



DEM Business Roundtable Newsletter

June 2001

Task Force Updates

The DEM ISDS and Waste Site Remediation Task Forces are starting to wind down. It is expected that final reports on task force activities will be completed in the fall.

Waste Site Remediation Task Force

The Waste Site Remediation Task Force has been meeting monthly on the fourth Thursday of the month since February. The major issues that this group has identified for evaluation included the arsenic policy, the Brownfields program, development of a streamlined process to evaluate sites that pose a marginal risk to human health and the environment

Marginal Risk Policy

The working group has developed a draft policy that streamlines the review process for site remediation projects that pose a marginal risk to human health and the environment. Resources that are currently used to review these “marginal risk sites” can be freed up to review projects that have a significant environmental impact. In addition, DEM staff often spends considerable time and effort in reviewing submissions that are incomplete and do not provide information that allows DEM to make a decision. Implementation of this policy will reduce the review time, improve the quality of applications, and clarify the requirements for “marginal risk sites”.

DEM is establishing review time guidelines for “marginal risk sites”. The proposed policy applies to sites that are located in a GB and GA/GAA groundwater aquifer. It encourages the removal of waste material and sets information requirements for the Site Investigation Report and presumptive remedies that could be used at the site. Applications that adequately address these requirements will be reviewed by DEM within 42 calendar days. However, this guideline for DEM review factors in a public notice requirement. If there is substantial public comment on the

proposal, DEM may not be able to meet this review time guideline.

Review guidelines are predicated on DEM receiving complete submissions that are of sufficient quality to review. If these submissions do not address all the elements of the policy, DEM will reject the submission as a “marginal risk site” and will evaluate it in the normal process where there are no firm time review guidelines or presumptive remedies.

For more information concerning this draft policy, contact Gary Waldeck at gwaldeck@dem.state.ri.us or 222-2797, extension 7107.

Arsenic Policy

The Waste Site Remediation Permit Streamlining Task Force met on May 24, 2001 and the Department provided feedback on the implementation of Interim Arsenic Policy. During that six-month interim period, the Department, under the policy, reviewed twelve sites. All twelve sites had site specific background concentrations, between 3 and 7 PPM and were approved.

DEM is proposing to change the industrial/commercial direct exposure criteria to 7 PPM. The current interim policy for residential properties, i.e., 1.7 PPM, would remain the same. In addition, industrial/ commercial properties that are cleaned up to the 1.7 PPM level would not have to place an Environmental Land Usage Restriction on the property limiting the use of the property to industrial/ commercial.

DEM is modifying the current Interim Arsenic Policy and will be forwarding it to the interested members of the Site Remediation Waste Task Force. Based on the comments received, DEM may convene a special meeting to discuss this issue. The Department welcomes any feedback on this approach.

Contact Gary Waldeck at <mailto:gwaldeck@dem.state.ri.us> or 222-2797, extension 7107 with any questions or comments concerning this policy.

For further information concerning the Waste Site Remediation Task Force, visit the DEM website at: www.state.ri.us/dem/programs/ombuds/pstream/waste/index.htm

ISDS Task Force

The ISDS Task Force developed concerns that were grouped into three areas, regulatory, outreach and training and administrative.

The ISDS Regulatory Working Group has been meeting on an average of twice a week for the last nine months, reviewing the existing ISDS program and its regulations.

This effort has resulted in a series of recommendations that will increase the effectiveness of the regulations by providing a new method of sizing a system based on the ability of the soil to treat wastewater. This method replaces the percolation test that has been used for years. Other major changes include denitrification requirements, development of a cesspool replacement policy, increased coordination between the Wetlands and ISDS programs on permitting issues, and numerous technical changes that relate to leachfield and tank design standards. Additional information about these regulatory changes can be found at the DEM website: www.state.ri.us/dem/programs/ombuds/pstream/isds/regwg/index.htm or contact Ernie Panciera at epancier@dem.state.ri.us or 222-2234 extension 7603.

The Outreach and Training Working Group recommended that DEM develop a outreach plan that should focus on the development and distribution of information on proper inspection and maintenance procedures for the conventional and the more innovative systems. It was recommended that partnerships be formed with water districts, conservation commissions and municipalities to assist in this public outreach effort. For additional questions about this topic contact Jim Riordan at <mailto:jriordan@dem.state.ri.us> or 222-3961 extension 4421.

For additional information concerning this Task Force, visit the DEM website at: www.state.ri.us/dem/programs/ombuds/pstream/isds/index.htm

Combined Sewer Overflow Update

The Department of Environmental Management has approved plans for Phase 1 of the Narragansett Bay Commission's Combined Sewer Overflow (CSO) abatement project. The project will improve water quality in and around the greater Providence metropolitan area and the Upper Bay by controlling the discharge of sewage from combined sewer overflows during rain events.

Development of the CSO control plan was a requirement of the federal Clean Water Act and Rhode Island's water quality regulations. Under the plan, untreated combined sewage will be conveyed to huge tunnels that will collect and store the entire volume of untreated combined sewage generated by most rain events. After the rain events, pump stations will send the combined sewage from the tunnels to the treatment plants. CSO discharges now occur, on average, about 70 times a year; the new system will be designed to allow for no more than an average of four overflows per year.

One of the largest public works projects in Rhode Island history, the entire project will be undertaken in three phases over the course of approximately 20 years. The centerpiece of the CSO project is construction of two large, deep rock tunnels, measuring some six miles in total length.

It is expected that Phase I facilities will reduce the overflow volume by approximately 40 percent and as a result, areas that are conditionally closed to shellfishing will be closed 50 percent less in the Upper Bay and 78 percent less in the Lower Bay.

Phases II and III will address the remaining CSOs that discharge to the Woonasquatucket, Moshassuck, West, Seekonk, and Blackstone Rivers. Phase II of the CSO plan will include CSO interceptors to transport flows from remote CSOs to the tunnel, sewer separation, and a constructed wetland treatment facility. Phase III will include the Pawtucket Tunnel, CSO interceptors, and sewer separation. The remaining outfalls that have smaller CSO flows will be either blocked or controlled using regulator adjustments and/or the nine minimum controls.

Throughout the project, NBC, with DEM's assistance, will continue to work with the municipalities in the NBC service area to encourage them to take steps to reduce stormwater runoff.

Pollution Prevention

The Rhode Island Department of Environmental Management's Office of Technical & Customer Assistance (OTCA) will be celebrating Pollution Prevention Week during the week of September 17-23. Pollution Prevention (commonly known as "P2") puts into practice the common sense idea that the best way to manage waste is to avoid generating it in the first place. This year's P2 week theme, which will also be commemorated in the other New England States, as well as New York, New Jersey, and EPA Regions I and II, is "Shop for a Better Environment." The focus for this year's theme is to make the general public aware of purchasing products that are less harmful to the environment. Examples of shopping for a better environment include:

- Buying locally grown and/or produced products, which can have a significant impact on reducing the air quality impacts of long distance shipping;
- Buying available alternatives for products that contain toxic metals, such as low or no mercury fever thermometers;
- Buying alternative, low impact cleaning products, paints, and other commonly sold items;
- Buying products, such as paper, plastic, and metal products, that have a recycled content
- Reading product labels to understand the content of the purchases they make and considering the environmental impacts when making their purchasing decisions.

OTCA is currently planning activities to help highlight the message of this year's P2 Week. These activities include hosting the Governor's Awards for Pollution Prevention to honor businesses that have put P2 into practice in their everyday business operations, as well as holding a workshop to emphasize the successful P2 activities that DEM's program as collaborated on in conjunction with URI Center for Pollution Prevention.

For more information on RI DEM's Pollution Prevention Program, please call Rich Enander at the DEM's Office of Technical and Customer Assistance at 401-222-6822 or renander@dem.state.ri.us, or visit the webpage at www.state.ri.us/dem/programs/benviron/assist/pollut.htm

RIPDES Permit Issuance Improvements

EPA's July 2000 national report on the NPDES major permit backlog recognizes Rhode Island as the most improved of the 56 states and territories. The report notes that DEM has reduced the

backlog from 56% to 36% and improved Rhode Island's ranking from 48th to 35th.

Since the date of that report, three additional permits have been issued and two more are developed and proceeding to notice for public comment, which will improve the backlog to 28% by 6/30/01. The DEM has submitted a four-year major permit backlog reduction plan to EPA that has a goal of 12% backlog by 12/30/01 and 0% by 12/30/02.

The RIPDES Program is currently developing a similar backlog reduction plan for minor discharge permits. The RIPDES Program's minor Permit backlog reduction plan will require that the DEM issue greater than 100 minor permits from 1/1/00 to 12/31/04. A plan has been developed to reduce this backlog by 67% by 12/30/01, 50% by 12/30/02, and 10% by 2004 (EPA goal for all permits 10% by 2004).

If you have any questions about the RIPDES program please contact Eric Beck at ebeck@dem.state.ri.us or 222-3961 extension 7202.

Stormwater Phase II

Polluted storm water runoff can enter municipal separate storm sewer systems (MS4s) and ultimately be discharged into local rivers and streams without treatment. DEM is in the process of developing a Storm Water Phase II Rule that establishes a MS4 storm water management program. The goal of the Phase II program is to preserve, protect and improve water resources from polluted storm water runoff through the development of successful storm water management programs.

The Storm Water Phase II Rule extends the coverage of the NPDES Storm Water Program to include "small" MS4s that are not already covered under the NPDES Phase I Regulations. Of the thirty-nine municipalities in Rhode Island, twenty-nine municipalities are automatically designated; however, ten of these designated municipalities may be eligible for waivers.

DEM must develop and apply criteria for the ten remaining municipalities by December 8, 2002. Also included under the Phase II Rules are Federal, State, and Quasi-State facilities including those owned by the Department of Transportation.

To date, the RIPDES Program has mailed outreach to greater than 300 interested parties (municipal officials, environmental organizations, watershed groups, and other various

stakeholders), developed a DEM RIPDES Phase II Storm Water website, surveyed municipal officials, and established a Phase II Storm Water Workgroup. The objectives of the workgroup are to identify and address issues regarding development of the RIPDES Phase II Regulations. The workgroup has met on September 5, 2000 as well as September 12, 2000.

The last meeting of the Workgroup was held on April 4th 2001. DEM presented a summary of the draft amendments to the RIPDES Regulations. The draft Regulations were reviewed by EPA and DEM met with representatives from EPA Region I on April 25th, 2001. Final EPA comments and clarifications were received June 1, 2001. The final draft is being prepared and will be sent to EPA for final review on June 16th, 2001. DEM anticipates that it will formally notify the public by June 29th, 2001 and present the complete draft Regulations in July 2001. The new target effective date for the Regulations is the first week in September 2001

For additional information regarding the RIPDES Phase II Program, visit DEM's website at the following URL:
www.state.ri.us/dem/programs/benviron/water/permits/ripdes/stwater/index.htm

Nonpoint Source Grant Proposals

The Department of Environmental Management announced that up to \$500,000 is available for grants to communities, state and regional government agencies, and non-profit groups to support water quality restoration. The grants, which are financed primarily through federal Clean Water Act funds, must be used for water quality restoration projects or implementation of on-site wastewater management programs that prevent, control, or abate water pollution caused by nonpoint sources.

Nonpoint source pollution is a significant cause of water quality impairment in Rhode Island. Diffuse in nature, it comes from a number of sources such as failed septic systems, runoff from lawns, farms, and paved surfaces, unconfined stormwater, and erosion from unprotected construction sites.

DEM's Office of Water Resources will hold a public workshop to explain the grant program and the application process. The workshop will be held Thursday, June 14, from 1:30 p.m. to 3:30 p.m. in Room 300 at DEM Headquarters, 235 Promenade St., Providence.

In addition to the public workshops, DEM encourages submittal of one-page pre-proposals to the Water Resources office by June 29 for review and comment. Final proposals must be received by August 3, with projects to be selected in late fall. Eligible activities for water quality restoration actions primarily include the design and construction of best management practices that address water quality impairments or restore habitats for waters that have been degraded by nonpoint source pollution. Water quality restoration actions may include, but are not limited to, projects that address stormwater, wastewater management, wetland loss, and degradation of aquatic species habitat. Grants may range from \$10,000 to \$200,000, depending on the project. A written request for proposals detailing guidance on the grant process is also available, and may be accessed on DEM's website at www.state.ri.us/dem/programs/benviron/water/finance/non/index.htm

For additional information about the workshops or the grant process, contact Jim Riordan, nonpoint source program coordinator at 222-4700 extension 4421 or jriordan@dem.state.ri.us.

Wetland Permitting Program Improvements

Over the last year, the Freshwater Wetlands Permitting Program has made substantial improvements in processing timeframes for issuing permits and the number of field compliance checks on permitted projects. The average time it takes to issue a decision on a wetland preliminary determination permit application has been reduced from 125 days to 70 days, and internal processing times have been cut in half, from 40 days to 20 days. The program found less application deficiencies overall and was able to make decisions without having to request additional information as often as in the past. In May, 38% of preliminary determination applications were processed without deficiencies, and 84% were processed without having to request additional information more than once.

Compliance checks on permitted projects have increased to 20 per month, as compare to less than 5 per month last year. The improvements are the result of increased staffing for the program and an apparent improvement in the quality of submittals.