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State NPDES Authority Statutes:

Rhode Island



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

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[RI Gen L § 46-12-2](#)

[RI Gen L § 46-12-3](#)

Current through the 2022 legislative session.

§ 46-12-2. Administration.

(a) It shall be the responsibility of the director of the department of environmental management to administer this chapter. Within the department of environmental management, the director may employ personnel who shall come within the classified service in accordance with the laws of this state for the purposes of this chapter and may delegate to a subordinate or subordinates any or all the powers and duties vested in the director hereunder. The general assembly shall annually appropriate such sums as it may deem necessary for the expenses of administering this chapter.

(b) The department of environmental management is hereby designated as the state water pollution control agency for this state for all purposes of the **Clean Water Act**, as amended, 33 U.S.C. § 1251 et seq., and is hereby authorized to take all action necessary or appropriate to secure to this state the benefits of that act.

(c) The department of environmental management is hereby designated to operate the underground injection control program under the federal Safe Drinking Water Act, as amended, 42 U.S.C. § 300f et seq., and is hereby authorized to take all action necessary or appropriate to secure to this state the benefits of that program.

(d) The department of environmental management is hereby designated to administer the wellhead protection program as approved by the federal environmental protection agency and in accordance with the federal Safe Drinking Water Act, as amended, 42 U.S.C. § 300f et seq., and is hereby authorized to take all actions necessary or appropriate to secure to this state the benefits of that program. The department of environmental management shall cooperate and coordinate wellhead protection program activities with the department of health public drinking water supply program.

(e) The department of environmental management is hereby designated to administer the underground storage tank program as approved by the federal environmental protection agency pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6901 et seq., and is hereby authorized to take all necessary or appropriate actions to secure to this state the benefits of this program, including participation via cooperative agreement with the environmental protection agency (EPA) in the leaking underground storage tank trust fund.



(f) The department of environmental management is hereby designated to establish, administer, and enforce standards for nutrients as necessary to protect, maintain and/or improve the ecological functions of the marine and aquatic resources of the state; and to prepare, adopt, and implement plans as necessary and appropriate to accomplish the purposes of managing nutrient loadings and preventing, abating, and/or eliminating the deleterious effects of nutrients, including, but not limited to, eutrophication, harmful algal blooms, hypoxia, anoxia, oxygen-stress-induced population shifts, and/or fish kills. To implement the purposes of this subsection, the department shall implement measures to achieve an overall goal of reducing nitrogen loadings from waste water treatment facilities by fifty percent (50%) by December 31, 2008, which date, in its implementation, may be adjusted to be consistent with compliance with permit modifications, through waste water treatment facility upgrades scheduled to be undertaken by December 31, 2006, and through proposed permit modifications, which shall be issued by the department on or before July 1, 2004. The department shall report on the implementation of these measures in the report required by § 46-12-3(25).

§ 46-12-3. Powers and Duties of the Director.

In addition to the other powers granted the director of the department of environmental management herein, the director shall have and may exercise the following powers and duties:

- (1) To exercise general supervision of the administration and enforcement of this chapter, and all rules and regulations and orders promulgated hereunder;
- (2) To develop comprehensive programs for the prevention, control, and abatement of new or existing pollution of the waters of this state;
- (3) To advise, consult, and cooperate with other agencies of the state, the federal government, other states, and interstate agencies and with affected groups, political subdivisions, and industries in the furtherance of the purposes of this chapter;
- (4) To accept and administer loans and grants from the federal government and from other sources, public or private, for the carrying out of any of its functions, which loans and grants shall not be expended for other than the purposes for which provided;
- (5) To encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to water pollution and its causes, prevention, control, and abatement thereof, as he or she may deem advisable and necessary for the discharge of his or her duties under this chapter;
- (6) To collect and disseminate information relating to water pollution and the prevention, control, and abatement thereof;
- (7) Except as otherwise provided in subdivision (24) below, to promulgate standards of water quality and to classify the waters of the state accordingly;



- (8) To administer state grants to municipalities and political subdivisions for the construction of sewage treatment works;
- (9) To hold hearings, to issue notices of hearings and subpoenas requiring the attendance of witnesses and the production of evidence, and to administer oaths and to take testimony, that he or she may deem necessary;
- (10) To approve, pursuant to standards adopted by the environmental standards board, the construction, modification, and operation of discharge systems or any parts thereof, and to require the prior submission of plans, specifications, and other data relative to discharge systems and to require that the plans, specifications, or other data be certified by a professional engineer registered in Rhode Island, and to inspect the systems either under construction or in operation;
- (11) To issue a permit for the discharge of any pollutant or combination of pollutants or to issue a general permit authorizing a category of discharges within a geographical area upon conditions as may be necessary to carry out the purposes of this chapter and of the **Clean Water Act**, 33 U.S.C. § 1251 et seq., which may include, but not be limited to, providing for specific effluent limitations and levels of treatment technology, monitoring, recording, and reporting standards, or to deny a permit or general permit;
- (12) To renew, revoke, modify, or suspend in whole or in part any permit, order, or schedule of compliance pursuant to the provisions of this chapter, and any rules and regulations promulgated thereunder;
- (13) To approve the discharge of pollutants into the waters of this state pursuant to all applicable standards;
- (14) To require publicly owned treatment works to adopt and implement requirements regarding the pretreatment of pollutants consistent with existing federal requirements, and to require compliance by all persons with pretreatment requirements;
- (15) To issue such orders as may be necessary to prevent the unauthorized construction, modification, or operation of discharge systems and the discharge of pollutants into the waters of this state;
- (16) To require proper maintenance and operation of discharge systems;
- (17) To consult the advisory council on environmental affairs on the policies and plans for the control and abatement of pollution;
- (18) To make, issue, amend, and revoke reasonable rules and regulations for the prevention, control, and abatement of pollution and the enforcement of orders issued hereunder, including public notice and comment requirements;



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

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

(21) To promulgate and enforce rules and regulations to govern the location, design, construction, maintenance, and operation of underground storage facilities used for storing petroleum products or hazardous materials to prevent, abate, and remedy the discharge of petroleum products and hazardous materials into the waters of the state; provided that all underground storage tanks and associated piping installed after September 1, 1991, shall provide for secondary containment in a manner approved by the director; and provided, that single-walled tanks and/or piping installed prior to May 8, 1985, shall be permitted to remain in use until December 22, 2017, and single-walled tanks and/or piping installed between May 8, 1985, and July 20, 1992, shall be permitted to remain in use for thirty-two (32) years from the date of installation if the owner/operator of the single-walled tank or piping performs an annual facility compliance inspection to ensure structural integrity; and provided, further, that the installation of underground storage tanks is prohibited at sites located within wellhead protection areas for community water supply wells as designated by the director and consistent with chapter 13.1 of this title. This prohibition shall not apply to the replacement or upgrading of existing underground storage tanks installed prior to July 1, 1991, provided that such activity take place in accordance with all applicable state and federal regulations. The department of environmental management shall by January 1, 2011, develop recommendations for phasing out the stage II vapor recovery program with the required removal of single-walled underground storage tanks in order to achieve the objectives of both program efforts in a cost effective and efficient manner. The department of environmental management shall report its findings to the chair of the house committee on environment and natural resources and to the chair of the senate committee on environment and agriculture on or before January 1, 2011;

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

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

(24) In connection with the dredging and transportation and disposal of dredge material, to promulgate and adopt water quality standards that conform with the federal Environmental Protection Agency's applicable water quality rules and



regulations and guidelines, including, but not limited to, the federal Environmental Protection Agency's rules and regulations and guidelines for deviating from said standards. The department of environmental management shall also apply the applicable standards and guidelines and adopt the procedures as set forth in the manual identified as "Evaluation of Dredge Material for Purpose of Ocean Disposal. Testing Manual Put Together by EPA and Army Corps of Engineers in February 1991" and any amendments or supplements or successor manuals thereto to the extent that the same are relevant to dredging, transportation and/or disposal of dredge materials in tidal waters or any documents or manuals approved by the federal Environmental Protection Agency relating to dredging, transportation and/or disposal of dredge materials; and

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

