

**Rhode Island Department of Environmental Management  
Regulatory Agenda– June 15, 2017**

**PART I - Rules Promulgated January 16, 2017 through June 15, 2017**

<b>ERLID</b>	<b>Type Filing</b>	<b>Title</b>	<b>Effective Date</b>
8410	Amendment	Rhode Island Marine Fisheries Regulations Part 4-Shellfish	3/27/2017
8471	Amendment	Rhode Island Marine Fisheries Regulations Part XII-Striped Bass	4/12/2017
8472	Amendment	Rhode Island Marine Fisheries Regulations Part XVI-Menhaden	4/12/2017
8469	Amendment	Rhode Island Marine Fisheries Regulations Part 3-Finfish	4/27/2017
8470	Amendment	Rhode Island Marine Fisheries Regulations Part 4-Shellfish	4/27/2017
8460	Adoption	Air Pollution Control Regulation No. 50 “Clean Diesel Fund” (250-RICR-120-05-50)	3/22/2017
8479	Repeal	Rhode Island Aqua Fund Rules and Regulations	3/1/2017
8555	Amendment	Narragansett Bay and Watershed Restoration Bond Fund	4/7/2017

**Rhode Island Department of Environmental Management  
Regulatory Agenda– June 15, 2017**

**PART II - Expected Rulemaking Activity June 16, 2017 through January 16, 2018**

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	RIMFR Part 6-General Equipment Provisions	Amendments proposed regarding gill net tagging, fish net registration, seining in coastal pond channels, deletion of obsolete regulations; final regulations to be reformatted per Rhode Island Code of Regulations	RIGL 42-17.1, 42-17.6, and 42-17.7	DEM expects to complete the rule making process during the 3 <sup>rd</sup> quarter of 2017.	Jason McNamee, Chief of Marine Resources 423-1943	Commercial and recreational saltwater fishermen; fish dealers; and the public
Amendment	RIMFR Part 7-Dealers	Amendments proposed regarding clarification of point of quantity determination, specify information required for the dealer’s record of sales/transactions; and to provide for consistency with Department of Health regulations; final regulations to be reformatted per Rhode Island Code of Regulations	RIGL 42-17.1, 42-17.6, and 42-17.7	DEM expects to complete the rule making process during the 3 <sup>rd</sup> quarter of 2017.	Jason McNamee, Chief of Marine Resources 423-1943	Commercial and recreational saltwater fishermen; fish dealers; and the public

**Rhode Island Department of Environmental Management  
Regulatory Agenda– June 15, 2017**

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	RIMFR Part 3-Finfish	Proposed amendments regarding commercial monkfish and recreational black sea bass	RIGL 42-17.1, 42-17.6, and 42-17.7	DEM expects to complete the rule making process during the 3 <sup>rd</sup> quarter of 2017.	Jason McNamee, Chief of Marine Resources 423-1943	Commercial and recreational saltwater fishermen; fish dealers; and the public
Repeal	RIMFR Part 3 – Finfish	To be replaced with newly adopted Part 3 which will include contents of repealed Parts XII and XVI as part of regulatory consolidation effort	RIGL 42-17.1, 42-17.6, and 42-17.7	DEM expects to complete the rule making process during the 3 <sup>rd</sup> quarter of 2017.	Jason McNamee, Chief of Marine Resources 423-1943	Commercial and recreational saltwater fishermen; fish dealers; and the public
Adoption	RIMFR Part 3 – Finfish	To replace repealed Part 3 and to include new sections for Striped Bass and Menhaden as part of regulatory consolidation effort; to be reformatted per RI Code of Regulations (RICR)	RIGL 42-17.1, 42-17.6, and 42-17.7	DEM expects to complete the rule making process during the 3 <sup>rd</sup> quarter of 2017.	Jason McNamee, Chief of Marine Resources 423-1943	Commercial and recreational saltwater fishermen; fish dealers; and the public
Amendment	RIMFR Part 5-Lobster, Crabs, and Other Crustaceans	Reformatting per RI Code of Regulations (RICR)	RIGL 42-17.1, 42-17.6, and 42-17.7	DEM expects to complete the rule making process during the 3 <sup>rd</sup> quarter of 2017.	Jason McNamee, Chief of Marine Resources 423-1943	Commercial and recreational saltwater fishermen; fish dealers; and the public

**Rhode Island Department of Environmental Management  
Regulatory Agenda– June 15, 2017**

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”	Add nitrogen oxides as a precursor to ozone in the definition of “major stationary source” in the PSD section of the regulation. Address the changes made to 40 CFR 51.166 in the October 20, 2010 rulemaking (75 FR 64864) regarding PM2.5 emissions.	42-17.1-2(19) and 23-23	DEM expects to complete the rule making process during the 3 <sup>rd</sup> quarter of 2017.	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	USEPA, small Businesses required to obtain air permits, environmental groups
Amendment	Air Pollution Control Regulations No. 16, “Operation of Air Pollution Control Systems”	Revisions to respond to a SIP call by EPA for a start-up, shutdown, and malfunctions.	42-17.1-2(19) and 23-23	DEM expects to complete the rule making process during the 3 <sup>rd</sup> quarter of 2017	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	Sources with air pollution control systems.
Amendment	Air Pollution Control Regulation No. 13, “Particulate Emissions from Fossil Fuel Fired Steam or Hot Water Generating Units”	Technical corrections to eliminate a section of the rule that no longer applies.	42-17.1-2(19) and 23-23	DEM expects to complete the rule making process during the 3 <sup>rd</sup> quarter of 2017	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	Not a substantive change.
Amendment	Air Pollution Control Regulation No. 28, “Operating Permit Fees”	Revisions to dates for payments of fees to be consistent with DEM’s current practice.	42-17.1-2(19) and 23-23	DEM expects to complete the rule making process during the 3 <sup>rd</sup> quarter of 2017	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	Not a substantive change. Sources subject to the operating permit program.

**Rhode Island Department of Environmental Management  
Regulatory Agenda– June 15, 2017**

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulation No. 29, “Operating Permits”	Revisions to the eligibility requirements for emission caps to allow more sources to be eligible for an emissions cap.	42-17.1-2(19) and 23-23	DEM expects to complete the rule making process during the 3 <sup>rd</sup> quarter of 2017	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	A stationary source with potential emissions more than major source thresholds, but with actual emissions less than those thresholds.
Amendment	Air Pollution Control Regulation No. 34 “Rhode Island Motor Vehicle Inspection/Maintenance Program”	Eliminate dynamometer testing and add heavy duty diesel vehicle testing.	42-17.1-2(19) and 23-23	DEM expects to complete the rule making process during the 3 <sup>rd</sup> quarter of 2017	Frank Stevenson, Office of Air Resources, 222-4700 x-7021	Diesel truck owners and inspection station owners.
Adoption	Freshwater and Anadromous Fishing Regulations for the 2018 – 2019 Season	To establish season bag limits and methods of take.	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 3 <sup>rd</sup> quarter of 2017	Ashley Schipritt, Division of Fish and Wildlife 782-3720	Recreational anglers, bait, and tackle shops
Adoption	Hunting Regulations for the 2017 – 2018 Season	To establish season bag limits and methods of take for the State of Rhode Island Hunting Regulations.	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 3 <sup>rd</sup> quarter of 2017	Ashley Schipritt, Division of Fish and Wildlife 782-3720	Hunters and Sporting goods stores
Adoption	Park Management Rules and Regulations	To establish Rules and Regulations for the State of Rhode State owned parks and management areas.	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 3 <sup>rd</sup> quarter of 2017	Ashley Schipritt, Division of Fish and Wildlife 782-3720	Public and Hunters

**Rhode Island Department of Environmental Management  
Regulatory Agenda– June 15, 2017**

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Adoption	2017 – 2018 Falconry Regulations	To establish season bag limits and methods of take for the State of Rhode Island Falconry Regulations	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 3 <sup>rd</sup> quarter of 2017	Ashley Schipritt, Division of Fish and Wildlife 782-3720	Falconers and Suppliers of products
Amendment	Air Pollution Control Regulation No. 9, Air Pollution Control Permits”	Revise permitting thresholds so that it is clearer when permits are necessary. Update reference to modeling guidelines. Revise requirements for major sources to be consistent with federal requirements.	42-17.1-2(19) and 23-23	DEM expects to begin the rulemaking process during the 4 <sup>th</sup> quarter of 2017.	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	USEPA, small businesses required to obtain air permits, environmental groups
Amendment	Air Pollution Control Regulation No. 9, Air Pollution Control Permits” and No. 22, “Air Toxics”	Update Acceptable Ambient Levels and Minimum Quantity Thresholds consistent w/ current toxicological data.	42-17.1-2(19) and 23-23	DEM expects to begin the rulemaking process during the 4 <sup>th</sup> quarter of 2017.	Laurie Grandchamp, Office of Air Resources, 222-4700 x-7143	Sources emitting toxic air pollutants and consultants conducting modeling for those sources.
Amendment	Priority Determination System for Federal and State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects (PPL Regs)	Amend PPL regs to allow rating projects proposed by non-governmental entities. Also, revising and updating project rating criteria.	42-17.1; 46-12;46-12.2	DEM expects to begin the rulemaking process during the 4 <sup>th</sup> quarter of 2017.	Jay Manning, Office of Water Resources, 222-4700 x7254	Public, private, and non-profit entities.

**Rhode Island Department of Environmental Management  
Regulatory Agenda– June 15, 2017**

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Repeal	Drilling of Drinking Water Wells	The purpose is to repeal rules in coordination with the Department of Administration pursuant to revised State law. Postponed to coordinate with related Rulemaking Contractor Board in DOA.	46-13.2	DEM expects to begin the rulemaking process during the 4 <sup>th</sup> quarter of 2017.	Sue Kiernan, Office of Water Resources, 222-4700 x7600	Well Drilling Contractors, DOA, DOH, Municipalities (Building Officials)
Amendment	Groundwater Quality Rules	Update Groundwater Classification and Wellhead Protection Area maps. Minor language updates.	46-12, 46-13.1, 23-18.9, 23-19.1		Ernie Panciera, Office of Water Resources, 222-4700 x 7603	Developers, builders' property owners, municipal officials, state agencies and environmental community
Amendment	Governing the Administration and Enforcement of the Fresh Water Wetlands Act	Amend the Freshwater Wetland Regulations to incorporate revisions to the Freshwater Wetlands Act from the 2015 Legislative Session (Single Standard Bill S737B)	42-35, 2-1-18 through 2-1-25.	DEM expects to begin the rulemaking process during the 4 <sup>th</sup> quarter of 2017.	Alicia Good, Office of Water Resources, 222-4700 X7200	Developers, builders, property owners, municipal officials, state agencies and the environmental community.

**Rhode Island Department of Environmental Management  
Regulatory Agenda– June 15, 2017**

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Rules Establishing Minimum Standards Relating to Location, Design, Construction, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Rules)	Amend OWTS Rules to incorporate changes to the Freshwater Wetlands Act from the 2015 Legislative Session (Single Standard Bill S737B)	42-17.1	DEM expects to begin the rulemaking process during the 4 <sup>th</sup> quarter of 2017.	Eric Beck, Office of Water Resources, 222-4700 x 7700	Developers, builders, property owners, municipal officials, state agencies and the environmental community.



**Rhode Island Department of Environmental Management  
Regulatory Agenda– June 15, 2017**

**PART III - Expected Rule-making Activity January 16, 2018 through June 16, 2018**

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Air Pollution Control Regulation No. 46, “CO <sub>2</sub> Budget Trading Program”	Revisions to implement RGGI Program Review model rule.	42-17.1-2(19) and 23-23	DEM expects to begin the rulemaking process during the 1 <sup>st</sup> quarter of 2018.	Frank Stevenson, Office of Air Resources, 222-4700 x-7021	Power plants, environmental groups, other RGGI states.
Amendment	Air Pollution Control Regulation No. 47, “CO <sub>2</sub> Budget Trading Program Allowance Distribution”	Revisions to implement RGGI Program Review changes.	42-17.1-2(19) and 23-23	DEM expects to complete the rule making process during the 1 <sup>st</sup> quarter of 2018.	Frank Stevenson, Office of Air Resources, 222-4700 x-7021	Power plants, environmental groups, other RGGI states
Amendment	Hazardous Waste	Re-write to conform to new regulatory reform formatting requirements.	23-19.1, 42-17.1, 46-12, 23-23, 23-18.9, and 42-35	DEM expects to complete the rule making process during the 1 <sup>st</sup> quarter of 2018	Mark Dennen, Office of Waste Management 222-4700, ext. 7112.	Hazardous waste generators, transporters, businesses, industry, municipalities, and state agencies that generate, or deal w/ hazardous wastes.
Amendments	Underground Storage Tank Regulations	Re-write to conform to new regulatory reform formatting requirements and changes to address recent statutory changes, and UST clean-up and reimbursement funding issues.	42-17.1-2 and 42-35	DEM expects to complete the rule making process during the 1 <sup>st</sup> quarter of 2018	Kevin Gillen, Office of Waste Management 222-4700, ext. 7116	Owners/Operators of Underground Storage Tank facilities

**Rhode Island Department of Environmental Management  
Regulatory Agenda– June 15, 2017**

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendments	Remediation Regulations	Re-write to conform to new regulatory reform formatting requirements and changes to address recent statutory changes, and technical updates.	42-35, 23-19.1, 23-19.14, 42-17.1-2, 46-12, 46-13.1, 23-19.1-6, 23-19.1-10.3, 23-19.1-11.1, 46-12-3, and 46-12-5	DEM expects to complete the rule making process during the 1 <sup>st</sup> quarter of 2018	Kelly Owens Office of Waste Management 222-2797	Responsible parties of contaminated properties, and related businesses
Amendment	Recycling Regulations: Composting and Solid Waste Management Facilities	Re-write to conform to new regulatory reform formatting requirements include updates to recycling requirements, requirements for facilities that manage composting, construction and demolition debris, and solid waste.	23-18.9, 42-17.1, and 42-35	DEM expects to complete the rule making process during the 1 <sup>st</sup> quarter of 2018	Chris Shafer, Office of Waste Management, 222-2797.	Owners of solid waste management facilities, composters, and commercial recyclers.
Amendment	RIMFR Part 2- Commercial and Recreational Saltwater Fishing Licensing Regulations	Annual review and/or amendments regarding commercial licensing for 2018	42-17.1, 42-17.6, and 42-17.7	DEM expects to complete the rule making process during the 1 <sup>st</sup> quarter of 2018.	Jason McNamee, Chief of Marine Resources 423-1943	Commercial and recreational saltwater fishermen; fish dealers; and the public
Amendment	RIMFR Part 4- Shellfish	Shellfish harvester certification requirements; revised shellfish tagging areas	42-17.1, 42-17.6, and 42-17.7	DEM expects to complete the rule making process during the 1 <sup>st</sup> quarter of 2018.	Jason McNamee, Chief of Marine Resources 423-1943	Commercial and recreational saltwater fishermen; fish dealers; and the public

**Rhode Island Department of Environmental Management  
Regulatory Agenda– June 15, 2017**

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	RIMFR Part 3 – Finfish	2018 commercial finfish regulations	42-17.1, 42-17.6, and 42-17.7	DEM expects to complete the rule making process during the 1 <sup>st</sup> quarter of 2018	Jason McNamee, Chief of Marine Resources 423-1943	Commercial and recreational saltwater fishermen; fish dealers; and the public
Amendment	RIMFR Part 3 – Finfish	2018 recreational finfish regulations; commercial menhaden regulations	42-17.1, 42-17.6, and 42-17.7	DEM expects to complete the rule making process during the 1st quarter of 2018.	Jason McNamee, Chief of Marine Resources 423-1943	Commercial and recreational saltwater fishermen; fish dealers; and the public
Amendment	RIMFR Part 1 – Definitions and General Provisions	Review of terms	42-17.1, 42-17.6, and 42-17.7	DEM expects to complete the rule making process during the 1st quarter of 2018.	Jason McNamee, Chief of Marine Resources 423-1943	Commercial and recreational saltwater fishermen; fish dealers; and the public