

DEM Roundtable Meeting Meeting Summary

Thursday, June 21, 2007

Attendees

Jack Allen, Kelly Camp, Gary Ezovski, Jef Fornaro, Bill Hayden, Bill Howard, Chris Kearns, Mike Keyworth, Ken Kubic, July Lewis, Tim O'Conner, Philip Papoojian, John Sinnott, Arthur Yatsko

DEM Staff: Terri Bisson, Janet Keller, Angelo Liberti, Terry Maguire, Bev Migliore, Mickie Musselman (meeting notes), Elizabeth Stone, Michael Sullivan

1. **Greetings and Introduction** - Director Sullivan welcomed participants and led introductions. He said many members were absent because this is the next to last day of the General Assembly session and many bills important to members were under consideration. Matt Auten was at the State House.

2. **Presentations and Discussions**

Clean Marinas – Mike Keyworth, General Manager of Brewer Cove Haven Marina in Barrington, told of Rhode Island's implementation of EPA's Clean Marinas Program. RI is the first state to develop a BMP manual on how to run clean marinas. A multi-agency team conducted the first inspection for Clean Marina certification last month. Marinas are subject to regulations of EPA, the Army Corps of Engineers, Homeland Security, CRMC, regulations of several DEM divisions, and local fire codes, making compliance a complex matter.

A compliance workshop was held in March and two more are scheduled for August and November. Keyworth said cooperation between regulating agencies is really good and he expects the agencies and marina association to be able to develop workable solutions to issues. An example is the development of pressure washing stations with closed loop recycling rather than discharging wash water into the bay which would require thousands of individual discharge permits to comply with the Clean Water Act.

Q: Will marinas be fined when an individual customer sands or pressure washes his boat in the marina and will an individual be fined on for the same activity on his own property?

A: Yes, these are violations of the Clean Water Act and the marina will be fined. The Clean Marina Program has been very successful in other states and it is expected to be successful here. To comply with the Clean Water Act there is a choice between four actions: 1) stop discharging; 2) capture runoff and send off as waste; 3) recycle; 4) capture, treat and discharge to a POTW.

Director Sullivan said he sees a parallel with the agriculture industry when enforcement began and the insurance companies were involved offering discounts (of 5%) for farming operations that were in compliance with best management practices.

Q: Is there money to do something similar to the pumpout program – to provide washing stations?

A: We may be able use Clean Vessel Act money to give grants for washing stations at marinas and public boat ramps.

Comment: Small yards are disadvantaged with regard to larger marinas and small boat owners are different – they will not go to large marinas for boat maintenance.

Performance Track – Bev Migliore gave a presentation on EPA’s Performance Track Program, which began in 2000. This is a voluntary program that rewards performance beyond compliance. Four companies in Rhode Island are in the program. To be eligible a company must have a sustained compliance record for three years and document environmental improvements, which are not only beneficial to the environment, but also can produce major savings for the companies. EPA gives public recognition to companies in the program, listing them on its website and sending letters to public officials, as well as awards to companies.

3. Updates -

2008 Budget – Terry Maguire gave an update on the 2008 DEM budget referring to a handout with budget figures. DEM has a new FTE cap of 491.4, down 12 positions from the 2007 budget. With the exception of one layoff, the new cap will be met through attrition. Some of the numbers that are lower than the 2007 budget reflect projects that have been completed, but there are some cuts as well as a few new restricted receipt accounts. DEM will receive funds from a new charge on transatlantic cables that leave the US from Misquamicut Beach, but funds from a new surcharge on pesticides will go to the general fund.

Q: What is happening with regard to privatization to save money?

A: It is not clear yet what effect the new legislation will have on contractors that DEM uses now, such as the New England Interstate Water Pollution Control Commission, a regional nonprofit that does work for the New England states. There will be a new general permit for wetlands similar to that for USTs.

Q: What about funding for the Greenhouse Gas Stakeholders?

A: The DEM and the State Office of Energy Resources have no money for this, but the Regional Greenhouse Gas Initiative is strong and there is a stand-alone bill in the General Assembly to fund the GHG process that may pass.

2008 Environmental Legislation & Regulatory Initiatives -

Director Sullivan gave a regulatory update:

- A bill amending the Industrial Disposal Act would increase fines from \$1000 per day to \$5000 per day to bring them up to a more current level and would allow DEM to recoup legal fees.
- The cesspool phaseout bill that the Senate has voted out several times may get through successfully.
- There is a stormwater management bill.
- A pay by mail penalty bill would allow people cited for minor infractions to mail in payment for fines. This one has received some complicated additions so it may be a good thing if it does not pass.
- RIRRC, DEM and Statewide Planning oppose the Stericycle bill that would allow incineration of medical waste.

Q: Any money to help homeowners with cesspool replacements?

A: The Governor proposed an \$85 million bond for the next election that would be used in part to help with replacing cesspools. CDBG funds may also be used for this purpose.

Q: Some cesspools in Massachusetts pass inspection, some may pass inspection here. How will you address that?

A: Cesspools by definition do not meet standards. They do not reduce nutrients nor bacteria. We are not requiring all to be replaced, but focusing on the ones that are near critical resources, such as those within 200 feet of a public water supply or a public bathing beach.

Q: What is happening with regard to the Natural History Program?

A: Rick Enser retired and his position is gone. The FTE cap is lower and there is no money. The Natural History Survey at URI is still going, and some permits require input from the program. DME will need to address this issue.

Liz Stone said there are changes to the Brownfields regulations and the air regulations. The Regulatory Agenda will be posted next week. The Remedial Agreement that replaces the Settlement Agreement is nearly final and is expected to be out for comment in early July.

A Stakeholder Group for Environmental Equity has developed a draft EJ policy for remediations that is mainly for urban areas. The draft policy should be posted on the DEM website by early July.

The Town of South Kingstown submitted legislation asking for authority to institute a pay-as-you-throw program. The bill passed and is on the Governor's desk for approval.

Walmart is accepting compact fluorescent light bulbs for recycling the weekend of June 23 and 24 and will do this again near the end of the year.

There will be a hearing to comment on the list of potential projects to be funded under a federal Brownfields grant.

4. Announcements, Future meeting Topics & Dates

Director Sullivan:

- The Certificate of Critical Need became too common with so many projects being certified that it became a problem determining priority. EDC put a \$25,000 fee on the applications, but this discouraged projects. DEM and EDC are working on a solution to facilitate projects that create a significant number of new jobs and is asking for ideas for other metrics to apply to these projects.
- A voluntary no smoking initiative on state beaches will begin July 1.

The next meeting will be held on October 18 at the Save The Bay Headquarters.

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