention: Permanent.

b) Draft documents and copies

Retention: Retain until receipt of final documents.

DEM11.19 Certificates of Records Destruction

Certification of Records Destruction forms (PRA003) signed by authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator.

Certificates authorize the disposal of records listed in this and other applicable schedules. (RIGL 38-1-10, 38-3-6(j), and 42-8.1-10)

Retention: Permanent.