



# *Business Roundtable*

March 23, 2000 Update

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## Update on DEM Work Plan

The hallmark of DEM's reform initiative is the comprehensive two-year work plan -- Work Plan 2000 -- 2001 -- and the 4th Performance Partnership Agreement with USEPA. The development of the Work Plan was driven primarily by the need to respond to issues and concerns about the Department's performance, the need to become more results-oriented, and the need to prioritize the Department's activities and use of limited resources. Meetings were held around the state to solicit public input. The Performance Partnership Agreement was the first to cover a two-year period and the first to consolidate the thirteen EPA-funded programs into a single grant for greater flexibility in targeting priority issues. It was also the first time an EPA Regional Office prepared a companion work plan describing EPA's commitments to a state for the work it planned in a state toward the same goals. Work Plan 2000-2001 is organized around the seven broad goals outlined in this annual report and reflects national and regional trends in environmental management, such as pollution prevention, watershed management, and critical resources protection. Most importantly, Work Plan 2000-2001 includes specific environmental indicators and performance measures to establish accountability and to help gauge progress in achieving goals in quarterly progress reports. The reports evaluate program performance towards the results the Department set out to accomplish in the work plan.

While many DEM programs are still adjusting to the new approach, a review of performance for the first two quarters showed that 93% of Department activities were either on track or were at too early a stage to assess. Only 6% were listed as needing modifications. The Department will continue to monitor progress each quarter and will strengthen the work plan process in 2000 by implementing a Professional Development Review system to help managers monitor staff progress and improve staff capacity in meeting work plan goals and objectives.

## Alternative Dispute Resolution Process

Mediation, a form of dispute resolution, is employed throughout the country in resolving conflicts and is recognized as an effective, expeditious alternative to litigation. Mediation is a form of assisted negotiation in which the parties to a dispute meet with a mediator to discuss their differences and try to reach an agreement. The Department of Environmental Management proposes to reactivate a **voluntary, non-binding** mediation program to help parties resolve disputes with the Department, better utilize our limited resources and improve the service and manner in which we serve the regulated community.

Mediation will be offered during the administrative appeal process beginning with freshwater wetland appeals and individual sewage disposal system (ISDS) appeals. The Department will also offer mediation for administrative cases for which no hearing was requested and are therefore enforceable in superior court and cases in which a party has failed to comply with an existing consent agreement. Such cases are also enforceable in superior court. These enforcement cases include freshwater wetlands, ISDS, underground storage tanks and solid waste. Eventually, the program could be expanded to cover all media.

If you would like further information concerning the Department's Mediation Program please contact Bonnie Stewart of the Administrative Adjudication Division for Environmental Matters at (401) 222-1357 X 4801.

## No Further Action Letters Update

DEM is involved with approximately 800 emergency response actions and over 4000 public complaints a year. Concerns were raised at past meetings that the regulated community was not sure when case files were closed. In order to address that concern, the reports for emergency response and spill/remediation actions will indicate when a DEM's response is complete and no further action is necessary.

Historically, DEM has had few requests for no further action letters. Due to the high volume of regulatory events in this section, these letters are only generated on request. These letters may be obtained by contacting the Emergency Response Program supervisors i.e. Mike Mulhare (222-4700x 7124) or Jim Ball (x 7129). In the future, DEM will be computerizing the case management of this office. If there is demand for this information, these letters can be generated by the system.

It is the normal procedure for the Office of Compliance and Inspection to document the closing of an investigation files for other programs other than the emergency response program. This information is available upon request.

## Permit Streamlining Update

The Department of Environmental Management is committed to continuously improving its performance. The Department's goals include effectiveness in protecting environmental quality and public health, as well as efficiency and accountability in the way the Department develops and implements rules and regulations, policies and programs. As part of our ongoing efforts in permit streamlining, we are evaluating the major environmental regulatory programs to determine how we can best achieve these goals.

In order to move forward with this process, DEM has initiated a Wetlands Task Force that is reviewing this program. The group meets the first Thursday of the month and is focussing on ways to improve the program by suggesting administrative, policy and regulatory program changes.

The department will be reviewing all the permitting programs and will move onto the ISDS program in April, the Waste Programs in the May /June time period, the Air Program in late August and Water Quality

Certifications and UIC October. If you are interested in helping DEM to review of any of these programs, please contact Tom Getz at 222-4900 x 2417. For further information concerning DEM's streamlining activities, visit our website at:  
<http://www.state.ri.us/dem/org/ombuds.htm#stream>

## Assessment of Administrative Penalty Regulation Update

DEM is moving forward in revising its assessment of administrative penalty regulations. The existing regulations were often confusing. Some of the changes proposed in the regulations include changing the penalty matrices in the appendix of the rules; assisting DEM in its ability to develop appropriate penalties for multi-media or cross media violations; and bringing the regulation in line with the statutory requirements of the state Clean Air Act.

These regulations were noticed in February. At this time there was a request for a public hearing. This public hearing will be held on Tuesday April 18, 2000 at 5:00PM in room 300 at DEM headquarters located at 235 Promenade Street.

## I/M Program Update

The Rhode Island Emissions and Safety Testing Program is progressing smoothly. Under the direction of the Department of Administration Division of Motor Vehicles, 77,000 cars and trucks have been inspected in the program's first ten weeks. 13.6% of those vehicles failed inspection and nearly half of those failures, 6.25%, were for emissions problems.

Since the startup on January 3, 2000 the number of inspection stations has increased from 250 to 263, providing additional options for motorists. The private purchase of testing equipment by those 13 additional stations, and the express interest of other stations marks the industry's increasing acceptance of the program. As of now, 876 privately employed state-licensed inspectors have been trained and certified to do the testing.

Now, for the first time, testing data is being directly fed to a host computer at Keating Technologies, Inc. The data is accessible to both DMV and DEM, enabling each agency to do advanced analysis on the effectiveness of the program while providing details on the vehicle fleet.