

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, Section § 42-35-2.6 of the General Laws of Rhode Island, following is a concise explanatory statement:

AGENCY: Department of Environmental Management

DIVISION: Office of Waste Management

RULE IDENTIFIER: 250-RICR-140-30-1

RULE TITLE: Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases

REASON FOR RULEMAKING: The change is being made to comply with formatting requirements of the 2016 revisions to the Administrative Procedures Act.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE: *None*

TESTIMONY, COMMENTS AND OBJECTIONS: No comments were received at the Public Hearing. One set of written comments was received by electronic mail during the public comment period from October 9, 2018 to November 8, 2018. The comment said that the regulation should be revised to clarify that the incorporation by reference of 40 C.F.R. § 300 within the regulation should be limited to those sections that are not inconsistent with this regulation and expressing concern that the incorporation by reference of 40 C.F.R. § 300 could be construed as requiring more expansive imposition of that section than what DEM intends. DEM has no intention of applying any of the requirements of 40 C.F.R. § 300 under the proposed Regulation beyond what it currently and historically has applied those requirements. The specific instances where 40 C.F.R. § 300 is implicated by the proposed Regulation are specifically enumerated in the proposed Regulation themselves.

CHANGE TO TEXT OF THE RULE: One change has been made to the proposed Rule that went to public notice, based on the above comment. That change was a technical revision to provide language consistency between §§ 1.4(A)(34) and 1.4(A)(63). As stated in the public notice, the purpose of the proposed amendment and codification of the Rules and Regulations for

the Investigation and Remediation of Hazardous Material Releases is to codify the Regulation as required by state statute. No attempt was made to update or change any of the requirements of the Regulation. The changes are limited to only those necessary to reformat the Regulation into the code.

REGULATORY ANALYSIS: As no substantive changes were made, no regulatory analysis was performed.

DATE THE FINAL RULE WAS SIGNED BY THE AGENCY HEAD: