

DEM Roundtable Meeting Meeting Summary

Thursday, February 23, 2007

Attendees

Jane Austen, Eric Axelrod, Harvey Buford, Steve Cadorette, Joseph Callanan, David Carlin, Steve Cass, Molly Clarke, Shannon Daigle, Nicole Dionne, Judy Jones, Gina DeMarco, Gary Ezovski, Jim Fraher, Rupert Friday, Matthew Hackman, Bill Hayden, Richard Hittinger, Bill Howard, Ted Kochan, Ken Kubic, Juan Mariscal, Tim O'Conner, Philip Papoojian, Denise Parillo, Rob Sumner-Mack, Arthur Yatsko

DEM Staff: Bob Ballou, Terri Bisson, Alicia Good, Ron Gagnon, Paul Jordan, Melinda Hopkins, Bev Migliore, Larry Mouradjian, Mickie Musselman (meeting notes), Lisa Pointek, Michael Sullivan

1. **Greetings and Introduction** – Director Sullivan welcomed participants to the Blackstone River State Park Visitors Center (North). He said the Center is unique because it is at the entry to the park, next to the Blackstone River Bikeway and canal and provides parking, restrooms and food in a facility that is operated as a public-private partnership.

Matt Auten is ill and will not attend the meeting.

2. **2008 Budget** – Sullivan said the State budget is dynamic and this is a difficult year with a deficit of between \$325 and \$375 million. DEM is in fairly good shape with some capital funding for infrastructure, but will have to make programs more focused with fewer people.
2. **2008 Environmental Legislation & Regulatory Initiatives** - Bob Ballou said the DEM recently completed its bi-annual update of its regulatory agenda and that it is posted on the DEM website at www.dem.ri.gov/pubs/regs/regagn07.pdf. This contains the regulations promulgated since last June and those that are expected to be promulgated within the next year. The DEM legislative agenda contains bills that the Governor has submitted as well as DEM bills. DEMs priorities as listed on a handout are: phasing cesspools, increasing penalties for civil and criminal violations and administrative penalties, allowing mail-in fines for frequently encountered minor natural resource violations, aligning the inspection schedule for USTS with the federal schedule, strengthening the alcohol boating safety act, adding requirements to the boater safety act, and improving management of fur-bearing animals. The legislative agenda can be seen at www.dem.ri.gov/pubs/bill07pr.pdf.

Ballou said there are additional bills that have been submitted by other groups and DEM will be tracking those. He said there are Budget Articles that would move AAD from DEM to the Department of Administration, increase the pesticide registration fee, establish a uniform septage disposal fee, and a submerged land lease fee for CRMC. Revenues from the last two proposed programs would go into a new Bays, Rivers and Watersheds restricted receipt account to be used for water quality monitoring.

Gary Ezovski said the Rhode Island Association of Environmental Managers supports the cesspool phase-out bill and suggests asking the Departments of Civil and Environmental Engineering and Oceanography at URI to help with efforts get this bill passed. They could educate the legislators on the innovative and alternative ISDS that can be used close to water. This group opposes the fivefold increase in civil penalties.

Director Sullivan said the penalties have not been increased for 20 years and that with inflation the current penalties are low enough that they can be considered a cost of doing business and do not act as a deterrent.

Ezovski gave as an example of an excessive fine that for disposal of an oil can and Sullivan said that one oil can would not incur a large fine, that the Department would go after someone who dumps a truckload of oil cans. He said these fines are not for innocent mistakes or minor violations, they are meant for offenses that involve malfeasance and intent.

Comment: The settlements posted on the DEM website show that the agreed-upon fine is generally lower than the original fine and the penalty needs to start higher to leave room to negotiate down.

Ballou said DEM's penalty matrix shows that minor violations are usually dealt with without a fine, that there are many factors taken into account when determining a fine, and that the maximum fine is imposed for major violations with intent.

Ezovski asked if a deadline has been established for the new Brownfields Remedial Agreements with Covenants Not To Sue. The draft revised Remedial Decision Letter and the new Remedial Agreements with Covenants Not To Sue will be available for public comment this spring.

Jane Austen said the legislative priorities of Save The Bay (STB) and the Environment Council of RI (ECRI) are the cesspool phase-out, and follow-up to the energy bill enacted last year. She said the state has joined the Regional Greenhouse Gas Initiative. She said STB and ECRI are interested in two Budget Articles. Also, Save the Bay has asked that the menhaden bill be sponsored because these fish are filter feeders and significant forage fish and contribute to water quality and health fish populations. She said this bill will affect only one business and it is in Massachusetts.

Sullivan said this business provides bait for many other businesses, with some in RI.

Judy Jones said Rhode Island Housing has a group that is looking at naturally-occurring arsenic in soils, but there is no legislation proposed as yet.

4. Presentations/Discussions – Slides from each presentation are posted on the DEM website with meeting schedules, agendas, and summaries.

Natural Resources Bureau - Larry Mouradjian, the new Associate Director for Natural Resources Management spoke about recent improvements, planned initiatives and challenges and threats to the state parks, beaches, forests and recreation areas. He showed slides illustrating the broad range of facilities and opportunities offered by DEM for recreation and talked about the challenges of operating and maintaining the 123 sites that cover over 60,000 acres.

These facilities receive over six million visitors every year and are run with 263 full-time and 450 seasonal employees. Some constant challenges are an aging infrastructure, chronic underfunding, staffing shortages, competing for seasonal workers with private businesses that can pay them more, overcrowding, and user conflicts.

The Blackstone River State Park Visitors Center is a new facility that incorporates a new approach to meeting DEM's responsibilities. A public-private partnership developed the building and the tenant provides maintenance. It is a partnership of DEM, the Federal Highway Administration, RI DOT, RI State Police, and the tenant. .

Land Conservation – Lisa Primiano spoke about the DEM land protection programs. The land conservation program began in 1903 focused on Providence, and expanded to cover the entire state. Opportunities such as the Navy leaving the state and several large land donations have added hundreds of acres to the DEM properties. In the 1980's bond issues were introduced to pay for land acquisition, but the state cannot pay the ever increasing prices to acquire land solely through bonds. Enduring partnerships include municipalities, local land trusts, and private entities such as The Nature

Conservancy and the Audubon Society of Rhode Island. Some federal funding comes through the USDA and Federal Fish and Wildlife and Forest Services and the Land and Water Conservation Fund.

Some communities in RI consider land preservation so important that they have passed municipal bonds for local land acquisition. West Greenwich citizens recently voted overwhelmingly with no discussion to approve the largest such bond issue of \$8 million to purchase about 1600 acres..

GIS Applications – Paul Jordan spoke about the applications of GIS in tracking land acquisitions. DEM has mapped its properties for many years, but there was no way until recently to track the land acquired at the local level. Two DEM interns spent about two years entering data into GIS from The Nature Conservancy, Audubon Society, and local land trusts. Jordan has produced a DVD with data on state and local land preserved and sent copies to municipalities, land trusts and others. Paper maps quickly become out-of-date, but GIS can be updated continuously. Recipients can update this disk from the RIGIS website.

Jordan showed how the various tools and data layers of GIS are used to provide more information than is available from two-dimensional maps. Lot acreage, topographic information, ownership, type of protection, roads, rivers, streams and wetlands, wellhead protection areas, aquifers, watersheds, habitat types and flora and fauna are some of the information that can be easily displayed with GIS.

Question: The last wetland inventory was in 1998, aren't the wetlands boundaries misleading?

Answer: The wetlands boundaries are approximate and that is noted on the DEM website. Each map also has a disclaimer.

Comment: Great presentation and this is a great facility.

Question: With the budget cuts proposed, is there anything we can do to advocate for resources?

Sullivan: DEM is looking at how we can do things more efficiently. Some environmental initiatives are problematic for DEM because they would need more staffing to accomplish. An example is the cesspool phase-out that as originally proposed called for eliminating 60,000 cesspools and failed ISDS within five years. That would translate into one thousand per month. Since DEM processes about 130 applications now, there is no way we could accomplish what the legislation demanded. A proposed Budget Article would allow DEM to hire contract employees with grants without affecting the FTE cap. You could advocate for a higher FTE cap.

Comment: You could license national firms to conduct cesspool/ISDS inspections, but what would be needed to do this?

Sullivan: A general permit and checklist for the property owner or engineer would suffice. Within 60 days of inspection the property owner or inspector would have to provide certification that the work was done in accordance with the permit. DEM is working on an improved tracking system for permits that will allow the public to see who did the work and how long it took, which should help consumers get information on consultants. If an engineer submits false certification, license suspensions of 30 days, 90 days and then revocation of license could be imposed.

5. Announcements:

Wetlands Regulations – DEM will hold a public hearing on proposed revisions on Friday, March 2 at 1 pm in Room 300.

ISDS Regulations – revisions are not available yet -check the DEM website.

Water Conference – Water for Rhode Island – today and tomorrow will be held at the Save The Bay center, Fields Point on Thursday, March 1 from 5 to 9 pm. Register with the Water Security Coalition at watersecuritycoalition.com or call Save The Bay at 272-3540.

6. Future Meeting Topics – suggestions

- Site remediation cleanup standards
- Stormwater permits regarding marinas
- Wetland banking
- Marina theme for next roundtable meeting

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