

250-RICR-30-00-1

TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 30 - MANAGEMENT SERVICES

SUBCHAPTER 00 - N/A

PART 1 - Rules and Regulations Governing the Establishment of Various Fees

1.1 Purpose

To establish Department of Environmental Management (DEM) fees for processing applications and performing related activities in order to offset state costs.

1.2 Legal Authority

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws Chapter 42-17.1 Environmental Management, Chapter 46-12 Water Pollution, Chapter 46-13.1 Groundwater Protection, Chapter 46-13.2 Drilling of Drinking Water Wells, Chapter 23-23 Air Pollution, and Chapter 42-35 Administrative Procedures.

1.3 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 and federal laws, goals and policies.

1.4 Severability

If any provisions of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

1.5 Applicability

These Rules and Regulations apply only to the DEM regulatory programs identified herein. Other DEM regulatory programs and other state agencies have fee schedules included in their governing Rules and Regulations.

1.6 Incorporated Materials

These regulations hereby adopt and incorporate 40 C.F.R. §§ 60, 61 and 63 by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

1.7 Definitions

- A. “Complex minor sources” means complex minor sources or modifications are:
1. Sources of VOC that have a potential to emit 25 tons/yr. or more.
 2. New sources of a listed toxic air contaminant or an existing source that would be emitting a listed toxic air contaminant that it did not emit previously.
 3. Sources subject to New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants or MACT standards (40 C.F.R. §§ 60, 61 and 63 (2017), incorporated above at § 1.6 of this Part).
 4. Any incinerator.
 5. New sources with potential emissions after controls between 100 and 250 tons/yr. and are not major stationary sources.
 6. An application that includes four or more minor sources.
 7. Boilers with a heat input capacity greater than 30 million BTUs/hr.
- B. “Discharge – emergency” means an order of approval issued under the direction of an on-scene coordinator for the discharge of treated effluent from a pollution control system.
- C. “Major and minor municipal or industrial” means categories established pursuant to federal Environmental Protection Agency criteria for wastewater discharges. Lists are maintained by the DEM Office of Water Resources.
- D. “Major modifications” means significant upgrade of existing facilities including, but not limited to, advanced treatment modifications, increase in wastewater treatment facility capacity, or addition, modification or replacement of major treatment processes. Also includes addition, modification or replacement of major combined sewer overflow collection and/or treatment facilities.
- E. “Major source permit” means an approval or permit issued by the Office of Air Resources for the construction or installation of a major stationary source or major modification. Major stationary sources and major modifications are as defined in the Department of Environmental Management "Air Pollution Control Regulation No. 9 - Air Pollution Control Permits". Major stationary sources are

defined at 9.4.1(b) for nonattainment areas and at 9.5.1(f) for attainment areas. Major modifications are defined at 9.1.22.

- F. "Minor modifications" means a minor wastewater treatment facility changes including, but not limited to, addition, modification or replacement of minor treatment process equipment. Also includes addition, modification or replacement of minor combined sewer overflow treatment facilities.
- G. "Minor source" means minor sources or modifications are:
 - 1. Applications for the installation of air pollution control equipment only.
 - 2. Small package boilers firing oil or natural gas (Heat input less than or equal to 30 million BTUs/hr.).
 - 3. Small spray painting operations.
 - 4. All other miscellaneous applications.
- H. "New wastewater treatment facility" means new or complete replacement of an existing wastewater treatment facility or combined sewer overflow collection and/or treatment facilities.
- I. "Orders of approval" means Order from the Director of the Department of Environmental Management approving various activities under Rhode Island's Water Pollution Control Law (R.I. Gen. Laws Chapter 46-12).
- J. "Order of approval to 'prevent pollution'" means approval of plans and specification prior to construction of wastewater facilities.
- K. "Pretreatment permit" means a permit issued by the State as the control authority for the control of indirect dischargers that discharge pollutants to publicly owned treatment works.
- L. "RIPDES permit" means a permit issued pursuant to the Rhode Island Pollution Discharge Elimination System Regulations for the discharge of wastewaters into the waters of the State or issued pursuant to the "Rules and Regulations for Pretreatment" to control indirect dischargers that discharge pollutants to publicly owned treatment works.
- M. "Second tier" means second tier toxic operating sources are sources meeting the definition above and which meet one or more of the following criteria:
 - 1. Facility uses and/or emits more than 5 of the substances listed in Air Pollution Control Regulation 22.

2. Facility submits incomplete or inaccurate information on its operating permit application which is not corrected following notification in writing by the Office of Air Resources.
 3. Review of operating permit application requires refined modeling.
- N. "Sewer extensions" means extension, modification or replacement of existing collection systems including lateral sewers, interceptor sewers, force mains, pumping stations and marine sewage pump-out facilities. Also includes addition, modification and replacement of combined sewer overflow collection facilities.
- O. "Toxic operating sources" means sources using and/or emitting one or more of the substances listed in the Department of Environmental Management "Air Pollution Control Regulation No. 22 - Air Toxics" which are notified that they are required to file an air toxics operating permit application with the Office of Air Resources pursuant to 22.5.2 or which are required to file an application for renewal of an air toxics operating permit pursuant to 22.5.8.

1.8 Rhode Island Pollutant Discharge Elimination System (RIPDES) and Pretreatment Program- Office of Water Resources

- A. Applicable Rules and Regulations: "Regulations for the Rhode Island Pollutant Discharge Elimination System" and "Rules and Regulations for Pretreatment".
- B. Fees:

RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM (RIPDES) AND PRETREATMENT PERMIT FEES		
	APPLICATION (Application fee is required for all new applications only. General or Group application fee is required only if review of a pollution control plan is required).	ANNUAL (Annual fees are assessed on a calendar year basis and are due July 15th of each subsequent year, for all permits active as of December 31st. Expired permits that remain in effect in accordance with the RIPDES Regulations shall continue to pay annual fees).
Individual Major Flow (MGD) (Flow represents the sum of the average monthly limits (maximum if average is not limited) for each outfall listed in the permit).		
<1	\$4,400.00	\$1,500.00
1 - 15	\$6,000.00	\$3,000.00
>15 - 30	\$8,000.00	\$4,500.00
>30	\$10,000.00	\$6,000.00
Individual Minor and Pretreatment Flow (MGD) (For the purposes of establishing fees, all Pretreatment Permits are classified as "Minor". Flow represents the sum of the average monthly limits (maximum if average is not limited) for each outfall listed in the permit).		
<0.01	\$1,000.00	\$400.00
0.01 – 0.1	\$2,000.00	\$700.00
>0.1	\$3,000.00	\$1,000.00
General or Group Permit	\$400.00	\$100.00

ORDERS OF APPROVAL FOR DISCHARGES UNDER THE DIRECTION OF AN ON-SITE COORDINATOR	
Discharge - Emergency	\$347.00

1.9 Wastewater Treatment Facilities Program – Office of Water Resources

- A. Applicable Rules and Regulations: "Water Quality Regulations".
- B. Fees:

ORDERS OF APPROVAL TO PREVENT POLLUTION	
New Wastewater Treatment Facility	\$10,000.00
Major Wastewater Treatment Facility Modifications	\$6,000.00
Minor Wastewater Treatment Facility Modifications	\$1,000.00
Sewer Extensions with No New Flows or New Flows Less than 250,000 gpd	\$300.00
Sewer Extensions with New Flows of 250,000 gpd or Greater	\$1,000.00

1.10 Water Quality Certification Program – Office of Water Resources

- A. Applicable Rules and Regulations: “Water Quality Regulations”.
- B. Water Quality Certification Fees:
 - 1. \$400.00
 - 2. Modification Request for a Previously Approved Project (excluding renewals): One-half of the Original Fee.
 - 3. Water Quality Certification fees are waived for projects where the sole purpose is water quality improvement or wetlands restoration

1.11 Office of Air Resources

- A. Applicable Rules and Regulations: “Air Pollution Control Regulations Nos. 9 and 22.”
- B. Fees:

AIR RESOURCES FEES	
Major Source Permit	\$25,410.00
Complex Minor Source	\$4,620.00
Minor Source	\$1,271.00
Toxic Operating Sources	\$809.00
Second Tier	\$2,310.00

1.12 Payment Methods

A. Checks

1. Checks shall be made payable to “General Treasurer, State of Rhode Island.”

B. Electronic Transfers and Credit Cards

1. At such time that the Department of Environmental Management establishes a system for accepting electronic transfers and credit card charges for payment of fees, the payer of the fee by these methods shall be responsible for payment of all processing or transaction fees in addition to the fee specified herein.