

**RHODE ISLAND GOVERNMENT REGISTER  
PUBLIC NOTICE OF PROPOSED RULEMAKING**

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**Title of Rule:** Stormwater Management, Design, and Installation Rules

**Rule Identifier:** 250-RICR-150-10-8

**Rulemaking Action:** Proposed Adoption

**Important Dates:**

Date of Public Notice: 08/31/2018

Hearing Date: 09/12/2018

End of Public Comment: 10/01/2018

**Authority for this Rulemaking:**

R.I. Gen. Laws Chapter 45-61.2

The Smart Development for a Cleaner Bay Act of 2007; Chapter 46-12, Water Pollution; Chapter 46-13.1, Groundwater Protection; Chapter 42-17.1, Environmental Management

**Summary of Rulemaking Action:**

The purpose of these rules is to provide standards for planning, designing, and installing effective stormwater best management practices (BMPs) to effectively manage the impacts of stormwater and prevent adverse impacts to water quality, habitat and flood storage capacity. The purpose of this adoption is to reformat the Stormwater Manual into the Rhode Island Code of Regulations format as required by amendments to the Administrative Procedures Act (§ 42-35-5). This recodification must follow a standard format used for all state regulations. The RI Stormwater Manual was adopted in December 2010 following the standard rule-making process used by RI DEM and the Coastal Resources Management Council (CRMC). However, the Manual was not written in typical rule format, and a great deal of the Manual is not regulatory and in fact acts as guidance. Only those parts of the original Manual that are regulatory are included in the recodified "RI Stormwater Management, Design and Installation Rules" ("Stormwater Rules"). In recodifying the Manual, the Department preserved the full intent of the original Manual requirements such that there will be no difference in how a stormwater system is designed and installed under the recodified Stormwater Rules. There is no track changes document showing the changes that have been made to recodify the Manual. Because of the extensive changes necessary to convert a non-regulatory Manual into a rule, a track changes document would have been unmanageable and unreadable to follow. Therefore, rather than "amend" the original Manual, the recodified Stormwater Management, Design and Installation Rules will be adopted and the original Manual will be repealed.

**Additional Information and Comments:**

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed adoption until October 1, 2018 by contacting the appropriate party at the address listed below:

Ernie Panciera  
Department of Environmental Management  
R.I. Department of Environmental Management Office of Water Resources, Attn:  
Ernie Panciera  
235 Promenade Street  
Providence, RI 02908  
[ernie.panciera@dem.ri.gov](mailto:ernie.panciera@dem.ri.gov)

**Public Hearing:**

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed adoption shall be held on September 12, 2018 at 10:00 am at Conference Room 280C, R.I. Department of Environmental Management, 235 Promenade Street, Providence, RI 02908 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-222-4700 X-RI Re or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

**Regulatory Analysis Summary and Supporting Documentation:**

This is a recodification with no substantive changes. Therefore, there are no societal benefits or costs due to these Rule making. In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

For full regulatory analysis or supporting documentation see agency contact person above.