

December 17, 2009

Secretary of State A. Ralph Mollis
Records Center
337 Westminster Street
Providence, Rhode Island 02903

Re: Notification of the Adoption of Emergency Regulations
Emergency Regulations In Order To Comply with Rhode Island
Public Laws 09-198 and 09-199

Dear Secretary Mollis

As the Secretary of State may be aware, the General Assembly enacted and, on November 9, 2009, the Governor signed into law Public Law Chapters 09-198 and 09-199 whereby R.I. Gen. Laws § 42-17.1-2.5 was adopted. This statute amends R.I. General Laws Chapter 42-17.1 in order to provide that “the expiration of approval or permit issued pursuant to any state statute or any regulation promulgated thereto pertaining to the development of property shall be tolled until June 30, 2011.”

Numerous persons holding permits issued by the Department have contacted the DEM seeking guidance as to both the scope of the permits issued by the Department that are to be extended by the subject Act and the expiration date of those permits that have been determined to have been extended. In order to ensure compliance with the health, safety and welfare requirements imposed upon the Department of Environmental Management for the benefit of the public imposed upon the Department by Public Law Chapters 09-198 and 09-199, the immediate promulgation of attached, implementing regulations is mandated.

On the basis of the above, I, in my capacity as the Director of the Department of Environmental Management, provide notice to the Department of the Secretary of State that an imminent peril exists to the public health, safety and welfare which requires the adoption of the attached rules and regulations prior to opportunity for public comment and notice of promulgation, pursuant to my authority per R.I. Gen. Laws§ 42-17.1-1 *et seq.* and the Administrative Procedures Act, R.I. Gen. Laws§ 42-35-3(b).

Further, I notice that pursuant to the Administrative Procedures Act, R.I. Gen. Laws§42-35-4(b)(2) that, on the basis of above, the attached regulations shall become effective immediately upon filing with the Secretary rather than the twenty (20) days which is typically required.

Department of Environmental
Management

W. MICHAEL SULLIVAN, Ph.D.,
Director

Dated: December 17, 2009

Subscribed and sworn to before me this 17th day of December, 2009.

Notary Public
My Commission expires: _____

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**JUSTIFICATION FOR THE ADOPTION OF EMERGENCY
REGULATIONS CONCERNING THE IMPLEMENTATION OF
RHODE ISLAND PUBLIC LAW CHAPTERS 09-198 and 09-199**

In my capacity as Chief of Groundwater and Wetlands Protection of the Division of Water Resources, I have recently been advised that that the General Assembly enacted and, on November 9, 2009, the Governor signed into law Public Law Chapters 09-198 and 09-199 whereby R.I. Gen. Laws§ 42-17.1-2.5 was adopted. It is my further understanding that this statute amends R.I. General Laws Chapter 42-17.1 in order to provide that “the expiration of approval or permit issued pursuant to any state statute or any regulation promulgated thereto pertaining to the development of property shall be tolled until June 30, 2011.” Numerous persons holding permits issued by the Division of Water Resources (the “Division”) have contacted the Division seeking guidance as to both the scope of the permits issued by the Division that are to be extended by the subject Act and the expiration date of those permits that have been determined to have been extended. Based upon my conversations with my colleagues in the Department of Environmental Management, various other divisions and offices have also received and continue to receive similar inquiries relative to the Department’s interpretation of the Act. In order to ensure compliance with the health, safety and welfare requirements imposed upon the Department of Environmental Management for the benefit of the public by Public Law Chapters 09-198 and 09-199, immediate changes to several regulations are required. The amended regulations include:

- [**Air Pollution Control Regulation No. 9- Air Pollution Control Permits**](#)
- [**Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems**](#)
- [**Rules and Regulations Governing the Administration of the Freshwater Wetlands Act**](#)
- [**Rules and Regulations for Dredging and the Management of Dredged Material**](#)
- [**Water Quality Regulations**](#)
- [**Rules and Regulations for Groundwater Quality**](#)

On the basis of the above, the Division respectfully suggests that the Director employ his authority pursuant to R.I. Gen. Laws§ 42-17.1-1 *et seq.* and the Administrative Procedures Act, R.I. Gen. Laws§ 42-35-3(b), by providing notice to the Department of the Secretary of State that an imminent peril exists to the public health, safety and welfare which requires the adoption of the attached rules and regulations prior to opportunity for public comment and notice of promulgation.

Further, I would also respectfully request that pursuant to the Administrative Procedures Act, R.I. Gen. Laws§42-35-4(b)(2)the attached regulations become effective immediately upon filing with the Secretary rather than the twenty (20) days which is typically required.

**DEPARTMENT OF
ENVIRONMENTAL
MANAGEMENT
DIVISION OF WATER RESOURCES**

**RUSSELL CHATEAUNEUF, PE,
CHIEF, GROUNDWATER and
WETLANDS PROTECTION**

DATED: _____

Subscribed and sworn to before me this 17th day of December, 2009.

Notary Public
My Commission Expires _____
200____.