REGULATORY AGENDA – JUNE 15, 2007

Agency Name and Address:

Rhode Island Department of Environmental Management
235 Promenade Street
Providence, Rhode Island 02908
401.222.2771

PART I - Rules Promulgated *JANUARY 16, 2007 through JUNE 15, 2007:*

Please indicate if your agency did not promulgate rules during this period, OR complete the following for each rule promulgated:

ERLID	Type Filing	Title	Effective Date
4479	Amendment	Rules & Regulations governing the Administration & Enforcement of the Freshwater Wetlands Act	06/01/2007
4623	Amendment	Rhode Island & Marine Fisheries Statutes & Regulations – Part XI – Commercial Fisheries	05/31/2007
4624	Amendment	Rhode Island & Marine Fisheries Statutes & Regulations – Part XII – Stripe Bass	5/31/2007
4654	Amendment	Rhode Island & Marine Fisheries Statutes & Regulations – Part XII – Marine Fisheries Council	5/25/2007
4641	Technical revision	Rhode Island & Marine Fisheries Statutes & Regulations – Part I – Legislative Findings	5/23/2007
4645	Amendment	Rhode Island & Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	5/23/2007
4609	Amendment	Rhode Island & Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes of Fish/Shellfish	5/17/2007
4326	Adoption	Air Pollution Control Regulation No. 43-General Permits for Smaller-Scale Electric Generation Facilities	5/15/2007
4325	Amendment	Air Pollution Control Regulation No. 9-Air Pollution Control Permits	5/15/2007
4585	Amendment	Rhode Island & Marine Fisheries Statutes & Regulations – Part XV – Lobsters, Other Crustaceans, & Horseshoe Crabs	5/1/2007
4615	Amendment	Rhode Island & Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	4/30/2007
4601	Amendment	Rhode Island & Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes of Fish/Shellfish	4/13/2007
4575	Amendment	Rhode Island & Marine Fisheries Statutes & Regulations – Part I – Legislative Findings	4/10/2007
4576	Amendment	Rhode Island & Marine Fisheries Statutes & Regulations – Part XV – Lobsters, Other Crustaceans, & Horseshoe Crabs	4/10/2007
4581	Amendment	Rhode Island & Marine Fisheries Statutes & Regulations – Part III – Part VII Minimum Size of Fish/Shellfish	3/23/2007
4342	Amendment	Rules & Regulations for Hazardous Waste Management	3/4/2007
4540	Amendment	Rhode Island & Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes of Fish/Shellfish	2/23/2007
4454	Amendment	Rhode Island & Marine Fisheries Statutes & Regulations – Part XIV – Fish Traps	2/12/2007

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ERLID	Type Filing	Title	Effective Date
4489	Technical Revision	Rhode Island & Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes of Fish/Shellfish	2/2/2007
4461	Amendment	Rhode Island & Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes of Fish/Shellfish	1/23/2007
4403	Technical Revision	2007 Management Plan for the Shellfish Fishery Sector	1/19/2007
4479	Amendment	Administration & Enforcement of the Fresh Water Wetlands Act (Phases II & III)	6/1/2007

PART II - Expected Rule-making Activity *JUNE 16, 2007 through JANUARY 15, 2008*:

Please indicate if your agency does not anticipate rule-making activity during this period, OR complete the following for each rule anticipated:

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Rules & Regulations For The Priority Determination System For Federal & State Assistance To Local Governmental Units For Construction Of Water Pollution Abatement Projects.	Publish FY 2008 Project Priority List	RIGL Chapters: 46-12.2, 42-17.1, & 46-12	DEM expects to complete the rule making process during the third quarter 2007	Jay Manning 222-3961 Ext. 7254	Cities & Towns
Amendment	Rules & Regulations Pertaining To The Administration & Enforcement Of The Fresh Water Wetlands Act	Establish a new categorical preliminary determination to streamline processing routine wetlands permit applications. Requires self-certification for compliance with permits.	RIGL Chapters: 2-1-18 through 2-1-25 & 42-35	DEM expects to complete the rule making process during the fourth quarter of 2007	Alicia Good, Office of Water Resources, 222-4700, Ext. 7200 Ron Gagnon, Office of Technical & Customer Assistance, 222-4700,Ext. 7500	Developers/ builders, property owners, municipal officials, state agencies, & the environmental community.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Rules & Regulations For The Operation & Maintenance Of Wastewater Treatment Facilities	Provide adequate assurances for the proper short, long-term & emergency operations, maintenance, funding & oversight of wastewater treatment facilities & collection systems.	RIGL Chapters;46-12 & 42-35	DEM expects to complete the rule making process during the third quarter of 2007	Bill Patenaude, Office of Water Resources, 222-4700,Ext. 7264	Waste Water Treatment Facilities (WWTF) operators, municipalities, owners of private collection systems, O&M contract firms, utilities (inc. power & communications).
Amendment	Rules & Regulations Establishing Minimum Standards Relating To Location, Design, Construction & Maintenance Individual Sewage Disposal Systems	Substantially Update The Sitting & Design Standards For Septic Systems Including Septic Tanks, Grease Traps, Leach fields & Other Components Of A System; Clarify & Streamline Administrative Requirements; & Provide A Comprehensive Recompilation Of The ISDS Rule To Enhance Readability.	RIGL Chapter: 42-35, 42-17.1, 5-56, 5-56.1, 23-19.5, & 23-24.3	DEM expects to complete the rule making process during the fourth quarter of 2007	Ernie Panciera, Office of Water Resources, 222-4700, Ext. 7603	ISDS designers, engineers, & those in the development industry; homeowners; municipalities
Amendment	Rules & Regulations For Groundwater Quality	Update The Groundwater Classification Map & The Wellhead Protection Area Map; & Minor Language Changes	RIGL Chapters: 42-35, 46-12, 46-13.1, 23-18.9, 23-19.1, 42-17.6, & 42-17.1	DEM expects to complete the rule making process during the fourth quarter of 2007	Ernie Panciera, Office of Water Resources, 222-4700 Ext.7603	Water Suppliers, communities, property owners in affected areas, consultants

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Rules & Regulations Governing The Establishment Of Various Fees	Correct one error in the fee schedule from previous promulgation	RIGL Chapters: 42-35, 42-17.1, 46-12, 46-13.1, 46-13.2, 23-23	DEM expects to complete the rule making process during the second quarter of 2007	Lisa McGreavy, Office of Water Resources, 222-4700 Ext.7611	RIPDES permitted dischargers with individual major flows < 1 MGD
Amendment	Definitions In Air Pollution Control Regulations	Update the definition of "Volatile Organic Compound" in the air pollution control regulations to be consistent with the federal definition. Create a central list of consistent definitions for 15-20 terms used in several APC regulations & remove the definitions of those terms (including VOC) from individual APC regulations.	RIGL Chapters 23-23-5(12) & 42-35	DEM expects to complete the rule making process during the second quarter of 2007.	Barbara Morin, Office of Air Resources, 222-2808, ext. 7012	Businesses, industry & other entities subject to RI APC regulations.
Amendment	Rhode Island & Motor Vehicle Inspection & Maintenance Program (APC Regulation No. 34)	Adjust RI Vehicle Inspection & Maintenance Program to match EPA requirements.	RIGL Chapters 31-47.1 & 42-35	DEM expects to complete the rule making process during the third quarter of 2007.	Frank Stevenson, Office of Air Resources 222-2808, ext. 7021	Auto inspection & maintenance stations.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Repeal of existing regulation	Nitrogen Oxides Allowance Program	REPEAL. This regulation required Rhode Island & power plants to meet an emission budget for nitrogen oxides as part of a regional emission control program. This program expired in 2002 & was replaced by a requirement for power plants to participate in the NOx Budget Trading Program required by APC Reg. No. 41.	APC Regulation No. 38	DEM expects to complete the process of repealing the regulation during the third quarter of 2007.	Doug McVay, Office of Air Resources, 222-4700, ext. 7011	Rhode Island & power plants
New regulation	Anti-Idling	Establish new regulations to address unnecessary idling of diesel-powered motor vehicles & non-road diesel equipment.	RIGL Chapters 23-23-9.2	DEM expects to complete the rule-making process by the end of the second quarter of 2007.	Frank Stevenson, Office of Air Resources, 222-4700, ext. 7021	Operators of diesel equipment & fleets, such as bus companies, school bus operators, construction companies, DOT, RIPTA
Amendment	Dredging & The Management Of Dredge Materials	Revise & clarify public notice requirements for dredging projects.	RIGL Chapters 46-6.1 & 42-35	DEM expects to complete the rule making process by the end of the fourth quarter of 2007.	Ronald Gagnon, Office of Technical & Customer Assistance, 222-4700, ext. 7500	Marina owners, CRMC, boating public & waste processors.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
New regulation	Inspections Of Dams & Reservoirs	Establish a regulatory framework for several of the major provisions of the state's current dam safety law. Identify minimum requirements for maintenance of a dam, registration of a dam, & responsibilities of the department & dam owners in inspecting & repairing dams. Adopt a formal hazard classification system for dams & improve regulatory oversight of dams.	RIGL Chapters 46-19, 42-17.1, & 42-35	DEM expects to complete the rule making process during the fourth quarter of 2007.	David Chopy, Office of Compliance & Inspection, 222-4700, ext. 7257	Dam owners, cities & towns, property owners adjacent to & downstream of open water bodies created by a dam, & members of the general public who use water bodies created by a dam for recreational purposes.
Amendment	Mercury-Added Products – Convenience Light Switches	Incorporate changes adopted by RI General Assembly which mandates a bounty program for mercury-added motor vehicle convenience light switches.	RIGL Chapters 23-19.1-6, 23-24.9, & 42-35	DEM expects to complete the rule making process by the end of the second quarter of 2007.	Ronald Gagnon, Office of Technical & Customer Assistance, 222-4700, ext. 7500	Automobile manufacturers & recyclers.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Composting & Solid Waste Management Facilities	Amend solid waste regulations in accordance with recent legislative changes governing beneficial reuse projects (BUD) & tree stumps/ waste. Revisions to solid waste fees also anticipated.	RIGL Chapters 23-18.9, 42-17.1, & 42-35	DEM expects to complete the rule making process during the fourth quarter of 2007.	Leo Hellested, Office of Waste Management, 222-4700, ext. 7502	Municipalities, solid waste management community, & compost facilities.
Amendment	Hazardous Waste	Incorporation of new federal manifest rules. Additional revisions may include updates for treatment, storage, & disposal facilities to incorporate federal changes through July 2005.	RIGL Chapters 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 fourth quarter of 2007.	Leo Hellested, Office of Waste Management 222-4700, ext. 7502	Hazardous waste transporters, businesses, industry, municipalities, & state agencies that generate, transport, or deal with hazardous wastes.
Amendment	Underground Storage Tanks	Make revisions to address requirements of the new federal Energy Act, including delivery prohibition, "red tag" provisions, & new inspection requirements.	RIGL Chapters 42-17.1-2 & 42-35	DEM expects to complete the rule making process during the third quarter of 2007.	Kevin Gillen, Office of Waste Management, 222-4700, ext. 7116	Underground storage tank owners, municipalities, & environmental consultants.
Amendment	Site Remediation	Incorporate revisions based upon review of current standards & fees.	RIGL Chapters 23-19.1, 23-19.14, 42-17.1-2, 46-12 & 46-13.1 & 42-35	DEM expects to complete the rule making process during the fourth quarter of 2007.	Leo Hellested, Office of Waste Management 222-4700, ext. 7502	Environmental consultants, regulated community, & environmental organizations.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Annual Adoption	Hunting Regulations for 2007-2008 Season	Establish conditions and requirements for hunting, bag limits, seasons, etc. in accordance with federal guidelines and public comment	RIGL Chapters 20-1-4, 20-1-12, 20-1-13, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the third quarter of 2007.	Michael Lapisky, Fish & Wildlife 789-7083	Recreational hunters/trappers
Annual Adoption	Freshwater Fishing Regulations for the 2008-2009 Season	Establish conditions and requirements for fishing species, minimum size restrictions, seasons, etc. in accordance with federal guidelines and public comment	RIGL Chapters 20-1-4, 20-1-12, 20-1-13, 42-17.l, 42-17.6 & 42-35	DEM expects to complete the rule making process during the third quarter of 2007.	Michael Lapisky, Fish & Wildlife 789-7083	Recreational anglers
Annual Adoption	RI Falconry Regulations for the 2007-2008 Season	Allow for the managed practice of falconry in RI	RIGL Chapters 20-1-4, 20-1-12, 20-1-13, 42-17.l, 42-17.6 & 42-35	DEM expects to complete the rule making process during the fourth quarter of 2007.	Michael Lapisky, Fish & Wildlife 789-7083	Falconers/recreational hunters
Annual Adoption	Waterfowl Hunting Regulations for 2007-2008 Season	Establish seasons, bag limits, and methods by which waterfowl hunting may be carried out in RI	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 fourth quarter of 2007.	Michael Lapisky, Fish & Wildlife 789-7083	Recreational hunters

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Comprehensive Animal Care	Humane Treatment of Animals. Establish comprehensive animal care regulations, including new licensure requirements, procedures and protocols for the intake, relinquishment, sheltering, transfer and adoption of animals to and from the public	RIGL Chapters 4-1	DEM expects to complete the rule making process during the third quarter of 2007.	Dr. Peter Belinsky 222-4700 ext.. 4508	ACO's etc
Amendment	Sheep & Goat	Scrappies. Keep Rhode Island in compliance with federal regulations governing scrapies, a fatal, degenerative disease affecting the central nervous system of sheep and goats.	RIGL Chapters 4-4	DEM expects to complete the rule making process during the third quarter of 2007.	Dr. Peter Belinsky222-4700 ext. 4508	Sheep & Goat Producers
Amendment	Animal Import & Export	Animal Diseases. Update the regulations governing the importation of animals, particularly with regard to the required import permits, certificates of veterinary inspection, and disease-free certification.	RIGL Chapters 4-4	DEM expects to complete the rule making process during the third quarter of 2007.	Dr. Peter Belinsky222-4700 ext. 4508	All animal importers & Exporters

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PART III - Expected Rule-making Activity *JANUARY 16, 2008 through JUNE 15, 2008*:

Please indicate if your agency does not anticipate rule-making activity during this period, OR complete the following for each rule anticipated:

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Rules & Regulations For The Underground Injection Control Program	Major revision & update of all aspects of the Rules	RIGL Chapters: 42-35, 42-17.1, 46-12, 46-13.1	DEM expects to complete the rule making process during the second quarter of 2008	Ernie Panciera, Office of Water Resources, 222-4700 Ext.7603	Commercial & industrial property owners, consultants
Amendment	Rules & Regulations For The Treatment, Disposal, Utilization & Transportation Of Sewage Sludge	The purpose is to clarify ambiguous sections of the rules & regulations & to consolidate the format of the regulations.	RIGL Chapters: 42-17, 42-17.6, 46-12, 23-18.9, 23-19.1, 42-35	DEM expects to complete the rule making process the regulation during the first quarter of 2008	Warren Towne, Office of Water Resources, 222-4700, Ext. 7247	Municipalities (WWTFs), WWTF Contract Operators, Agriculture Industry, Landscaping Industry, Fertilizer Industry
Amendment	APC Regulation No. 22 "Air Toxics"	Modify requirements for preconstruction permits for degreasers to be consistent with APC Regulation No. 9. Modify certain requirements for air toxics operating permits & certain Acceptable Ambient Levels.	RIGL Chapter 23-23	DEM expects to complete the rule making process during the first quarter of 2008.	Barbara Morin, Office of Air Resources, 222-2808, ext. 7012	Degreasers & sources that emit air toxics.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
New regulation	Regional Greenhouse Gas Initiative (RGGI)	To require the Rhode Island &'s electric power plants to participate in a regional cap & trade program limiting carbon dioxide emissions.	RIGL Chapters 23-23-5(12) & 42-35	DEM expects to complete the rule making process during the second quarter of 2008.	Barbara Cesaro, Office of Air Resources, 222-2808, ext. 7019	Electric generating facilities (5) & environmental advocates.
New regulation	APC Regulation No. 46 "Control Of Volatile Organic Compound Emissions From Adhesives"	Reduce emissions from adhesives of VOC, which are precursors to ozone.	RIGL Chapters 23-23	DEM expects to complete the rule making process during the first quarter of 2008.	Barbara Morin, Office of Air Resources, 222-2808, ext. 7012	Manufacturers of adhesive products.
Amendment	APC Regulation No.11, "Petroleum Liquids Marketing & Storage"	Modify Stage II requirements.	RIGL Chapter 23-23	DEM expects to complete the rule making process during the second quarter of 2008.	Barbara Morin, Office of Air Resources, 222-2808, ext. 7012	Gasoline station owners & operators.
Amendment	APC Regulation No. 25 "Control Of Volatile Organic Compound Emissions From Cutback & Emulsified Asphalt"	Reduce emissions from asphalt of VOC, which are precursors to ozone. Make requirements consistent with those of other Ozone Transport Commission states.	RIGL Chapter 23-23	DEM expects to complete the rule making process during the first quarter of 2008.	Ted Burns, Office of Air Resources, 222-2808, ext. 7013	Municipalities, asphalt pavers.
Amendment	APC Regulation No. 36 "Control Of Emissions From Organic Solvent Cleaning"	Modify control requirements for degreasers so they are consistent with Federal requirements & requirements in other APC regulations.	RIGL Chapter 23-23	DEM expects to complete the rule making process during the first quarter of 2008.	Barbara Morin, Office of Air Resources, 222-2808, ext. 7012	Facilities with solvent degreasing operations.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	APC Regulation No. 23 "Control Of Perchloroethylene Emissions From Dry Cleaning Operations"	Modify control requirements for dry cleaners so they are consistent with Federal requirements.	RIGL Chapter 23-23	DEM expects to complete the rule making process during the first quarter of 2008.	Barbara Morin, Office of Air Resources, 222-2808, ext. 7012	Dry cleaners.
New regulation	Portable Fuel Container Spillage Control	Promulgate new regulation consistent with the OTC model to minimize emissions from portable fuel containers.	RIGL Chapters 23-23-5(12) & 42-35 (APC regulation No. 44)	DEM expects to complete the rule making process during the first quarter of 2008.	Barbara Morin, Office of Air Resources, 222-2808, ext. 7012	Businesses that manufacture &/or sell portable fuel containers & consumers of such products.
New regulation	Chemical Accidental Release Prevention Program	Implement state planning requirements for accidental release prevention. (Similar to federal requirements but will respond to state-specific issues.)	RIGL Chapters 23-23 (5)12 & 42-35 (APC Regulation No. 40)	DEM expects to complete the rule making process during the first quarter of 2008.	Gina Friedman, Office of Air Resources, 222-4700, ext. 7016	Industrial facilities that store toxic or flammable substances, members of the public who reside near such facilities, & administrators of schools, hospitals, etc. in the vicinity of such industrial facilities.