

2010 -- S 2654

LC02064

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO WATERS AND NAVIGATION - WATER POLLUTION

Introduced By: Senator Christopher B. Maselli

Date Introduced: March 04, 2010

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-12-3 of the General Laws in Chapter 46-12 entitled "Water
2 Pollution" is hereby amended to read as follows:

3 **46-12-3. Powers and duties of the director.** -- In addition to the other powers granted
4 the director of the department of environmental management herein, the director shall have and
5 may exercise the following powers and duties:

6 (1) To exercise general supervision of the administration and enforcement of this
7 chapter, and all rules and regulations and orders promulgated hereunder;

8 (2) To develop comprehensive programs for the prevention, control, and abatement of
9 new or existing pollution of the waters of this state;

10 (3) To advise, consult, and cooperate with other agencies of the state, the federal
11 government, other states, and interstate agencies and with affected groups, political subdivisions,
12 and industries in the furtherance of the purposes of this chapter;

13 (4) To accept and administer loans and grants from the federal government and from
14 other sources, public or private, for the carrying out of any of its functions, which loans and
15 grants shall not be expended for other than the purposes for which provided;

16 (5) To encourage, participate in, or conduct studies, investigations, research, and
17 demonstrations relating to water pollution and its causes, prevention, control, and abatement
18 thereof, as he or she may deem advisable and necessary for the discharge of his or her duties
19 under this chapter;

1 (6) To collect and disseminate information relating to water pollution and the prevention,
2 control, and abatement thereof;

3 (7) Except as otherwise provided in subdivision (24) below, to promulgate standards of
4 water quality and to classify the waters of the state accordingly;

5 (8) To administer state grants to municipalities and political subdivisions for the
6 construction of sewage treatment works;

7 (9) To hold hearings, to issue notices of hearings and subpoenas requiring the attendance
8 of witnesses and the production of evidence, and to administer oaths and to take testimony, that
9 he or she may deem necessary;

10 (10) To approve, pursuant to standards adopted by the environmental standards board,
11 the construction, modification, and operation of discharge systems or any parts thereof, and to
12 require the prior submission of plans, specifications, and other data relative to discharge systems
13 and to require that the plans, specifications, or other data be certified by a professional engineer
14 registered in Rhode Island, and to inspect the systems either under construction or in operation;

15 (11) To issue a permit for the discharge of any pollutant or combination of pollutants or
16 to issue a general permit authorizing a category of discharges within a geographical area upon
17 conditions as may be necessary to carry out the purposes of this chapter and of the Clean Water
18 Act, 33 U.S.C. section 1251 et seq., which may include, but not be limited to, providing for
19 specific effluent limitations and levels of treatment technology, monitoring, recording, and
20 reporting standards, or to deny a permit or general permit;

21 (12) To renew, revoke, modify, or suspend in whole or in part any permit, order, or
22 schedule of compliance pursuant to the provisions of this chapter, and any rules and regulations
23 promulgated thereunder;

24 (13) To approve the discharge of pollutants into the waters of this state pursuant to all
25 applicable standards;

26 (14) To require publicly owned treatment works to adopt and implement requirements
27 regarding the pretreatment of pollutants consistent with existing federal requirements, and to
28 require compliance by all persons with pretreatment requirements;

29 (15) To issue such orders as may be necessary to prevent the unauthorized construction,
30 modification, or operation of discharge systems and the discharge of pollutants into the waters of
31 this state;

32 (16) To require proper maintenance and operation of discharge systems;

33 (17) To consult the advisory council on environmental affairs on the policies and plans
34 for the control and abatement of pollution;

1 (18) To make, issue, amend, and revoke reasonable rules and regulations for the
2 prevention, control, and abatement of pollution and the enforcement of orders issued hereunder,
3 including public notice and comment requirements;

4 (19) To exercise all incidental powers necessary to carry out the purposes of this chapter;

5 (20) To approve the operation of treatment facilities, pursuant to the provisions of
6 chapters 3, 11, and 18 of title 44;

7 (21) To promulgate and enforce rules and regulations to govern the location, design,
8 construction, maintenance, and operation of underground storage facilities used for storing
9 petroleum products or hazardous materials to prevent, abate, and remedy the discharge of
10 petroleum products and hazardous materials into the waters of the state; provided that all
11 underground storage tanks and associated piping installed after September 1, 1991 shall provide
12 for secondary containment in a manner approved by the director; and provided, that single-walled
13 tanks and/or piping installed prior to May 8, 1985 shall be permanently closed by December 22,
14 2020, and single-walled tanks and/or piping installed between May 8, 1985 and July 20, 1992
15 shall be permanently closed within thirty-five (35) years of the date of installation; and provided,
16 further, that the installation of underground storage tanks is prohibited at sites located within
17 wellhead protection areas for community water supply wells as designated by the director and
18 consistent with chapter 46-13.1. This prohibition shall not apply to the replacement or upgrading
19 of existing underground storage tanks installed prior to July 1, 1991, provided that such activity
20 take place in accordance with all applicable state and federal regulations;

21 (22) To promulgate and enforce rules and regulations to govern the installation,
22 construction, operation, and abandonment of monitoring wells;

23 (23) To promulgate and enforce rules and regulations to govern the location, design,
24 installation, operation and maintenance of subsurface disposal systems which receive the
25 discharge of pollutants and of subsurface containment systems, including underground storage
26 tanks, used to contain or control the discharge of pollutants below the ground surface.

27 (24) In connection with the dredging and transportation and disposal of dredge material,
28 to promulgate and adopt water quality standards that conform with the federal Environmental
29 Protection Agency's applicable water quality rules and regulations and guidelines, including, but
30 not limited to, the federal Environmental Protection Agency's rules and regulations and guidelines
31 for deviating from said standards. The department of environmental management shall also apply
32 the applicable standards and guidelines and adopt the procedures as set forth in the manual
33 identified as "Evaluation of Dredge Material for Purpose of Ocean Disposal. Testing Manual Put
34 Together by EPA and Army Corps of Engineers in February, 1991" and any amendments or

1 supplements or successor manuals thereto to the extent that the same are relevant to dredging,
2 transportation and/or disposal of dredge materials in tidal waters or any documents or manuals
3 approved by the federal Environmental Protection Agency relating to dredging, transportation
4 and/or disposal of dredge materials; and

5 (25) To prepare and to submit to the governor, the speaker of the house, the president of
6 the senate, the chairperson of the house committee on environment and natural resources and the
7 chairperson of the senate committee on environment and agriculture, not later than February 1,
8 2005, a plan, including an implementation program with cost estimates, recommended sources of
9 funding, measurable goals, objectives, and targets and limitations for nutrient introduction into
10 the waters of the state, for the purposes of: (i) managing nutrient loadings and the effects of
11 nutrients in the waters of the state; and (ii) preventing and eliminating conditions of
12 eutrophication.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would require that single-walled tanks and/or piping installed prior to May 8,
2 1985 be permanently closed by December 22, 2020, and that single-walled tanks and/or piping
3 installed between May 8, 1985 and July 20, 1992 be permanently closed within thirty-five (35)
4 years of the date of installation.

5 This act would take effect upon passage.

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