

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULES AND REGULATIONS GOVERNING THE ESTABLISHMENT OF VARIOUS FEES



March 2005

Authority: Chapters 42-35, 42-17.1, 46-12, 46-13.1, 46-13.2, and 23-23 of the Rhode Island General Laws of 1956, as amended.

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**RULES AND REGULATIONS GOVERNING
THE ESTABLISHMENT OF VARIOUS FEES**

RULE 1. PURPOSE

To establish Department of Environmental Management (DEM) fees for processing applications and performing related activities in order to offset state costs.

RULE 2. LEGAL AUTHORITY

These rules and regulations are promulgated pursuant to Chapter 42-17.1 Environmental Management, Chapter 46-12 Water Pollution, Chapter 46-13.1 Groundwater Protection, Chapter 46-13.2 Drilling of Drinking Water Wells, Chapter 23-23 Air Pollution, and Chapter 42-35 Administrative Procedures of the Rhode Island General Laws of 1956, as amended.

RULE 3. LIBERAL APPLICATION

The terms and provisions of these Rules and Regulations shall be liberally construed to allow the Department to effectuate the purposes of state and federal laws, goals and policies.

RULE 4. SEVERABILITY

If any provisions of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

RULE 5. APPLICABILITY

These rules and regulations apply only to the DEM regulatory programs identified herein. Other DEM regulatory programs and other state agencies have fee schedules included in their governing rules and regulations.

RULE 6. DEM PROGRAM FEES

**6.1 Rhode Island Pollutant Discharge Elimination System (RIPDES) and Pretreatment –
Office of Water Resources**

6.1.1 Applicable Rules and Regulations: “Regulations for the Rhode Island Pollutant Discharge Elimination System” and “Rules and Regulations for Pretreatment”.

6.1.2 Definitions

“Discharge – emergency” - An Order of Approval issued under the Direction of an On-Scene Coordinator for the discharge of treated effluent from a pollution control system.

“Major and Minor Municipal or Industrial” - Categories established pursuant to federal Environmental Protection Agency criteria for wastewater discharges. Lists are maintained by the DEM Office of Water Resources.

“Orders of Approval” - Order from the Director of the Department of Environmental Management approving various activities under Rhode Island’s Water Pollution Control Law (Chapter 46-12).

“Pretreatment Permit” – Permit issued by the State as the Control Authority for the control of indirect dischargers that discharge pollutants to Publicly Owned Treatment Works.

“RIPDES Permit” - Permit issued pursuant to the Rhode Island Pollution Discharge Elimination System Regulations for the discharge of wastewaters into the waters of the state or issued pursuant to the “Rules and Regulations for Pretreatment” to control indirect dischargers that discharge pollutants to Publicly Owned Treatment Works.

6.1.3 Fees

RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM (RIPDES) AND PRETREATMENT PERMIT FEES		
	APPLICATION¹	ANNUAL²
Individual Major Flow (MGD)³		
<1	\$4,000.00	\$4,500.00
1 – 15	\$6,000.00	\$3,000.00
>15 – 30	\$8,000.00	\$4,500.00
>30	\$10,000.00	\$6,000.00
Individual Minor and Pretreatment⁴ Flow (MGD)³		
<0.01	\$1,000.00	\$400.00
0.01 – 0.1	\$2,000.00	\$700.00
>0.1	\$3,000.00	\$1,000.00
General or Group Permit	\$400.00	\$100.00

¹Application fee is required for all new applications only. General or Group application fee is required only if review of a pollution control plan is required.

²Annual fees are assessed on a calendar year basis and are due July 15th of each subsequent year, for all permits active as of December 31st. Expired permits that remain in effect in accordance with the RIPDES Regulations shall continue to pay annual fees.

³Flow represents the sum of the average monthly limits (maximum if average is not limited) for each outfall listed in the permit.

⁴For the purposes of establishing fees, all Pretreatment Permits are classified as “Minor”.

ORDERS OF APPROVAL FOR DISCHARGES UNDER THE DIRECTION OF AN ON-SITE COORDINATOR	
Discharge – Emergency	\$347.00

6.2 Wastewater Treatment Facilities Program – Office of Water Resources

6.2.1 Applicable Rules and Regulations: “Water Quality Regulations”.

6.2.2 Definitions

“Minor Modifications” - Minor wastewater treatment facility changes including, but not limited to, addition, modification or replacement of minor treatment process equipment. Also includes addition, modification or replacement of minor combined sewer overflow treatment facilities.

“Major Modifications” - Significant upgrade of existing facilities including, but not limited to, advanced treatment modifications, increase in wastewater treatment facility capacity, or addition, modification or replacement of major treatment processes. Also includes addition, modification or replacement of major combined sewer overflow collection and/or treatment facilities.

“New Wastewater Treatment Facility” - New or complete replacement of an existing wastewater treatment facility or combined sewer overflow collection and/or treatment facilities.

“Orders of Approval” – Order from the Director of the Department of Environmental Management approving various activities under Rhode Island’s Water Pollution Control Law (Chapter 46-12).

“Order of Approval to ‘Prevent Pollution’” - Approval of plans and specification prior to construction of wastewater facilities.

“Sewer Extensions” - Extension, modification or replacement of existing collection systems including lateral sewers, interceptor sewers, force mains, pumping stations and marine sewage pump-out facilities. Also includes addition, modification and replacement of combined sewer overflow collection facilities.

6.2.3 Fees

ORDERS OF APPROVAL TO PREVENT POLLUTION	
New Wastewater Treatment Facility	\$10,000.00
Major Wastewater Treatment Facility Modifications	\$6,000.00
Minor Wastewater Treatment Facility Modifications	\$1,000.00
Sewer Extensions with No New Flows or New Flows Less than 250,000 gpd	\$300.00
Sewer Extensions with New Flows of 250,000 gpd or Greater	\$1,000.00

6.3 Groundwater Quality Certification Program – Office of Water Resources

6.3.1 Applicable Rules and Regulations: “Rules and Regulations for Groundwater Quality”.

6.3.2 Groundwater Quality Certification Fee: \$200.00

6.4 Water Quality Certification Program – Office of Water Resources

6.4.1 Applicable Rules and Regulations: “Water Quality Regulations”.

6.4.2 Water Quality Certification Fees:

(A) Estimated Project Cost < \$250,000: \$200.00

(B) Estimated Project Cost $\geq$ \$250,000: \$400.00

(C) Modification Request for a Previously Approved Project (excluding renewals): One-half of the Original Fee

(D) Water Quality Certification fees are waived for projects where the sole purpose is water quality improvement or wetlands restoration. Wetlands restoration is defined by the United States Army Corps of Engineers Rhode Island Programmatic General Permit (RI PGP) pursuant to 33 CFR Part 325.3(b) as follows: “Restoration is the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former wetland (called re-establishment) or a degraded wetland (called rehabilitation). Restoration means the result of actions which, in the opinion of the federal and state resource agencies, reinstates, or will reinstate, insofar as possible, the functions and values of a wetland which has been altered. Restoration is the re-creation or rehabilitation of wetland ecosystems whose natural functions have been destroyed or impaired.”

6.5 Underground Injection Control Program – Office of Water Resources

6.5.1 Applicable Rules and Regulations: “Underground Injection Control Program Rules and Regulations”.

6.5.2 Underground Injection Control Program Fees:

(A) Stormwater Subsurface Discharge System: \$100.00

(B) Subsurface Discharge System Other Than Stormwater: \$200.00

(C) Permanent Closure for Shallow Injection Well Facilities: \$200.00

(D) Underground Injection Control Program fees are waived for projects where the sole purpose is water quality improvement or wetlands restoration (as defined above in Rule 6.4.2(D)).

6.6 Well Drilling Program – Office of Water Resources

6.6.1 Applicable Rules and Regulations: “Rules and Regulations Governing the Enforcement of Chapter 46-13.2 relating to the Drilling of Drinking Water Wells”.

6.6.2 Well Drilling Variance Fee: \$50.00

6.7 Office of Air Resources

6.7.1 Applicable Rules and Regulations: “Air Pollution Control Regulations Nos. 9 and 22.”

6.7.2 Definitions

“Major source permit” – means an approval or permit issued by the Office of Air Resources for the construction or installation of a major stationary source or major modification. Major stationary sources and major modifications are as defined in APC

Regulation No. 9. Major stationary sources are defined at 9.4.1(b) for nonattainment areas and at 9.5.1(f) for attainment areas. Major modifications are defined at 9.1.22.

“Complex Minor Sources” - Complex minor sources or modifications are:

- Sources of VOC that have a potential to emit 25 tons/yr. or more.
- New sources of a listed toxic air contaminant or an existing source that would be emitting a listed toxic air contaminant that it did not emit previously.
- Sources subject to New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants or MACT standards (40 CFR 60, 61 and 63).
- Any incinerator.
- New sources with potential emissions after controls between 100 and 250 tons/yr. and are not major stationary sources.
- An application that includes four or more minor sources.
- Boilers with a heat input capacity greater than 30 million BTUs/hr.

“Minor Source” - Minor sources or modifications are:

- Applications for the installation of air pollution control equipment only.
- Small package boilers firing oil or natural gas (Heat input less than or equal to 30 million BTUs/hr.).
- Small spray painting operations.
- All other miscellaneous applications not in Categories A or B.

“Toxic Operating Sources” - Sources using and/or emitting one or more of the substances listed in APC Regulation No. 22 which are notified that they are required to file an air toxics operating permit application with the Office of Air Resources pursuant to 22.5.2 or which are required to file an application for renewal of an air toxics operating permit pursuant to 22.5.8.

“Second Tier” - Second tier toxic operating sources are sources meeting the definition above and which meet one or more of the following criteria:

- Facility uses and/or emits more than 5 of the substances listed in Regulation 22.
- Facility submits incomplete or inaccurate information on its operating permit application which is not corrected following notification in writing by the Office of Air Resources.
- Review of operating permit application requires refined modeling.

6.7.3 Fees

AIR RESOURCES FEES	
Major Source Permit	\$25,410.00
Complex Minor Source	\$4,620.00
Minor Source	\$1,271.00
Toxic Operating Sources	\$809.00
Second Tier	\$2,310.00

RULE 7. PAYMENT METHODS

7.1 Checks

Checks shall be made payable to “General Treasurer, State of Rhode Island.”

7.2 Electronic Transfers and Credit Cards

At such time that the Department of Environmental Management establishes a system for accepting electronic transfers and credit card charges for payment of fees, the payer of the fee by these methods shall be responsible for payment of all processing or transaction fees in addition to the fee specified herein.

RULE 8. EFFECTIVE DATE

The foregoing rules and regulations, after due notice, are hereby adopted as amended and filed with the Secretary of State this _____ day of March 2005, to become effective twenty (20) days thereafter, subject to and in accordance with the provisions of Chapters 42-35, 42-17.1, 46-12, 46-13.1, 46-13.2, and 23-23 of the General Laws of Rhode Island, 1956 as amended.

Frederick J. Vincent, Interim Director
Department of Environmental Management

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