

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

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

| ERLID | Type Filing | Title | Effective Date |
|--------------|--------------------|--|-----------------------|
| 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 | 06/30/2011 |
| 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 | 08/25/2011 |
| 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 |

**Rhode Island Department of Environmental Management
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PART II - Expected Rulemaking Activity January 16, 2012 through June 15, 2012.

| Type Filing | Title/Subject Area | Objective | Legal Basis | Anticipated Schedule | Agency Contact | Interested Parties |
|--------------------|--|---|--|--|---|---|
| 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 nd 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 st 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 st 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 Chateauf, 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 Chateauf, 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 Chateauf, 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:

| Type Filing | Title/Subject Area | Objective | Legal Basis | Anticipated Schedule | Agency Contact | Interested Parties |
|-------------|--|--|---|--|---|---|
| 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. |