

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

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Rules and Regulations for Underground Storage Facilities
Used for Regulated Substances and Hazardous Materials
(250-RICR-140-25-1)

Rule Identifier: 250-RICR-140-25-1

Rulemaking Action: Direct Final Amendment

Important Dates:

Date of Public Notice: August 29, 2025

End of Public Comment: September 28, 2025

Rulemaking Authority:

R.I. Gen. Laws §§ 42-17.1-2(30)

42-17.1-2(31)

R.I. Gen. Laws Chapter 46-12

and in accordance with Chapter 42-35.

Summary of Rulemaking Action:

DEM has not historically offered lower deductible amounts for the Rhode Island Underground Storage Tank Financial Responsibility Act (UST Fund). DEM proposes to remove regulatory language that may exclude certain underground storage tanks (USTs) from potentially qualifying for lower deductible amounts in the future. 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.

The Agency does not expect this filing to be controversial and therefore, a public hearing will not be held.

Additional Information and Public Comments:

If no formal objection is received on or before September 28, 2025, the Department of Environmental Management will file the Amendment and the Final Rule will take effect on this date.

Objections should be addressed to:

Kyla Foley

Department of Environmental Management

Office of Land Revitalization and Sustainable Materials Mgmt.

235 Promenade Street, 3rd Floor

Providence, RI 02908

kyla.foley.ctr@dem.ri.gov

Regulatory Analysis Summary and Supporting Documentation:

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.

For full regulatory analysis or supporting documentation contact the agency staffperson listed above.