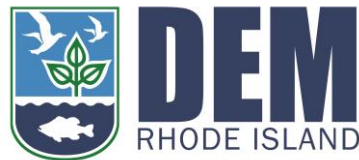


RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Environmental Permitting and Housing



our mission

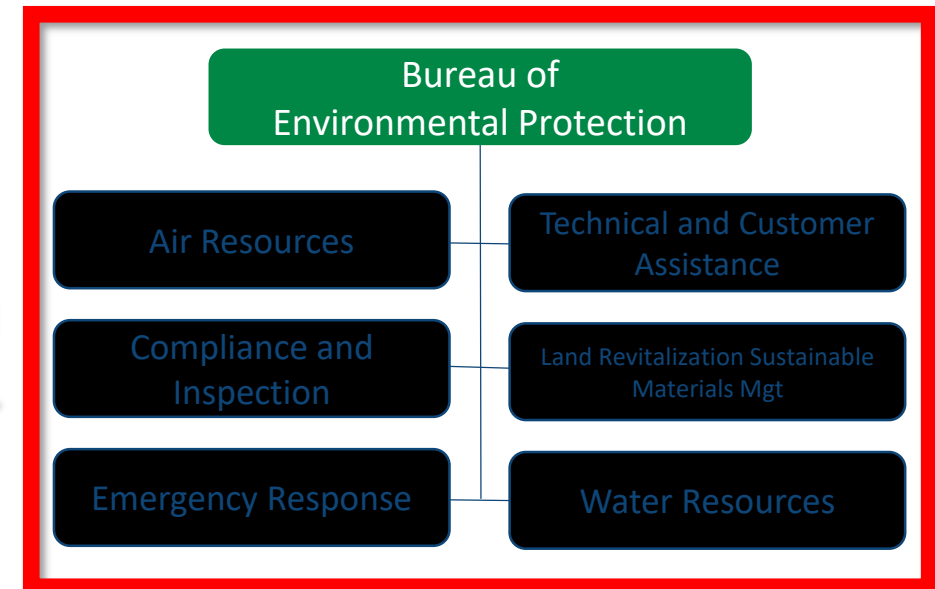
To protect, restore, manage,
and promote Rhode Island's
environment and natural
resources to preserve and
improve our quality of life.



DEM Bureau of Environmental Protection

Responsible for preventing and minimizing pollution to, and monitoring the quality and overseeing the restoration of, water, air, and land.

- The Offices of **Water Resources, Air Resources, and Land Revitalization and Sustainable Materials Management** evaluate applications, issue permits and oversee compliance.
- The Office of **Compliance and Inspection** investigates citizen complaints and is the centralized administrative office for enforcement.
- The Office of **Customer and Technical Assistance** coordinates the review of projects requiring multiple applications/permits and is the centralized administrative office for the receipt of applications.
- The Office of **Emergency Response** responds to spills of oil and chemicals.



Clean Water: Implications on Housing Development

- On-Site Wastewater Treatment Systems (OWTS)
- Wetlands
- Storm Water Management

- Note: Projects in areas serviced by public sewers that don't impact wetlands and are less than one acre of disturbance-
LIKELY DO NOT NEED ANY DEM PERMITS

On-Site Wastewater Treatment Systems

- Dependent on soil types and water table
- Minimum Setback Distances from Drinking Water Wells
- Minimum Setback Distances from Drinking Water Supplies, Adjacent Wetlands, and drainage pathways

OWTS Design Flow (gpd)	Distance in Feet from Leachfield/Septic Tank Effluent Pipe, Tanks/Building Sewer (Notes 1 and 5)	Distance in Feet from All OWTS Components (Notes 1 and 5)	
	Private Drinking Water Well (Note 2)	Public Well – Drilled (rock), Driven, or Dug	Public Well – Gravel Packed, Gravel Developed
< 1,000	100/75/50 (Notes 3 and 4)	200	400
1,000 – <2,000	150/75/50	200	400
2,000 – <5,000	200/75/50	200	400
5,000 – <10,000	300/75/50	300	400
= 10,000	400/75/50	400	400

Wetlands: Regulatory Reform Act of 2013

Established a Legislative Task Force charged with:

1. Assessing the adequacy of protection afforded to Freshwater Wetlands at the State level.
2. Identifying gaps in protection.
3. Recommending statutory and regulatory changes that are required to protect Freshwater Wetlands statewide.
4. Upon adoption of statewide standards, eliminate municipal ordinances regarding freshwater wetlands, buffers and setbacks

2015: Freshwater Wetlands Single Standard Bill

An Act to Streamline and Strengthen Freshwater Wetlands Protection Statewide

- Purpose – Implement Recommendations from the Legislative Task Force
- Key provisions of the New Law:
 - Strengthens wetland protection administered at the State Level
 - Expands jurisdictional area for state agencies
 - Establishes statewide buffer standards – promoting flexibility to tailor protection taking into account existing land use and resource value
 - Redefines and clarifies terminology
 - Maintains existing definition of “Farmer” and associated permitting exemptions
 - Streamlines regulatory process by eliminating duplication of effort at the local level
 - Establishes new requirements for state agencies to share information with municipalities
 - Allows for municipal petition for greater protection
 - Eliminates municipal veto provision

Key New or Revised Definitions

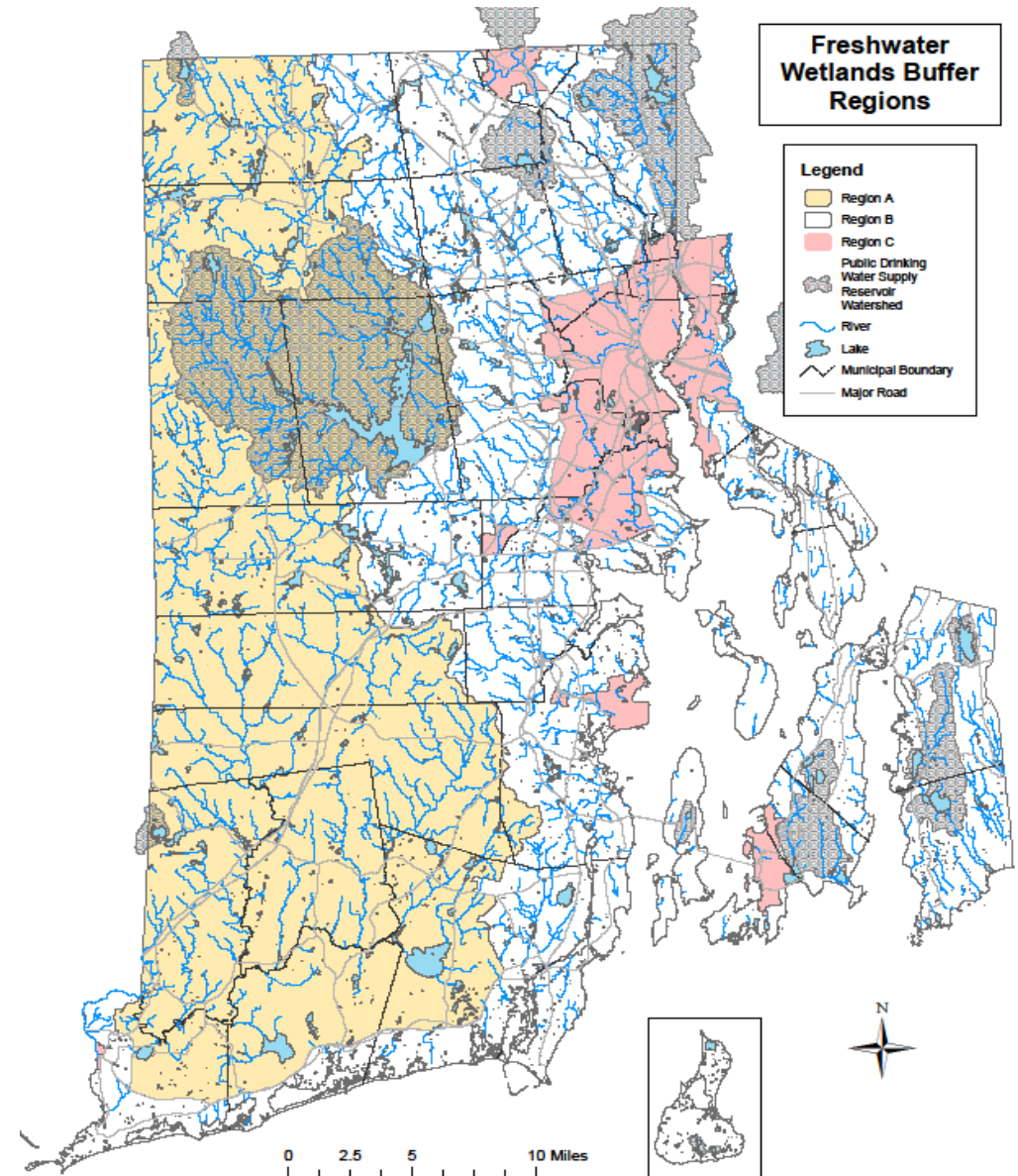
- **Jurisdictional Area** – area to be regulated includes - freshwater wetlands, buffers, floodplains, areas subject to storm flowage, areas subject to flooding, and contiguous areas that extend outward:
 - 1) Two hundred feet (200') from the edge of a river or stream;
 - 2) Two hundred feet (200') from the edge of a drinking water supply reservoir; and
 - 3) One hundred feet (100') from the edge of all other freshwater wetlands (including ponds).
- **Freshwater Wetlands** – Now defined as the resource area only (i.e. bog, marsh, swamp, vernal pool, pond, river, etc.). Upland areas previously called perimeter and riverbank wetlands are now regulated as buffer zones.
- **Buffer** - An area of undeveloped vegetated land adjacent to a freshwater wetland that is to be retained in its natural undisturbed condition, or land that is to be created to resemble a naturally occurring vegetated area.
- **Buffer Zone** - An area of land within a jurisdictional area that is contiguous to a freshwater wetland and whose distance from the freshwater wetland is designated.

New Permit Application Types

- **General Permit** – Designed to reduce submittal requirements, limit department review, and provide quick decision
 - General Permit Categories: Single Family Homes, Stormwater retrofits, Limited redevelopment projects, New development outside of buffer zones
- **Freshwater Wetland Permit** – Simple application when all standards are met
- **Freshwater Wetland Permit with Variance** – When all standards cannot be met and a significant alteration is not proposed – similar to today's Preliminary Determination
- **Significant Alteration Permit** – Same as current process

Tiered Protection Areas

- **Public Drinking Water Supply Watersheds** - includes watersheds of surface water supply reservoirs.
- **Non-urban Region** – Covers most of the State with mixed land uses. Further designated with 2 river protection regions.
- **Urban Region** – Includes densely developed areas of the state including portions of watersheds that contain high impervious cover and areas that are already developed or altered.



Phase Out of Municipal Ordinances

- ***After*** state promulgation of rules designating wetlands buffers and setbacks, municipalities are no longer authorized **to adopt or apply** zoning requirements for wetland buffers and onsite wastewater system setbacks to development proposals submitted after the effective date of the state rules.
- Local use approvals issued and applications filed prior to state rule promulgation not affected.
- Municipalities must amend their ordinances (rescind requirements) within 12 months of the effective date of the state rules.

Subdivision of Land:

- Generally begins at the local level where developers get direction on the number of allowable lots under local zoning. DEM does not dictate density or lot size.
- In unsewered areas, the DEM OWTS program makes determinations as to whether conditions will support OWTS – are soil/groundwater conditions acceptable.
- If wetlands are involved, need a wetlands permit
- Applicants do need to accommodate proper stormwater management in their subdivision plan.
- Subdivisions in rural areas that rely on both private wells and on-site wastewater disposal will not support the same density as projects serviced by one or more public utility.

Large lot zoning vs. Conservation Development and community OWTS

- The use of conservation development, cluster zoning and community OWTS make finding space for the OWTS and the public drinking water well easier.
- Conservation development is density neutral. Unlike conventional development, where lot size (such as two acres) is identical to density, in conservation development lot sizes can vary. As required by State Law, the overall density allowed by zoning must not be exceeded. Therefore, conservation development permits smaller lot sizes but no additional lots.

Municipal Coordination

- Notification to designated municipal officials.
Required by law.
- Applicants for major land development projects to obtain master plan approval prior to filing for a state freshwater wetlands permit. Also intended to streamline permit review process.
- Municipality may petition the Agencies to increase the size of a buffer zone for a particular type of wetland resource (the requested buffer zone cannot exceed the jurisdictional area).
Required by law.
- Petition Process Does Not Apply to Individual Applications

Municipal Infrastructure

- Infrastructure Funding
- Sewer Extensions
 - Capacity
 - Facility Planning
 - Project Priority List
- Water Line Expansion
 - RI DOH lead
- RI Infrastructure Bank
 - Financing and Support
- Either investment will support more density in development