

## **CONCISE EXPLANATORY STATEMENT**

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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:** Land Revitalization & Sustainable Materials Management

**RULE IDENTIFIER:** 250-RICR-140-25-1

**RULE TITLE:** Rules and Regulations for Underground Storage Facilities Used for Regulated Substances and Hazardous Materials (250-RICR-140-25-1)

**REASON FOR RULEMAKING:** DEM proposes to remove regulatory language that may exclude certain underground storage tanks (USTs) from potentially qualifying for lower deductible amounts in the future. DEM has not historically offered lower deductible amounts for the Rhode Island Underground Storage Tank Financial Responsibility Act (UST Fund). The current language excludes USTs from being eligible for a lower deductible amount due to compliance-related issues. However, this wording does not consider that USTs may have different owners over time. It is the owners who are responsible for the deductible if they need to access the UST Fund. This policy change would permit DEM to propose eligibility requirements for certain lower deductible amounts – without excluding owners who may be impacted by previous owners' compliance issues.

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

**TESTIMONY, COMMENTS AND OBJECTIONS:** The Department received no objections to this direct final rulemaking during the public notice period.

**CHANGE TO TEXT OF THE RULE:** In the development of the proposed amendment consideration was given to: (1) the benefits and costs of a reasonable range of regulatory alternatives reflecting the scope of discretion; (2) alternative approaches; (3) overlap or duplication with other statutory and regulatory provisions; and (4) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

**DATE THE FINAL RULE WAS SIGNED BY THE AGENCY HEAD:**