Rhode Island Department of Environmental Management
Regulatory Agenda– June 15, 2011

PART I - Rules Promulgated January 16, 2013 through June 15, 2013

ERLID	Type Filing	Title	Effective Date
7241	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	2/28/2013
7210	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part XII – Striped Bass	4/11/2013
7211	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes of Fish/Shellfish	4/11/2013
7212	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part XV – Lobster, Other Crustaceans, and Horseshoe Crabs	4/11/2013
7250	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part IV – Shellfish	4/11/2013
7254	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes of Fish/Shellfish	3/27/2013
7267	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	4/8/2013
7275	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	4/11/2013
7224	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes of Fish/Shellfish	5/1/2013
7292	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	4/18/2013
7226	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part XIX – Fish/Shellfish Dealer Regulations	5/13/2013
7308	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	5/1/2013
7322	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	5/10/2013
7325	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	5/17/2013
7328	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	5/24/2013
7331	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	5/31/2013
7349	Amendment	Rhode Island Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	6/7/2013

PART II - Expected Rulemaking Activity June 16, 2013 through January 16, 2014

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	RI Marine Fisheries Statutes & Regulations – Part VII - Minimum Size of Fish/Shellfish	Establish Commercial Summer Flounder, Scup, Black Sea Bass, & Tautog Regulations for 2014	RIGL 20, 42-17.1, 42-17.6, 42-17.7 & 42-35	DEM expects to complete the rule making process during 4th quarter of 2013	Mark Gibson, Fish & Wildlife, Marine Fisheries 423-1935	Commercial Fishers & Fish Dealers
Adoption	Commercial Fishing Licensing Regulations	Establish Fishing Regulations for the 2014 licensing season & Division Sector Management plans for 2013	RIGL 20, 42-17.1, 42-17.6, 42-17.7 & 42-35	DEM expects to complete the rule making process during the 4th quarter of 2013	Mark Gibson, Fish & Wildlife, Marine Fisheries 423-1935	Commercial Fishers & Fish Dealers
Amendment	RI Marine Fisheries Statutes & Regulations – Part IV - Shellfish	Establish Commercial Regulations for Shellfish Winter Management areas for 2013-2014	RIGL 20, 42-17.1, 42-17.6, 42-17.7 & 42-35	DEM expects to complete the rule making process during 4th quarter of 2013	Mark Gibson, Fish & Wildlife, Marine Fisheries 423-1935	Commercial Fishers & Fish Dealers
Amendment	RI Marine Fisheries Statutes & Regulations – Part XVI – Menhaden Regulations	Amend Commercial Menhaden Regulations for 2014	RIGL 20, 2-17.1, 42-17.6, 42-17.7 & 42-35	DEM expects to complete the rule making process during the 1st quarter of 2014	Mark Gibson, Fish & Wildlife, Marine Fisheries 423-1935	Commercial fishers & Fish Dealers
Amendment	Air Pollution Control Regulation No. 37, RI's Low Emission Vehicle Program	Update regulation to match California amendments	RIGL 42-17.1-2(19) & 23-23	DEM expects to file the amended regulation by 2nd quarter 2013	Frank Stevenson Office of Air Resources, 222-2808 x 7021	Auto Manufacturers

Amendment	Air Pollution Control Regulation No.46, CO2 Budget Trading Program	Adjust regulations to achieve CO2 emissions reductions. Amend to maintain consistency w/ other RGGI State's programs.	RIGL 42-17.1-2(19), 23-23, & 23-82	DEM expects to begin the rule making process during the 3rd quarter of 2013	Frank Stevenson Office of Air Resources, 222-2808 x 7021	Electric Power Generators
Amendment	Air Pollution Control Regulation No 47, CO2 Budget Trading Program Allowance Distribution	Adjust regulations to achieve CO2 emissions reductions. Amend to maintain consistency w/ other RGGI State's programs.	RIGL 42-17.1-2(19), 23-23, & 23-82	DEM expects to begin the rule making process during the 3rd quarter of 2013	Frank Stevenson Office of Air Resources, 222-2808 x 7021	Electric Power Generators
Amendment	Air Pollution Control Regulation No. 22, "Air Toxics"	Update references to modeling guidelines.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3rd quarter of 2013	Barbara Morin, Office of Air Resources, 222-4700 x 7012	Sources emitting toxic air pollutants and consultants conducting modeling for those sources
Amendment	Air Pollution Control Regulation No. 12, "Incinerators"	Incorporate Federal requirements for sewage sludge incinerators by reference.	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3rd quarter of 2013	Gina Friedman, Office of Air Resources, 222-4700 x 7016	Sewage sludge incinerators

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulation No. 23, "Control of Perchloroethylene Emissions from Dry Cleaning Operations" and No. 32, "Control of Volatile Organic Compounds from Marine Vessel Loading Operations:	Technical revisions to correct errors	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3rd quarter of 2013	Barbara Morin, Office of Air Resources, 222-4700 x 7012	None- not a substantive change
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 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 3rd quarter of 2013	Doug McVay, Office of Air Resources, 222-4700 x 7011	USEPA, Environmental groups, large fuel burning sources, American Petroleum Institute, Heating oil suppliers

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulation No. 11, "Petroleum Liquids Marketing and Storage"	Phase out Stage II Vapor Control requirements safely without significantly increasing emissions. Modify Stage I requirements to be consistent with current technology.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 4th quarter of 2013	Barbara Morin, Office of Air Resources, 222-4700 x 7012	Gasoline dispensing facilities and companies that perform testing at those facilities
Repeal	Air Pollution Control Regulation No. 42, Heavy-Duty Diesel Engine Standards	Repeal entire regulation	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin repeal process during the 4th quarter of 2013	Frank Stevenson Office of Air Resources, 222-2808 x 7021	Diesel Engine Manufacturers
Repeal	Air Pollution Control Regulation No. 41 – NOx Budget Trading Program	Repeal entire regulation	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin repeal process during the 4th quarter of 2013	Doug McVay, Office of Air Resources, 222-4700 x 7011	USEPA, Environmental groups, electric generating facilities
Amendment	Recycling regulations, Composting and Solid Waste Management Facilities	Updates to recycling requirements, requirements for facilities that manage composting, construction and demolition debris, & solid waste.	RIGL 23-18.9, 42-17.1, and 42-35	DEM expects to complete the rule making process during the 4th quarter of 2013.	Laurie Grandchamp, Office of Waste Management, 222-2797 x 7143	Owners of solid waste management facilities, composters, & commercial recyclers.

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Hazardous Waste	Revisions to existing hazardous waste generator requirements to adopt provisions more consistent w/ existing federal requirements for small quantity generators.	RIGL 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 4th quarter of 2013.	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.
Amendment	Priority Determination System for Federal & State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects.	Publish FY 2014 Project Priority List	RIGL 46-12.2, 42-17.1 & 46.12	DEM expects to complete the rule making process during the 3rd quarter of 2013	Jay Manning, Office of Water Resources, 222-4700, x7254	Cities & Towns
Amendment	Rules and Regulations for the Narragansett Bay and Watershed Restoration Bond Fund	Amended Regulations for the disbursement of 2012 environmental bonds.	RIGL 42-35, 42-17.1-2(s), 46-12-24 46-12-24.1	DEM expects to complete the rule making process during the 3rd quarter of 2013	Jay Manning, Office of Water Resources, 222-4700, x7254	Lake Authorities, Municipalities, Environmental NGOs & Federal Agencies.

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Rules & 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 46-12, 42-35, 42-17.1, & 42-17.6	DEM expects to complete the rule making process during the 3rd quarter of 2013	Bill Patenaude, Office of Water Resources, 222-4700, x7264	Municipalities (WWTFs), WWTF Contract Operators, septage haulers *Note: this requirement currently exists. The addition will only add it to regulatory language.*
Amendment	Groundwater Quality Rules	Update Groundwater Classification and Wellhead Protection Area maps. Minor language updates.	RIGL 46-12, 46-13.1, 23-18.9, 23-19.1	DEM expects to complete rulemaking process during the 3rd quarter of 2013	Ernie Panciera, Office of Water Resources, 222-4700 x 7603	Developers, property owners, municipal officials, water suppliers, state agencies and environmental community
Amendment	Rules & Regulations for the Freshwater Wetlands Regulations	The purpose is to implement tolling legislation expected from current session.	RIGL 42-17.2-1-22	DEM expects to complete the rule making process during the 3rd quarter of 2013	Russ Chateauneuf, Office of Water Resources, 222-4700 x 7700	Eligible permit holders and Developers, builders, property owners, municipal officials, state agencies, & environmental community

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
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 2-1-20.1, 42-17.1, 42-17.6, & 42-35.	DEM expects to complete rule making process during the 3rd quarter of 2013	Russ Chateauneuf, Office of Water Resources, 222-4700x7700	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 42-35, 46-12 & 42-17.1.	DEM expects to complete rule making process during the 3rd quarter of 2013	Angelo Liberti, Office of Water Resources, 222-4700x7225	Owners and members of shooting facilities and the environmental community
Amendment	Water Quality Regulations	To reduce the types of projects that must apply for and receive a Water Quality Certification	RIGL 42-12, 42-17.1	DEM expects to complete rulemaking process during the 4th quarter of 2013	Angelo Liberti, Office of Water Resources, 222-4700 x 7225	Developers, builders, Property owners, municipal officials, state agencies & environmental community
Amendment	Rules & Regulations for Operators of Wastewater Treatment Facilities	The purpose is to clarify licensure requirements, simplify wording, and revise training and other licensure rules.	RIGL 42-17.4 & 42-35	DEM will conduct the rule making process when the Board completes deliberations and approves draft revisions possibly during the 4th quarter of 2013.	Bill Patenaude, Office of Water Resources, 222-4700, x7264	Municipalities (WWTFs), WWTF Contract Operators, licensed wastewater operators

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Well Drilling Regulations	The purpose is to repeal rules in coordination with the Department of Administration pursuant to revised State law.	RIGL 46-13.2	Contingent on DOA action (Contractors Board & Building Code Commission) DEM expects to complete rulemaking process during the 4th quarter of 2013	Sue Kiernan, Office of Water Resources, 222-4700 x7600	Well Drilling Contractors, DOA, DOH, Municipalities (Building Officials)
New	Electronic Waste – Environmentally Sound Recycling & Reuse Standards	Establish comprehensive set of regulations to implement RI's Electronic Waste Law (adopted in 2008).	RIGL 23-24.10-12 & 42-17.1	DEM expects to complete the rule making by the 4th quarter of 2013	Elizabeth Stone, Waste Management, 222-4700 x 2422	Electronics manufacturers, RIRRC, & electronic waste collectors/recyclers.
Amendment	Rhode Island Fisheries Product Identification Mark	Update Present Regulation	Implementation of the RI Agricultural and Fisheries Products Identification Service Mark	DEM expects to begin the rule making process during the 1st quarter of 2014	Ken Ayars, Chief Division of Agriculture	RI Farmers and Seafood Industry
Adoption	Rhode Island Fisheries and Agriculture Act Regulations	Create Regulations for the RI Seafood and Agriculture Act.	RIGL Chapter 4-2 Local Agriculture Seafood Small Grants & Technical Assistance Fund S 2-25-6	DEM expects to Complete the rule making process during the 1st quarter of 2014	Ken Ayars, Chief Division of Agriculture	RI Farmers and Seafood Industry

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Adoption	Rhode Island Fisheries and Agriculture Act	Implement Seafood Service Mark	Implementation of the RI Agricultural and Fisheries Products Identification Service Mark	DEM expects to begin the rule making process during the 1st quarter of 2014	Ken Ayars, Chief Division of Agriculture	RI Farmers and Seafood Industry
Adoption	Freshwater & Anadromous Fishing Regulations for the 2014 – 2015 Season	To establish season bag limits and methods of take.	Pursuant to R.I. General Law Section 20-1-13 the Department is obligated to promulgate the RI Freshwater Fishing Regulations on an annual basis.	DEM expects to complete the rule making process during the 3rd quarter of 2013	Ashley Schipritt 782-3720	Recreational anglers, bait & tackle shops
Adoption	Hunting Regulations for the 2013 – 2014 Season	To establish season bag limits and methods of take for the State of Rhode Island Hunting Regulations.	Pursuant to R.I. General Law Section 20-1-13 the Department is obligated to promulgate the RI Hunting Regulations on an annual basis.	DEM expects to complete the rule making process during the 3rd quarter of 2013	Ashley Schipritt 782-3720	Hunters & Sporting good stores

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Adoption	Park Management Rules and Regulations	To establish Rules and Regulations for the State of Rhode State owned parks and management areas.	Pursuant to R.I. General Law Section 20-1-13 the Department is obligated to promulgate the Park Management Rules and Regulations on an annual basis.	DEM expects to complete the rule making process during the 3rd quarter of 2013	Ashley Schipritt 782-3720	General Public
Adoption	Rhode Island Regulations for the Waterfowl Season 2013 – 2014	To establish season bag limits and methods of take for the State of Rhode Island Hunting Regulations	Pursuant to R.I. General Law Section 20-1-13 the Department is obligated to promulgate the Waterfowl Hunting Regulations on an annual basis.	DEM expects to complete the rule making process during the 3rd quarter of 2013	Ashley Schipritt 782-3720	Hunters & Sporting good stores
Adoption	Rules and Regulations Governing Nuisance Wildlife Control Specialist	To establish rules and regulations for the handling of nuisance wildlife.	Pursuant to R.I. General Law Section 20-1-13 the Department is obligated to promulgate the Rules and Regulations Governing Nuisance Wildlife Control Specialist on an annual basis.	DEM expects to complete the rule making process during the 3rd quarter of 2013	Ashley Schipritt 782-3720	Nuisance Wildlife Control Specialist and suppliers of products

Adoption	2013 – 2014 Falconry Regulations	To establish season bag limits and methods of take for the State of Rhode Island Falconry Regulations	Pursuant to R.I. General Law Section 20-1-13 the Department is obligated to promulgate the Falconry Regulations on an annual basis.	DEM expects to complete the rule making process during the 3rd quarter of 2013	Ashley Schipritt 782-3720	Falconers & Suppliers of products

PART III - Expected Rule-making Activity January 16, 2014 through June 16, 2014

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulations No. 9, "Air Pollution Control Permits" and No. 22, "Air Toxics"	Update Acceptable Ambient Levels & Minimum Quantity Thresholds consistent w/ current toxicological data.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 1st quarter of 2014	Barbara Morin, Office of Air Resources, 222-4700 x 7012	Sources emitting toxic air pollutants & consultants conducting modeling for those sources
Amendment	Air Pollution Control Regulations No. 9, "Air Pollution Control Permits"	Revise permitting thresholds so that it is clearer when permits are necessary. Add major source requirements for PM-2.5. Update reference to modeling guidelines.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 1st quarter of 2014	Doug McVay, Office of Air Resources, 222-4700 x 7011	USEPA, small businesses required to obtain air permits, environmental groups

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulation No. 35, "Control of Volatile Organic Compounds and Volatile Hazardous Air Pollutants from Wood Products Manufacturing Operations"	Modify applicability specifications to exempt major sources of Hazardous Air Pollutants (HAP) that have minimal HAP emissions from wood products manufacturing operations.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 1st quarter of 2014	Barbara Morin, Office of Air Resources, 222-4700 x 7012	Boat builders and other major HAP sources with small wood products manufacturing operations.
Amendment	Air Pollution Control Regulation No. 19, "Control of Volatile Organic Compounds from Surface Coating Operations" and No. 44, "Control of Volatile Organic Compounds from Adhesives and Sealants"	Correct technical errors and change applicability and exemption specifications so there is no overlap in the operations regulated by the two regulations.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 1st quarter of 2014	Barbara Morin, Office of Air Resources, 222-4700 x 7012	Sources with operations that apply industrial adhesives and sealants.

Amendment	Air Pollution Control Regulation No. 27, "Control of Nitrogen Oxide Emissions."	For stationary sources that are subject to the regulation and are required to conduct annual stack testing reduce the frequency of the required testing.	RIGL 42-17.1-2(19) & 23-23	DEM expects to begin the rule making process during the 1st quarter of 2014.	Karen Peltier, Office of Air Resources, 222-2808 x 7136	Stationary sources that emit greater than 50 tons of nitrogen oxides per year.