

US EPA ARCHIVE DOCUMENT

**Application for Federal Assistance SF-424**

Version 02

<b>* 1. Type of Submission:</b> <input type="radio"/> Preapplication <input checked="" type="radio"/> Application <input type="radio"/> Changed/Corrected Application	<b>* 2. Type of Application:</b> <input checked="" type="radio"/> New <input type="radio"/> Continuation <input type="radio"/> Revision	<b>* If Revision, select appropriate letter(s):</b> _____ <b>* Other (Specify)</b> _____
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<b>* 3. Date Received:</b> 06/14/2007	<b>4. Applicant Identifier:</b> _____
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<b>5a. Federal Entity Identifier:</b> _____	<b>* 5b. Federal Award Identifier:</b> _____
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**State Use Only:**

<b>6. Date Received by State:</b> _____	<b>7. State Application Identifier:</b> _____
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**8. APPLICANT INFORMATION:**

<b>* a. Legal Name:</b> Rhode Island Department of Environmental Management	
<b>* b. Employer/Taxpayer Identification Number (EIN/TIN):</b> 05-6000522	<b>* c. Organizational DUNS:</b> 111441213

**d. Address:**

<b>* Street1:</b> 235 Promenade Street
<b>Street2:</b> _____
<b>* City:</b> Providence
<b>County:</b> _____
<b>* State:</b> RI: Rhode Island
<b>Province:</b> _____
<b>* Country:</b> USA: UNITED STATES
<b>* Zip / Postal Code:</b> 02908-5767

**e. Organizational Unit:**

<b>Department Name:</b> Environmental Management	<b>Division Name:</b> Technical & Customer Asst.
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**f. Name and contact information of person to be contacted on matters involving this application:**

<b>Prefix:</b> Mr.	<b>* First Name:</b> Ronald
<b>Middle Name:</b> N.	
<b>* Last Name:</b> Gagnon	
<b>Suffix:</b> _____	
<b>Title:</b> Chief, Office of Technical and Customer Asst.	
<b>Organizational Affiliation:</b> _____	

<b>* Telephone Number:</b> (401) 222-4700, Ext. 7500	<b>Fax Number:</b> (401) 222-3810
<b>* Email:</b> ron.gagnon@dem.ri.gov	

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**9. Type of Applicant 1: Select Applicant Type:**

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

**\* 10. Name of Federal Agency:**

Environmental Protection Agency

**11. Catalog of Federal Domestic Assistance Number:**

66.940

CFDA Title:

Environmental Policy and State Innovation Grants

**\* 12. Funding Opportunity Number:**

EPA-OA-OPEI-07-01A

\* Title:

State Innovation Grant Program

**13. Competition Identification Number:**

Title:

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

State of Rhode Island

**\* 15. Descriptive Title of Applicant's Project:**

MS4 Construction Site Runoff Control Environmental Results Program

Attach supporting documents as specified in agency instructions.

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**16. Congressional Districts Of:**

\* a. Applicant

\* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

**17. Proposed Project:**

\* a. Start Date:

\* b. End Date:

**18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="200,000.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="200,000.00"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

- Yes
- No

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

**\*\* I AGREE**

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

\* Title:

\* Telephone Number:  Fax Number:

\* Email:

\* Signature of Authorized Representative:  \* Date Signed:

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Standard Form 424 (Revised 10/2005)  
Prescribed by OMB Circular A-102

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**\* Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

[Empty text input field]

## Attachments

AdditionalCongressionalDistricts  
File Name

Mime Type

AdditionalProjectTitle  
File Name

Mime Type

**BUDGET INFORMATION - Non-Construction Programs**

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. MS4 Construction Site Runoff Control ERP	66.940		\$63,240.00	\$200,000.00		\$263,240.00
2.						\$0.00
3.						\$0.00
4.						\$0.00
5. Totals		\$0.00	\$63,240.00	\$200,000.00	\$0.00	\$263,240.00
SECTION B - BUDGET CATEGORIES						
6. Object Class Categories	(1) MS4 Construction Site Runoff Control ERP			(3)		Total (5)
	(2)			(4)		
a. Personnel		\$31,866.00				\$31,866.00
b. Fringe Benefits		\$28,134.00				\$28,134.00
c. Travel		\$10,000.00				\$10,000.00
d. Equipment		\$5,000.00				\$5,000.00
e. Supplies		\$400.00				\$400.00
f. Contractual		\$115,000.00				\$115,000.00
g. Construction						\$0.00
h. Other						\$0.00
i. Total Direct Charges (sum of 6a-6h)		\$190,400.00	\$0.00	\$0.00	\$0.00	\$190,400.00
j. Indirect Charges		\$9,600.00				\$9,600.00
k. TOTALS (sum of 6i and 6j)		\$200,000.00	\$0.00	\$0.00	\$0.00	\$200,000.00
7. Program Income		\$0.00				\$0.00

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. 58MS4 Construction Site Runoff Control ERP	\$45,000.00		\$18,240.00	\$63,240.00
9.				\$0.00
10.				\$0.00
11.				\$0.00
12. TOTAL (sum of lines 8-11)	\$45,000.00	\$0.00	\$18,240.00	\$63,240.00
SECTION D - FORECASTED CASH NEEDS				
Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$58,200.00	\$14,550.00	\$14,550.00	\$14,550.00
14. Non-Federal	\$19,742.00	\$4,935.50	\$4,935.50	\$4,935.50
15. TOTAL (sum of lines 13 and 14)	\$77,942.00	\$19,485.50	\$19,485.50	\$19,485.50
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
FUTURE FUNDING PERIODS (Years)				
(a) Grant Program	(b) First	(c) Second	(d) Third	(e) Fourth
16. MS4 Construction Site Runoff Control ERP	\$58,200.00	\$73,600.00	\$68,200.00	
17.				
18.				
19.				
20. TOTAL (sum of lines 16-19)	\$58,200.00	\$73,600.00	\$68,200.00	\$0.00
SECTION F - OTHER BUDGET INFORMATION				
21. Direct Charges: \$190,400.00				
22. Indirect Charges: \$9,600.00				
23. Remarks:				

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## ASSURANCES - NON-CONSTRUCTION PROGRAMS

OMB Approval No. 4040-0007  
Expiration Date 04/30/2008

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

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Prescribed by OMB Circular A-102

9. Will comply, as applicable, with the provisions of the Davis- Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327- 333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93- 205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

<p>* SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL Terrence Gray</p>	<p>* TITLE Asst, Director for Air, Waste, &amp; Compliance</p>
<p>* APPLICANT ORGANIZATION Rhode Island Department of Environmental Management</p>	<p>* DATE SUBMITTED 06-14-2007</p>

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## PROJECT NARRATIVE

- I. **Project Title** – MS4 Construction Site Runoff Control Environmental Results Program
- II. **Project Applicant** – Rhode Island Department of Environmental Management  
**State Project Manager** – Ronald Gagnon, P.E., Chief; Office of Technical and Customer Assistance; 235 Promenade Street; Providence, RI 02906 Phone: 401 222-6822, extension 7500; Fax: 401 222-3810; email: [ron.gagnon@dem.ri.gov](mailto:ron.gagnon@dem.ri.gov)
- III. **Total Project Cost** - \$262,040
- IV. **Project Period** – October 1, 2007 to September 30, 2010
- V. **Narrative Elements**

- A. **Project Overview** - The Construction Site Runoff Control minimum control measure is one of six measures that the operator of a Phase II regulated small municipal separate storm sewer system (MS4) is required to include in its stormwater management program to meet conditions of its Rhode Island Pollutant Discharge Elimination System (RIPDES) permit. The Department of Environmental Management (DEM) works with 34 Storm Water Coordinators to implement the requirements of the Phase II Final Rule. The DEM amended the RIPDES Regulations on February 5, 2003 to include the Phase II requirements for the MS4s. The regulations require MS4s to comply with six Minimum Control Measures. This grant proposal presents an ERP approach to self-certify compliance with, confirm compliance with, and measure compliance with the Construction Site Runoff Control Minimum Control Measure. DEM, working with the University of Rhode Island, will develop a mandatory self-certification program for construction site owners/operators using ERP tools for the use of BMPs to control erosion and sedimentation from construction sites greater than one acre.

The self-certification check list will include a number of yes/no questions to provide a “snap shot” of the compliance status at the time of the inspection. Examples of possible questions include: “Are perimeter controls and sediment barriers adequately installed and maintained?” and “Are storm drain inlets properly maintained?” Other questions will be developed based on applicable sedimentation and erosion control requirements noted in the (draft) Rhode Island Stormwater Design and Installation Standards Manual, and the Rhode Island Soil Erosions and Sediment Control Handbook. Other sources will include the Rhode Island Coastal Resources Management Council guides developed under their review as well as the construction management measures set out in Section 6217 of the Coastal Non-Point Source Control Program.

- B. Problem Statement** - This proposal will address the specific problem of noncompliance with the requirements of the Rhode Island General Permit for Stormwater Associated with Construction Activity and local erosion and sediment control ordinances. The Stormwater Phase II Final Rule for Construction Site Runoff Control Minimum Control Measure (Specific link to EPA's Strategic Goal 2 – Clean and Safe Water) requires municipalities to develop Qualified Local Programs (QLPs) and perform inspections of 100% of construction activities greater than one acre within their jurisdiction. Diminishing resources at the federal, state and local levels is making it much more difficult for MS4 operators to implement compliance and inspection programs. This project will develop an ERP model as a means of satisfying the small MS4 General Permit requirements.
- C. Technical Approach** - The DEM is proposing to develop a compliance check list for distribution to all applicants that submit a Notice of Intent (NOI) and the Storm Water Coordinators to facilitate their inspection and enforcement programs. The check list requirements will be based on the General Permit conditions for compliance and will focus on the installation and maintenance of Best Management Practices (BMPs) to control sediment and erosion from the regulated construction sites. DEM will also develop a training program for the applicants and the inspectors on how to use the check list to maximize their inspection capabilities. Environmental Business Practice Indicators (EBPIs) based on the Measurable Goals developed by EPA and other performance criteria will be selected and measured to evaluate the program's success.

## GOALS AND OBJECTIVES

Resources & Partners	Activities	Outputs	Customers	Short Term Goals	Intermediate Term Goals	Long-Term Goals
Personnel: OTCA RIPDES URI Stakeholders Municipalities	Develop Checklist  Develop and submit QAPP  Estimate Universe  Determine baseline sample  Conduct baseline inspections  Develop Stakeholder Group  Develop Training Workshops for self-certifiers and SW Coordinators  Distribute self-certs, provide tech assistance via phone consultations, emails  Develop inspection strategy  Conduct random inspections  Conduct analysis  RTC follow-up  Random post certification inspections  Develop Compliance Policy for enforcement	Checklist  QAPP  Universe  Baseline sample list and number  Compliance data  Stakeholders meeting reports checklist  Workshops  Facilities complete & submit certs and RTCs  Inspection Policy w/Stormwater Coordinators  Compliance data Enforcement  Compliance Report  RTC verification data  Policy  Enforcement	# of Storm Water Coordinators participating in the program  # (%) of Permittees participating in the program	Improve the quality of inspections by an increase in the # of Storm Water Coordinators trained (# attending the training work shops) to conduct inspections  Increase in the number (%) of Permittees and site work contractors with increased knowledge and skills as a result of attending the training work shops, (# attending), completing the self-certifications (# of self-certifications received), and requesting technical assistance during the self-certification period (# of phone calls, emails)	Increase in the number (%) of BMPs at construction sites used to control sedimentation and erosion properly installed and maintained.  Increase in the number (%) of storm drain inlets at construction sites properly protected  Increase in the number (%) of washout facilities (e.g. paint, stucco, concrete) at construction sites that are clearly marked, controlled, and maintained.	Measured improvement in surface water quality at water bodies that do not now meet water quality criteria  Measured improvement (% decrease) in the number of violations issued for non compliance with storm water control requirements

	Conduct targeted inspections					
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### Project Logic Model

#### *Project Mission or Goal: Improve water quality through ERP*

Resources & Partners	Activities	Outputs	Customer Reached	Short Term	Intermediate Term	Long-Term
OTCA RIPDES URI SIG \$ Existing General Permit & BMP Manual Use Results Analyzer Stakeholder Municipality	Develop Checklist Develop and submit QAPP Estimate Universe Determine baseline and post-certification sample size Conduct baseline inspections Develop Stakeholder Group Develop Training Workshops for self-certifiers and SW Coordinators Distribute self-certs, provide tech assistance via phone consultations, emails Develop inspection strategy Conduct random and targeted post certification inspections	Checklist QAPP Universe Baseline and post-certification sample list and number Compliance data Stakeholders meeting reports checklist Workshops Facilities complete & submit certs and RTCs Inspection Policy w/Stormwater Coordinators Compliance data	Consultants Construction Contractors/site workers Permittee DEM/EPA Stakeholder Inspectors DEM/EPA Stakeholders Reg. Community S.W. inspectors (DEM & SW Coordinators)	Improved understanding of Reqs & BMPs Better understanding of Stormwater Program requirements, rational & performance & understand why improving water quality is important Improved coordination & inspections (including better understanding of regs & inspection process)	Improved compliance with stormwater regulations Improved BMP implementation by construction contractors Regulated community (site work contractors) comes to like & accept ERP, and improve participation in the self-certification requirement	Decrease sediment in state waters Improved surface water quality Greater use of Water Resources by public

	with RTC follow up					
	Conduct analysis	Compliance Report with RTC verification data				
	Develop Compliance Policy for enforcement	Policy & Enforcement				
	Final Report	Final Report	EPA			

**External Influences:**  
State and Federal budget deficits.

**Key Activities and Milestones**

Task Name	Task Description	Outputs Expected	Start Date	End Date
Develop Compliance Check List	DEM, working with the University of Rhode Island, will develop a compliance check list based on the General Permit conditions for the use of BMPs to control erosion and sedimentation along with other requirements of the General Permit. The Check List will be modeled on the check lists successfully developed by this partnership for the Auto Body and Auto Salvage sectors. The check list will include a self-certification	Self-certification check list modeled after the EPA SWPPP Inspection Report (Version 1.0, January 9, 2007). Return-to-Compliance Forms are also included	October 1, 2007	March 31, 2008

	requirement for the General Permit notifiers.			
Develop and submit QAPP	DEM and URI will work together to prepare the QAPP to ensure that data is properly collected and assessed. The QAPP will include a description of how the number of random inspections for baseline and post certification conditions is calculated.	Quality Assurance Project Plan (QAPP)	November 1, 2007	December 1, 2007
Estimate Universe	DEM will estimate the number of projects that will be regulated under this program by reviewing the number of Notifications of Intent received for coverage under the General Permit, on an annual basis, for the last three calendar years.	Average number of facilities that are expected to be in the program	April 1, 2008	April 30, 2008
Determine Baseline Sample	Use the EPA ERP Results Analyzer to determine the number of random, baseline inspections needed to perform future EBPI measurements.	The number of base line inspections that will be performed to measure statistically significant future program compliance	May 1, 2008	May 15, 2008
Conduct Base Line Inspections	Random, base line inspections will be performed by the DEM/URI	Compliance data and report that includes the proportions of sites	May 16, 2008	October 19, 2008



	<p>partnership to determine compliance status with the check list parameters. A specific number of EBPIs will be selected based on the EPA Measurable Goals Guidance for Phase II Small MS4s and the results of the base line inspections.</p>	<p>in compliance with each EBPI</p>		
<p>Develop Stakeholder Group</p>	<p>DEM and URI will solicit a number of past Notifiers, contractors, consultants, representatives from non-governmental organizations, and other interested parties for interest in joining a stakeholder group to review, comment, and advise on issues concerning this program. One stakeholder group meeting will be held to discuss the draft check list. The remaining meetings will be held after baseline inspections are completed to ensure that no bias is introduced. We would schedule from two to four</p>	<p>Reports from each meeting will be written and provided to EPA.</p>	<p>May 1, 2008</p>	<p>July 31, 2009</p>

	<p>meetings throughout the development of the project to discuss specific milestones such, base line results, training programs, and inspection and enforcement strategies. Industry.</p>			
<p>Develop Training work Shops</p>	<p>DEM and URI will develop a training program for past and prospective Notifiers, Storm Water Coordinators and industry representatives that would be subject to the self-certification inspection and the conducting of random and targeted inspections. The training will focus on how to conduct a self-inspection or random/targeted inspection using the check list, correct any deficiencies, use of the Return-to-Compliance forms, and other factors important to maintain compliance with the General Permit. The training will build on current programs for BMP</p>	<p>A Power Point presentation will be developed for the training and will be made available to EPA and any other state or MS4 interested in the training.</p>	<p>October 20, 2008</p>	<p>January 30, 2009</p>

	<p>design and implementation and the training under development by the collaborative arrangement among URI, DEM and the Department of Transportation to provide training and information tailored to municipalities. The training will be coordinated so that the URI, DOT collaborative will focus on training municipalities and the ERP training will focus on industry.</p>			
Distribute Self-Certifications	<p>DEM will distribute the final Check List with certification statements to all persons that submit a Notice of Intent for coverage under the General Permit. DEM will also provide check lists and certification statements to the Storm Water Coordinators for distribution to Notifiers in their respective MS4s. DEM will offer technical assistance in the form of phone call consultations,</p>	Completed Self-certifications and Return-to Compliance Plans	February 1, 2009	July 31, 2009

	<p>email questions on an as needed basis during this time period. DEM will investigate and develop cost estimates to establish a centralized data base for the electronic submission of all inspection check lists (self – certifications, random inspections, targeted inspections by both DEM and Storm Water Coordinators)</p>			
<p>Develop Inspection Strategy &amp; Conduct Training Work Shops</p>	<p>DEM will work with the Storm Water Coordinators to develop an inspection strategy to ensure good and consistent data collection based on the number of random inspections needed (using the EPA ERP Results Analyzer) to measure performance of the EBPIs. DEM and URI will conduct the training program after the Check Lists are distributed and the regulated community has had a chance to become</p>	<p>A Stormwater Coordinators Inspection Policy will be produced</p> <p>Two to four Training workshops will be conducted</p>	<p>February 1, 2009</p>	<p>July 31, 2009</p>

	familiar with the program through the public stake holder process			
Determine number of Random Samples and conduct Random and Targeted Post-certification Inspections  These Inspections Include RTC Verification	The EPA Results Analyzer will be used to determine the number of random samples. DEM and the Storm Water Coordinators will conduct the random inspections and a select number of targeted inspections using the check list. All data will be gathered by DEM for statistical analysis.	A report indicating performance with the selected EBPIs, number and types of RTCs, % of all sites submitting RTCs, and compliance with RTCs will be generated.	August 1, 2009	January 31, 2010
Develop Compliance Policy for Enforcement	DEM and the Storm Water Coordinators will develop a compliance policy for enforcement to ensure that referrals are made using consistent information and actions are taken on a consistent basis. The policy will identify the coordination between local and state responsibilities.	Enforcement Compliance Policy	November 1, 2010	January 31, 2010
Project Reports	Quarterly and Final Project Reports	Quarterly and Final Project Reports	January 31, 2008	September 30, 2010

**Environmental Outputs** – The main project outputs will include a self-certification check list for the use of BMPs to control erosion and sedimentation, a report indicating

base line compliance rates, a training program with power point slides, a statistical methodology to measure improvements (or reductions) in compliance with selected EBPIs, reports from stakeholder meetings, and a final report indicating performance of each EBPI from the base line condition, lessons learned and recommendations for further program improvements and implementation. The Quality Assurance Project Plan (QAPP) will include a description of the methodology used to determine the sample size universe (noting that there will be minor fluctuations on an annual basis due to the rolling nature of the permit application process), and the number of random baseline and post-certification inspections needed to perform the statistical analysis.

**Environmental Outcomes** – Short term environmental outcomes will include a better understanding of the regulatory requirements with the RIPDES General Permit and the Phase II storm water requirements. This will be measured by reporting participation in the training program and the stakeholder meetings. An intermediate outcome will be improved compliance with the regulatory requirements. This will be measured using the statistical analysis of the compliance rates with the EBPIs. This process will also measure success with the BMP Inspection and Maintenance Measurable Goals for Phase II Small MS4s. To the extent that Rhode Island water quality monitoring program data is available, we will review water quality data on impairment related to sediment, and to BOD related to storm water runoff. Based on the results from the baseline and post-implementation inspections, we will attempt to develop and model a measure/EBPI to augment the understanding of the effectiveness of the ERP approach for this sector. A long-term outcome of this project will be an increase in the protection of water quality and will be measured through the number of the State's water bodies meeting water quality criteria.

## **CURRENT SITUATION AND NEED**

The Phase II Final Rule requires an operator of a regulated small MS4 to develop, implement, and enforce a program to reduce pollutants in stormwater runoff to their MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Thirty three of the thirty four regulated MS4s in Rhode Island have developed and implemented programs with the 34<sup>th</sup> municipality currently submitting their program requirements for review. Enforcement of the program continues to be a challenge for the Storm Water Coordinators. There are simply not enough resources (i.e. state and local inspectors) available to inspect regulated construction sites for compliance with their storm water pollution prevention plans (SWPPPs) required under the RIPDES General Permit for Storm Water Associated with Construction Activity (the General Permit). The project is needed to help stressed MS4 operators meet the following Phase II requirements:

- Have procedures for site inspection and enforcement of control measures;
- Have sanctions to ensure compliance;

- Establish procedures for the receipt and consideration of information submitted by the public; and
- Determine the appropriate BMPs and measurable goals for the minimum control measure.<sup>1</sup>

**This proposal will address the specific problem of noncompliance with the requirements of the Rhode Island General Permit for Stormwater Associated with Construction Activity and local erosion and sediment control ordinances.** The Stormwater Phase II Final Rule for Construction Site Runoff Control Minimum Control Measure (Specific link to EPA's Strategic Goal 2 – Clean and Safe Water) requires municipalities to develop Qualified Local Programs (QLPs) and perform inspections of 100% of constructions activities greater than one acre within their jurisdiction. Diminishing resources at the federal, state and local levels is making it much more difficult for MS4 operators to implement compliance and inspection programs. This project will develop an ERP model as a means of satisfying the small MS4 General Permit requirements. The ERP approach will allow the DEM and the MS4 operators to work together to conduct a significant number of inspections (currently under state rule all construction sites must be inspected, the self-certification will be used to meet this requirement) to measure compliance with the selected EBPIs, target compliance actions that will achieve maximum benefit, respond more efficiently to public complaints and concerns, and develop reports that indicate documented improvements with (or troubles with) compliance. This strategic innovation will enable a more efficient use of limited resources and produce measurable environmental results.

## **OBJECTIVES AND PUBLIC BENEFIT**

The major objective for this project is to protect and improve surface water quality through the development of a cost-effective inspection process based on the Environmental Results Program. The program allows efficient use of scarce inspectors to ensure compliance with environmental regulations. The public will benefit from improved water quality.

## **TRANSFERABILITY**

The ERP developed for this sector will be easily transferred to other states for their use. The Check List will be based on federal requirements for the development of Storm Water Pollution Prevention Plans (SWPPPS) required by the Clean Water Act and the EPA Construction General Permit (The Rhode Island General Permit has consistent requirements with the EPA General Permit) that all states must be in compliance with. The Inspection Policy and Enforcement Policy will be useful to other states implementing a storm water program with their MS4s and demonstrate how to coordinate state and local programs (Qualified Local Programs). It is expected that other QLPs will not be

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<sup>1</sup> EPA Fact Sheet 2.6, Stormwater Phase II Final Rule, Construction Site Runoff Control Minimum Control Measure, January 2000 (revised December 2005).

able to inspect 100% of their construction sites so the ERP model can be used to develop a compliance program with measurable results.

EPA and the states will be required to reissue the Small MS4 General Permit in 2008. This effort will help states identify reasonable measurable goals for certain construction minimum measures for the next five year permit term.

## **PUBLIC INVOLVEMENT**

The Stakeholder process will ensure that public input is obtained throughout the development of the program. Compliance reports will be made available to the public to help foster an appreciation for the work performed at the state and local level to improve surface water quality. The public will be come better informed and will be able to recognize and report future instances of non-compliance. The project will result in and encourage greater use of the state's water resources. The project provides a clear commitment for public involvement through the stake holder process and at the local levels, through the coordination with the MS4 Stormwater Coordinators.

## **VI. Reporting Requirements**

Quarterly program reports, including environmental outcomes to date, will be prepared and submitted to EPA. Reports from Stakeholder meetings and other important milestones, as noted in the work plan, will also be distributed. Outcomes and results will be reported to other states and EPA through presentations at ERP Consortium meetings, EPA ERP All States meetings and other meetings as required. A Quality Assurance Project Plan (QAPP) will also be presented within 90 days of receiving the grant award.

Quarterly project reports and the final report will include the following:

- A summary of the work completed in the reporting period.
- Deliverables, outputs, outcomes, etc. completed in the reporting period.
- Description of progress on completing individual tasks and milestones reached.
- Any changes to the planned project schedule sassed on events.
- A look forward to the work to be done in the next reporting period.
- A summary of any revisions needed or made to the project work plan and or QAPP.
- QA reporting as required in the QAPP.
- Summary information of grant fund expenditures, by budget category.

## **VII. Total Project Costs - \$263,240.00**



VIII.

**Budget Summary (3 years)**

**State:** Rhode Island

**Agency:** Department of Environmental Management (DEM)  
Office of Technical & Customer Assistance

**Contact:** Ronald Gagnon, P.E.  
[ron.gagnon@dem.ri.gov](mailto:ron.gagnon@dem.ri.gov)  
Telephone: (401) 222-6822, Ext. 7500  
Fax: (401) 222-3810

**Project Title:** MS4 Construction Site Runoff Control Environmental Results Program

	<b>Total Project Costs</b>	<b>Proposed State Leverage Funds</b>	<b>EPA Funding</b>
<b>Staff Salaries and Benefits</b>			
DEM Staff	\$105,000.00	\$45,000.00	\$60,000.00
<b>Travel</b>			
Training, conferences, meetings	\$10,000.00		\$10,000.00
<b>Equipment</b>			
Computer equipment, digital camera	\$5,000.00		\$5,000.00
<b>Supplies</b>	\$400.00		\$400.00
<b>Sub-contracts</b>			
University of Rhode Island	\$133,240.00	*\$18,240.00	\$115,000.00
<b>Total Direct Costs</b>	\$253,640.00		\$190,400.00
<b>Indirect Costs (16.00% of above)</b>	9,600.00		\$9,600.00
<b>TOTAL:</b>	<b>\$263,240.00</b>	<b>\$63,240.00</b>	<b>\$200,000.00</b>

- Waived overhead difference on URI contract [44% - 25%] (25% URI overhead to be used, normal overhead rate is 44%)

## IX. KEY PERSONNEL

Ronald Gagnon, P.E., MBA, Chief, Office of Technical and Customer Assistance

Ronald Gagnon currently serves as the Chief of the Office of Technical and Customer Assistance (OTCA) at the Rhode Island Department of Environmental Management. OTCA is a non-regulatory program that provides permitting assistance and coordination, pollution prevention assistance and small business assistance. Ron is a Professional Engineer with over 20 years of experience that includes both private practice and public sector employment. Previous positions over the last 18 years at DEM include Supervisor of the Solid Waste Program and Chief of the Waste Management Division. Ron received a Bachelor's Degree in Civil Engineering from the University of Notre Dame and a Master's Degree in Business Administration from the University of Rhode Island.

Mr. Gagnon has been involved with the development and implementation of Environmental Results Programs in various small businesses sectors including auto body shops, gas stations (UST and Phase I & II Vapor Recovery) and auto salvage yards. Gagnon received an EPA Individual Merit Award in 2007 for innovative work in these small business sectors.

Eric Beck, P.E., Supervising Engineer, RIPDES

Eric Beck, P.E., is the supervisor of the Rhode Island Pollution Discharge Elimination System (RIPDES) Program for the Department of Environmental Management. Mr. Beck has been with the Department for 17 years and has served as the RIPDES supervisor for the last seven years. He has previous experience in the Underground Storage Tank Program. Mr. Beck led the development of the regulations and General Permit for the Phase II storm water program and participated in the development of the Rhode Island Storm Water Design Manual.

Mr. Beck holds a Bachelor of Science Degree in Civil Engineering from Merrimack College.

Margarita Chatterton, Senior Environmental Engineer, RIPDES Program

Margarita Chatterton has been working for RIDEM for the past 14 years with the last nine being in the RIPDES Program. Ms. Chatterton has extensive experience with the RIPDES Storm Water Phase I and II Programs. For the Phase II Program, she has been working as the RIPDES Storm Water contact person. Ms Chatterton has worked in the development of the Rhode Island MS4 Phase II Regulations and the Rhode Island MS4 General Permit. She has been involved in many different training efforts (that required development of guidance and training materials as well as organizing workshops) designed to assist municipalities develop their Phase II programs and comply with the Rhode Island Phase II Permit requirements.

Ms. Chatterton holds a double major in Physics and Geology from Boston University and a MS in Civil and Environmental Engineering from the University of Rhode Island.

Eugene Park, PhD, Associate Research Professor, URI

Eugene Park, PhD is an Associate Research Professor in the Chemical Engineering Department at the University of Rhode Island. He has also been Co-Director of the URI Center for Pollution Prevention since 1993. With undergraduate and Master's degrees from Dartmouth College, Park received his PhD from URI in 1993. Research interests include membrane separation and biological trickling filtration. He has been involved in many new environmental initiatives like ERP for auto body, lead paint removal contractors, and dry cleaners. The URI Center has provided technical assistance to over 400 RI businesses since 1989. Park received the EPA Individual Environment Merit Award in 1998. Since 1997, he has also been involved in international collaboration projects with Korea, Thailand, and Central America.

Publications: Enander, Gagnon, Park et al., "Environmental Health Practice: Statistically Based Performance Measurement", American Journal of Public Health, May 2007, Vol 97, No. 5

## Budget Summary (3 years)

**State:** Rhode Island

**Agency:** Department of Environmental Management (DEM)  
Office of Technical & Customer Assistance

**Contact:** Ronald Gagnon, P.E.  
[ron.gagnon@dem.ri.gov](mailto:ron.gagnon@dem.ri.gov)  
Telephone: (401) 222-6822, Ext. 7500  
Fax: (401) 222-3810

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<b>Indirect Costs (16.00% of above)</b>	9,600.00		\$9,600.00
<b>TOTAL:</b>	<b>\$263,240.00</b>	<b>\$63,240.00</b>	<b>\$200,000.00</b>

- Waived overhead difference on URI contract [44% - 25%] (25% URI overhead to be used, normal overhead rate is 44%)

## EPA KEY CONTACTS FORM

**Authorized Representative:** *Original awards and amendments will be sent to this individual for review and acceptance, unless otherwise indicated.*

**\* Name:** Mr. Terrence Gray  
**Title:** Asst. Director for Air, Waste, & Compliance  
**\* Complete Address:** RIDEM 235 Promenade Street Providence RI: Rhode Island 02908-5767 USA: UNITED STATES  
**\* Phone Number:** (401) 222-4700, Ext. 7100  
**Fax Number:** (401) 222-3162  
**Email:** terry.gray@dem.ri.gov

**Payee:** *Individual authorized to accept payments.*

**\* Name:** Ms. Lynne Keller  
**Title:** Administrator, Financial Management  
**\* Complete Address:** RIDEM Office of Management Services 235 Promenade Street Providence RI: Rhode Island 02908-5767 USA: UNITED STATES  
**\* Phone Number:** (401) 222-4700, Ext. 4901  
**Fax Number:** (401) 222-3869  
**Email:** lynne.keller@dem.ri.gov

**Administrative Contact:** *Individual from Sponsored Programs Office to contact concerning administrative matters (i.e., indirect cost rate computation, rebudgeting requests etc).*

**\* Name:** Ms. LynneKeller  
**Title:** Administrator, Financial Management  
**\* Complete Address:** RIDEM Office of Management Services 235 Promenade Street Providence RI: Rhode Island 02908-5767 USA: UNITED STATES  
**\* Phone Number:** (401) 222-4700, Ext. 4901  
**Fax Number:** (401) 222-3869  
**Email:** lynne.keller@dem.ri.gov

**Project Manager:** *Individual responsible for the technical completion of the proposed work.*

**\* Name:** Mr. Ronald N. Gagnon  
**Title:** Chief, Office of Technical & Customer Asst.  
**\* Complete Address:** RIDEM Office of Technical & Customer Asst. 235 Promenade Street Providence RI: Rhode Island 02908-5767 USA: UNITED STATES  
**\* Phone Number:** (401) 222-4700, Ext. 7500  
**Fax Number:** (401) 222-3810  
**Email:** ron.gagnon@dem.ri.gov

**Preaward Compliance Review Report for All Applicants  
Requesting Federal Financial Assistance**

FORM Approved  
OMB Number: 2090-0014  
Expiration Date: 04/30/2006

Note: Read Instructions before completing form.

**I. A. Applicant (Name, City, State)**

\* Name:   
\* City:   
\* State:

**B. Recipient (Name, City, State)**

Prefix:   
\* First Name:   
Middle Name:   
\* Last Name:   
Suffix Name:   
\* City:   
\* State:

**C. EPA Project No.**

**\* II. Brief description of proposed project, program or activity.**

MS4 Construction Site Runoff Control Environmental Results Program The Rhode Island Department of Environmental Management, working with the University of Rhode Island, Center for Pollution Prevention and Environmental Health, will develop a self-certification program using ERP tools for the use of best mangement practices (BMP's) , to control erosion and sedimentation from construction sites greater than one acre. The project is needed to help stressed MS4 operators meet the Phase II Stormwater Control requirements.

**\* III. Are any civil rights lawsuits or complaints pending against applicant and/or recipient?**       Yes       No

If yes, list those complaints and the disposition of each complaint.

**\* IV. Have any civil rights compliance reviews of the applicant and/or recipient been conducted by any Federal agency during the two years prior to this application for activities which would receive EPA assistance?**

Yes  No

If yes, list those compliance reviews and status of each review.

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**\* V. Is any other Federal financial assistance being applied for or is any other Federal financial assistance being applied to any portion of this project program or activity?**

Yes  No

If yes, list the other Federal Agency(s), describe the associated work and the dollar amount of assistance.

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**VI. If entire community under the applicant's jurisdiction is not served under the existing facilities/services, or will not be served under the proposed plan, give reasons why.**

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**\* VII. Population Characteristics**

**Number of People**

1. A. Population of Entire Service Area	1,048,319
B. Minority Population of Entire Service Area	189,866
2. A. Population Currently Being Served	1,048,319
B. Minority Population Currently Being Served.	189,866
3. A. Population to be Served by Project, Program or Activity	1,048,319
B. Minority Population to be Served by Project, Program or Activity	189,866
4. A. Population to Remain Without Service	0
B. Minority Population to Remain Without Service	0

\* VIII. Will all new facilities or alterations to existing facilities financed by these funds be designed and constructed to be readily accessible to and usable by handicapped persons?

Yes  No

If no, explain how a regulatory exception (40 CFR 7.70) applies.

Not Applicable, project will not involve new facilities or alterations to existing facilities

\* IX. Give the schedule for future projects, programs or activities (or of future plans), by which services will be provided to all beneficiaries within applicant's jurisdiction. If there is no schedule, explain why.

All activities of the project, as outlined in the grant application, will be performed between October 1, 2007 and September 30, 2010.

X. I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

A. Signature of Authorized Official

Terrence Gray

B. Title of Authorized Official

Asst, Director for Air, Waste, & Compliance

C. Date

06/14/2007

For the U.S. Environmental Protection Agency

Approved  Disapproved

Authorized EPA Official

Date



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## CERTIFICATION REGARDING LOBBYING

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

<b>* APPLICANT'S ORGANIZATION</b>
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Rhode Island Department of Environmental Management
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<b>* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE</b>
--

Prefix: Mr.    * First Name: Terrence    Middle Name:
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* Last Name: Gray    Suffix:    * Title: Asst, Director for Air, Waste, & Compliance
--

<b>* SIGNATURE:</b> Terrence Gray    * DATE: 06/14/2007
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STATE OF RHODE ISLAND, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

LIST OF "CIVIL RIGHTS LAWSUITS"

Thomas C. Evans vs. State of Rhode Island Department of Environmental Management,  
et al

C.A. No. 02-2718

Rhode Island Superior Court

Status: Pending

Barbara Raddatz vs. State of Rhode Island Department of Environmental Management

C.A. No. 01-229

Rhode Island Superior Court Case

Status: Pending

Christine B. Maimono vs. State of Rhode Island Department of Environmental  
Management

CHR 03 EM

Rhode Island Commission for Human Rights

and

No. 16J200300010 U. S. Department of Justice, Civil Rights Division

Status: Pending

Hartford Park Tents Association, et al, vs. Rhode Island Department of Environmental  
Management

C.A. No. PC 99-3748

Rhode Island Superior Court

Status: Pending

Maurice Maynard vs. State of Rhode Island/Division of Parks & Recreation

CHR #06 EPD 056

Rhode Island Commission for Human Rights

Status: Pending