

Rhode Island Bays, Rivers and Watersheds Coordination Team

Minutes of Monthly Coordination Team Meeting August 23, 2006

(approved at 9/26/06 CT monthly meeting)

RI Department of Environmental Management
Room 300
235 Promenade Street

Prepared by Susan Kiernan, DEM-Office of Water Resources
Edited & Revised by A. Colt, CT Chair

CT members in attendance: Saul Kaplan, EDC; Paul Pinault, NBC; Michael Tikoian, CRMC; W. Michael Sullivan, DEM; Juan Mariscal, WRB; Kevin Flynn, DOA

Others attending: Sue Kiernan, Tom Uva, Gary Ciminero, Dot Mullen, Representative Eileen Naughton, Chip Young, Jane Austin, Richard Ribb, Kip Bergstrom, Ames Colt, Mark Adelman, Jeff Willis, Christopher Deacutis, Ariana McBride, Jan Reitsma, Don Pryor, Alicia Good, Caitlyn Hunt

Meeting Started 10:17 am

Ames Colt called the meeting to order and asked M. Sullivan to introduce the invited guest Robert Varney, Regional Administrator (RA) for US EPA New England. Varney, who has been RA in New England for five years, described his background in planning, state government, regional organizations (NEIWPC), and at national level. Varney stated water quality is a top priority for EPA New England and cited the example of recent consent agreement with Massachusetts Water Resources Authority (MWRA) regarding combined sewer overflows (CSOs), mandating \$900,000 worth CSO abatement improvements scheduled for completion by 2013. These improvements will enable Boston to become the first city in the US to comprehensively restore, and consistently maintain, fishable/swimmable uses in an urban harbor, along South Boston beaches the Charles River, etc. Discharges to the Charles River are projected to decrease by 99.5%.

The other major EPA actions on water quality include work with the Connecticut Department of Environmental Protection targeting Hartford, and work with communities on Connecticut's Mystic River, in addition to Massachusetts' Brayton Point Power Plant discharge permit in Mt. Hope Bay. These water quality permitting actions reflect EPA New England's effort to prioritize reviewing and updating point source and stormwater discharge permits of greatest environmental significance regardless of the challenges they present to EPA New England and the states.

Varney indicated work on water quality issues in RI has been excellent and is pleased with the state's efforts in all areas. He appreciates the consent agreement between DEM and NBC, which will bring reductions in upper bay wastewater treatment facility (WWTF) loadings of nutrients. Varney stated that EPA New England has legal

responsibility to address discharge permits in Massachusetts in relation to Narragansett Bay water quality priorities and they are working on permits for the Attleboro and North Attleboro WWTFs. The process of achieving successful revision of WWTF permits in both states entails listening carefully to the views of all stakeholders.

Varney also complimented Rhode Island's commitment of \$250,000 for environmental and economic monitoring and noted the state has an active Narragansett Bay Estuary Program (NBEP). He will be looking for the NBEP to be more integrated with the CT's initiatives.

With regard to regional issues, Varney noted EPA New England has also been focused on Homeland Security and strengthening response capabilities. This entails working on hurricane preparedness, hosting workshops on lessons learned post-Katrina and collaborating with the Army Corps of Engineers, the US Coast Guard, the New England states and others to improve readiness throughout New England. EPA New England has developed a proposal, in coordination with Department of Defense, to create a triage center at EPA New England's Regional Laboratory (NERL) in North Chelmsford, Mass., to support processing of suspected samples for constituents of weapons of mass destruction (WMD). Currently, the nearest available facility is in Washington, DC.

Upon conclusion of Varney's opening remarks, A. Colt asked for questions for Mr. Varney. M. Sullivan asked about FY 07 federal funding situation. Varney stated that the outlook for the next several years was bleak at best due to continuing expenses of war and Katrina response. EPA has been working under a hiring freeze, with few exceptions. EPA New England is striving to spare state grants from any cuts imposed via the federal budget. Most of EPA New England's budget consists of funds passed through states and others, with the major pass-throughs dedicated to the CWA's State Revolving Fund and CERCLA (Superfund). With an annual budget of about \$532 million, EPA New England has been working under hiring freeze of about 700 employees for the past 5 years.

M. Sullivan asked about national pollutant discharge elimination (NPDES) permits being issued in Massachusetts in response to water quality assessments undertaken by Rhode Island for Narragansett Bay. Varney responded that EPA is prioritizing the review and updating of NPDES permits for dischargers in the Narragansett Bay watershed, but could not provide the CT a specific release date. NPDES permits for the North Attleboro and Attleboro WWTFs are drafted and expected to have 8 mg/l limit for total nitrogen, which would be consistent with recommendations from RI DEM. The permit for Worcester regional WWTF is expected to have more stringent limits for both nitrogen and phosphorus and EPA is pushing hard to complete that permit.

P. Pinault asked T. Uva of Narragansett Bay Commission (NBC) distributed a chart of sampling data developed by NBC as part of a special effort to sample rivers contributing to upper bay during some particularly heavy rain events in the spring and summer of 2006, including sampling at the MA/RI line. The 2006 NBC sampling data indicates surprisingly high loadings from the Woonasquatucket River during the massive June 7, 2006 rainfall event. The data underscore the importance of continued monitoring of the

upper Bay, particularly monthly dry weather and detailed wet weather assessments in the upper Bay and major Bay tributaries R. Varney noted that Mass. DEP is undertaking more water quality study work related to the Worcester WWTF discharge. T.Uva noted the NBC summer 2006 wet weather water quality surveys were a one-time effort and that it is not NBC's primary mission to execute this type of monitoring on an on-going basis. The data was generated as part of their exercising their response capability to meet a critical monitoring need, similar to when they responded on a one-time basis to the recent Motiva, Inc., fuel terminal dock fire by sampling for Volatile Organic Carbons. He added that NBC has accomplished a combined 26% reduction in nitrogen loadings from its two WWTFs, Fields Point and Bucklin Point, from 2003 to 2006. (NBC's nitrogen loading summary attached to these minutes.)

A. Colt noted the challenges still facing scientists in understanding the ecological impacts of nitrogen reductions and asked Varney if EPA New England would build into future Mass. WWTF permits requirements to monitoring ecosystem and/or water quality responses to future nitrogen reductions. Varney responded that data to date is quite convincing regarding the hypoxia in upper Narragansett Bay and that only monitoring for compliance (typically the effluent, etc.) would be built into the WWTF permits. M. Sullivan stated that the consent agreement between RI DEM and NBC builds in an assessment of the return on investment in water pollution abatement and RI expects to be able to track resulting improvement in water quality, as well as track nutrient loadings at the border between Mass. and Rhode Island.

M. Tikoian questioned what would be accomplished if RI reduces its portion of the nutrient pollutant loadings to Narragansett Bay, but Mass. does not substantially reduce nutrient loading to the Bay's major tributaries, the Blackstone & the Taunton Rivers.

M. Sullivan responded that studies to date indicate that municipal WWTFs, including NBC's, are significant sources for the Providence and Seekonk Rivers, but that stormwater is not insignificant. He stated his view that there is a need to have Mass. conform to Rhode Island's water quality mandates and to find ways to characterize what is being accomplished in terms and values the public understands; e.g. abatement work on the Ten Mile River will enhance water quality and increase the quality of the river's fisheries habitat.

R. Varney noted stormwater is an area of increased attention for EPA New England. As limits for WWTFs have tightened, we have grown more aware of stormwater sources being responsible for significant amounts of water pollution. Varney suggested there may be more litigation on this topic in the future. He recommended that the CT invite officials associated with South Burlington, VT to present at a future CT meeting. Lawsuits essentially led to the halting of development in South Burlington, spurring creation of a stormwater utility that is expected to generate \$1 million in revenues in a town of about 16,000 people to invest in stormwater controls.

Kaplan stated that Rhode Island is often a good place to experiment with new solutions given its smaller size and asked EPA to keep that in mind. He cited as an example

working with the Department of Homeland Security and EPA New England on port and maritime security via innovative public/private initiatives.

M. Sullivan suggested that EPA New England could assist on interstate issues related to protection policies across state lines; e.g. water supply protection issues in East Bay, Weaver Cove etc. requiring the mandating of equal levels of in-stream water quality protection by Mass. and Rhode Island to protect drinking water supplies for the east Bay town of Bristol.

M. Tikoian inquired about addressing Mass.-based pollutant discharge into Rhode Island's Hundred Acre Cove.

R. Varney stated an example of interstate/regional success is no discharge zones in New England's nearshore waters. EPA New England's goal is to establish a single, continuous no discharge zone from Casco Bay, ME to Greenwich, CT. EPA and the states have continued to add segments making progress toward this goal. Representative Eileen Naughton noted Rhode Island started with no discharge designation for Narragansett Bay in 1993 and agreed that we are ready to be a pilot state and/or take the lead on a number of issues. She inquired whether the proposal for developing WMD analytical capabilities at the EPA New England Regional Laboratory could include microbiological analytical capabilities to support the assessment of public health threats from mutant bacterial and viral strains.

R. Varney responded that the need for the triage lab capability grew out of evaluations after 9/11 and that EPA New England proposed it via US EPA Headquarters. The proposed capabilities are currently limited to chemical parameters related to the detection of WMD. Varney noted that beach water quality monitoring is currently supported by EPA (with Rhode Island receiving about \$250,000/year), but EPA New England and the New England states need to do more work to address the causes of bacterial pollutant discharges that are affecting New England's Beaches. Despite billions spent, there are too many beach closure days.

M. Sullivan asked about the possibility of beach monitoring funding being cut. R. Varney indicated that he has seen no indication of that occurring as of yet.

Representative Naughton inquired as to how EPA is working with other states on water quality-based permitting. Varney responded that EPA works with all states, but has a primary role in Massachusetts.

Upon conclusion of the questions and discussion, A. Colt thanked R. Varney for his time and participation and asked that the CT turn to consideration of the next item on the agenda.

The Economic Monitoring Collaborative's Monitoring Proposal

The meeting continued with a presentation by Kip Bergstrom regarding plans for economic monitoring given the \$30,000 allocated by the CT. He went through a PowerPoint presentation that explained the purpose of collecting data on human uses of RI's bays, rivers and watersheds, and provided background on how the economic monitoring strategy was developed. He distributed documentation for the CT on the planned work. One slide illustrated the nine sub-elements of the "marine economy cluster" and connections between the elements that would, ideally, be targets for data collection. He noted the importance of initially screening the whole cluster in order to understand current baseline conditions; e.g. it is possible that the very high market values of land in the coastal zone (real estate element) dwarf the influence of other elements in certain coastal zone decision-making processes. He argues that it is critical to understand the condition and inter-relationships among the elements in order to develop sound coastal management and economic development policy.

With the limited funding, K. Bergstrom stated that the Economic Policy Council (EPC) expects to capture data on the nine elements of the marine economy cluster, but will not have the resources this year to address all the inter-connections. Case studies to delve deeper into particular elements (value chain analysis) will also be postponed. With some elements, such as marine recreation, the timing of the project may prevent collection of all desired data. A consultant will be retained via an RfP solicitation with work product completed and available for legislature by early 2007. The Economic Monitoring Collaborative will produce a report, provide information on a web site and provide updates to the CT as part of project. The use of the data will evolve and certain information will need to be collected annually in order to discern trends.

Discussion among the CT followed. S. Kaplan applauded the effort but raised a question as to whether the amount of available funding should be more focused to make more progress in at least on area. A. Colt commented he felt the plan was well throughout as a first step toward capturing the interplay between humans and the environment. M. Tikoian asked for detail on how the results or data will be used. M. Sullivan noted the data might help prioritize and target state investments. K. Bergstrom stated in response to S. Kaplan's question, there was a need survey the whole base before choosing where to focus additional effort.

To support execution of the project, M. Sullivan explained how DEM will transfer funds to EPC via a cooperative agreement. He made a motion to have the CT authorize him to enter an agreement with EPC, require EPC to provide updates to the CT and to notify the CT of any changes in the scope of work, and provide a final report that will be subject to CT approval prior to final payment. Motion seconded by Juan Mariscal.

Gary Ciminero, House Policy Office, explained the need to survey broadly in order to calibrate the economic models we have in place. He likened making decisions without an understanding of the broad conditions as similar to driving with the headlights off. Kip further explained the need for a broad horizontal analysis of the cluster before choosing a sector to focus on vertically. A. Colt indicated that in his position as Chair he would

assist the CT on applying and using the resulting economic data for planning and management.

The motion to endorse the establishment of a cooperative agreement between DEM and EPC under terms for Agreement as previously specified by M. Sullivan was unanimously approved by the CT. K. Bergstrom indicated the draft RFP would be released the next day.

Minutes of the July CT meeting were approved. (M. Sullivan making a motion, P. Pinault seconding the motion.)

New Business: Governor's Bay Summit

Mark Adelman brought to the attention of CT the idea of a bay summit meeting to draw together stakeholders to discuss with the Governor the status of on-going issues and identify potential actions for the next legislative session; e.g. bond issues, legislation, etc. The meeting would be 2-4 hours and offer a facilitated discussion. R. Varney like the idea. M. Sullivan suggested the meeting might take place as an expansion of a regular monthly CT meeting. J. Mariscal liked that idea. K. Flynn noted large summit meetings have required significant time and effort to organize. M. Adelman responded this wasn't envisioned as a large conference by an opportunity for a good discussion that leads to action. K. Bergstrom noted that if the CT/SAC/PAC and monitoring collaboratives were invited it would number likely over 100 people and reflect the majority of key stakeholders. Time of day for such a meeting was discussed with morning preferred. A. Colt will follow-up with M. Adelman on meeting. CT expressed support for hosting said meeting and will work with Adelman to achieve.

CT discussed formation of a group to work on developing long-range funding sources. M. Sullivan indicated DEM would participate. J. Mariscal requested that all CT members be informed of meetings to allow participation as scheduled permit.

A. Colt will begin his work as Chair full-time on September 5, 2006.

P.Pinault indicated tour of CSO tunnel was for 1:00 pm sharp.

J. Mariscal indicated he is working on agreement with USGS regarding flow gages and will coordinate with DEM on fiscal issues.

M. Sullivan-motion to adjourn; second by Paul Pinault. Meeting ended 12:02 pm