



DEM Business Roundtable Newsletter

October 30, 2001

Pollution Prevention and Environmental Leadership Award



Governor Lincoln Almond joined the Department of Environmental Management (DEM) Director Jan Reitsma in announcing the winners of this year's Governor's Awards for Pollution Prevention and Environmental Leadership. The Governor's Awards were created in 1991 by the DEM. This year's Governor's Awards were sponsored by DEM and the RI Association of Environmental Managers. The Northern Rhode Island Chamber of Commerce, the East Greenwich Chamber of Commerce, the North Kingstown Chamber of Commerce, the North Central Chamber of Commerce, and the Greater Providence Chamber of Commerce were co-sponsors. The Governor's Award recognized public and private organizations, businesses and individuals that have implemented pollution prevention within their daily operations.

The award recipients were selected in coordination with National Pollution Prevention Week, which ran from September 17 through 23.

The six award recipients were:

- S&A/Paramount Printing, Lincoln - Award for Excellence in Pollution Prevention;
- General Dynamics/Electric Boat, North Kingstown and The Naval Undersea Warfare Center, Newport - Awards for Outstanding Achievement in Pollution Prevention;
- Mr. Harold Gadon, Cranston - Award for Excellence in Environmental Leadership; and
- Tytex, Inc., Woonsocket and the Community College of Rhode Island, Lincoln / Warwick/Providence - Awards for Outstanding Achievement in Environmental Leadership.

DEM and EPA Officials Sign Two-Year Performance Partnership Agreement



Rhode Island's efforts to protect and restore the state's environment were given a major boost when state and federal officials announced a partnership agreement worth \$5.7 million between the U.S. Environmental Protection Agency and the R.I. Department of Environmental Management to implement clear environmental goals over the next two years.

In addition to its focus on smart growth, the partnership agreement between EPA and DEM focuses on clean air, protecting the state's water resources and restoring ecosystems. Specific goals in this agreement include:

- Inspecting 80 exterior lead-paint removal projects by June 2003, to help achieve the state's overall goal of eliminating all elevated blood lead levels in children by 2010.
- Entering into 18 settlement agreements for Brownfields sites and cleaning 60 acres of contaminated land by July 2003.
- Developing a Rhode Island Greenhouse Gas Action Plan, including specific reduction goals, by December 2002.
- Restoring anadromous fish to the Kickemuit, Blackstone and 10-Mile Rivers.
- Restoring 500 acres of habitat in Boyd's Marsh, Allen's Cover, Potter's Cove and Lonsdale Marsh on the Blackstone River.

Additional information concerning the Partnership Agreement can be found at DEM's website located at www.state.ri.us/dem.

Waste Site Remediation Permit Streamlining Task Force Draft Report

DEM sponsored a Waste Site Remediation Permit Streamlining Task Force that met six times this year. The group reviewed the process used to evaluate site remediation projects. The group consisted of members of the environmental consulting and legal community, environmental organizations, state agencies, municipalities and DEM. The Task Force also focussed on the Brownfields program and evaluated ways to encourage the remediation of these sites.

As a result of these meetings, a number of significant policies and administrative issues were finalized that clarified DEM's policies and will streamline the review process. The changes include:

- Revisions to the DEM Arsenic Policy - The Direct Exposure Criteria for arsenic for Industrial / Commercial will be raised from 3.8 mg/kg to 7.0 mg/kg. The existing arsenic policy be replaced by a revised policy once the regulatory changes are made.
- Development of a Marginal Risk Policy that will streamline the way DEM reviews projects that do not pose significant environmental or human health risks. The proposed policy encourages the removal of waste material and sets information requirements for the Site Investigation Report and presumptive remedies that should be used at the site. Applications that adequately address these requirements will be reviewed by DEM within 42 days.
- Development of a pilot program to clean up distressed properties that uses a partnership of DEM, private environmental consultants and the attorneys working on distressed properties.
- Development of a checklist that can be used to improve the quality of applications being submitted.
- Development of three model Settlement Agreements to streamline the legal approval process. These documents outline the legal procedures and protections needed to move forward in the site remediation process.
- Issues relating to communication between staff and the stakeholders were discussed at length. DEM will

meet with the stakeholder community to discuss issues of concern on a regular basis to improve communications between the groups.

For more information on this Task Force, visit the DEM site at: <http://www.state.ri.us/dem> and click on Programs then Ombudsman or contact Tom Getz at tgetz@dem.state.ri.us or 222-4700 extension 2417.

New Enhanced Brownfields Website



As part of the newly invigorated Brownfields program the state has created a new website. This site, intended to be easy to navigate will be posted at <http://www.brownfields.state.ri.us> and is laid out in six sections:

- The DEM Brownfields process is described with many links to the relevant sections of the regulations.
- The state and federal financial opportunities are briefly described with links to the contacts and more detailed program information developed by individual agencies.
- The documents section puts forms, model documents, policies and the regulations on-line and accessible.
- The public and private partner roles are described, including a listing of environmental consultants.
- The program successes are noted including a full listing of the more than 60 Brownfields settlement agreements and highlights on a few projects.
- A news section includes references sources of funding and policy discussions.

Comments on the website are welcome and should be directed to the webmaster at sally@dem.state.ri.us.

DEM Air Permitting Working Group



DEM will begin an evaluation of the Air Resources pre-construction permitting program for permit streamlining opportunities. It is anticipated that this group will meet three to four times to investigate ways to improve the time it currently takes to issue a decision. This will be the fourth permitting program to undergo this kind of review. As in other programs evaluated, DEM is looking to improve the existing level of service to the regulated community while maintaining environmental protection. Anyone interested in participating in this working group can contact Tom Getz at tgetz@dem.state.ri.us or 222-4700 extension 2417

Wetlands Program Updates



Wetlands Rule amendments took effect September 19th that clarify procedures for wetlands in the vicinity of the coast and boundary changes have been implemented to further streamline permitting. The amendments also define and reduce fees for wildlife habitat and water quality projects, and allow for private property owners to seek emergency wetland permits. See the amendments at the DEM website located at <http://www.state.ri.us/dem> then click on Programs, then Water Resources then Regulations.

Freshwater wetland restoration:

URI in partnership with DEM has identified 136 freshwater wetland restoration sites in the Woonasquatucket watershed. URI will be sending letters to landowners requesting permission to access properties to confirm if a restoration opportunity exists, and to identify the extent of benefits should the wetland be restored. Read more about this proactive restoration project at: <http://www.state.ri.us/dem/programs/benviron/water/wetlands/index.htm>.

Wetland mapping survey:

URI in conjunction with DEM completed a survey of wetland map users. Approximately 140 responses were received and the results show that wetland map data are used regularly by a wide range of professionals. In addition users prefer up-to-date, large scale maps, with a high degree of positional accuracy. Users are generally dissatisfied with available data and think that improved maps are needed.

Wetland web pages introduced:

DEM developed “more about RI freshwater wetlands” and can be viewed at:

<http://www.state.ri.us/dem/programs/benviron/water/wetlands/index.htm>.

URI’s Dr. Peter Paton and students in partnership with DEM and EPA developed a vernal pool web page at <http://www.uri.edu/cels/nrs/paton>.

Wetland outreach:

With EPA support, Susan Ely was hired to implement outreach activities identified by the Task Force. She and other partners are coordinating permit-training workshops.

While wetlands permit approval turn-around times have improved significantly in the last year; DEM wants to give consultants the tools to submit even better applications. DEM is offering the wetland consultant community the opportunity to gather specific technical guidance and tips at a Wetland Permit Training Workshop for consultants on Thursday, November 15, from 8:30 a.m. – 1:00 p.m.

Sample topics include site plan requirements, exempt activities, avoidance and minimization techniques, and a permitting process overview. Senior DEM personnel, as well as wetland biologists and engineers will give presentations. Coastal Resources Management Council staff will also be on hand to help answer questions.

The workshop will be held in room 300 at DEM headquarters, 235 Promenade Street in Providence. An invitational flyer has already been sent to Rhode Island consultants. If you have any questions, or would like more information on the workshop, please contact Susan Ely at sely@dem.state.ri.us or (401)-222-4700 x 7205.

For more information about the wetland updates contact Carol Murphy at cmurphy@dem.state.ri.us or 222-4700, extension 7208.

Stormwater Regulations Update



DEM held a public hearing on revisions to the RIPDES Regulations that incorporated the EPA Phase II Storm Water program. The revisions were available for public comment from July 2nd through August 15th. A public workshop was held on July 25th, and a public hearing was conducted on August 14th. Based on comments received, DEM will propose changes to the draft regulations.

The majority of the new Storm Water Phase II Rules affect larger municipalities. They are required to develop and implement storm water management programs designed to reduce the discharge of pollutants to the “maximum extent practicable.”

The new rules also affect certain categories of industrial activity, including the construction industry. The new rules lower the existing threshold for construction activity that requires a RIPDES permit from greater than 5 acres to greater than 1 acre, as well as construction activity of less than 1 acre that is part of a larger common plan of development or sale. DEM expects to modify and re-issue the existing General Permit for storm water associated with construction activity by December 2002.

The new rules expand eligibility for the exemption of certain industrial activities from obtaining a RIPDES permit. The “no exposure” provision which was available to only light industry with no exposure has been expanded to operators of *all* categories of Phase I regulated activity (except construction activity). To qualify, a facility will need to apply for a certification of no exposure by submitting a “no exposure form” that asks a series of “yes/no” questions. Any storm water discharge associated with industrial activity that is not part of a group application or which is not authorized by a general permit, was required to submit a permit to the Director by April 19, 1993. Categories of industries that meet the definition of light industry that did not have certain areas of their facilities exposed to storm water, were not required to obtain a permit for their storm water discharges from April 19, 1993 until 90 days after the effective date of the Regulations. The operators of these facilities must now submit to the Department a no exposure certification or a permit application within 90 days of the effective date of the Regulations.

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For more information about this regulation visit the RIPDES Phase II Storm Water Web Site at <http://www.state.ri.us/dem/programs/benviron/water/permits/ripdes/stwater/index.htm> or contact Eric Beck at ebeck@dem.state.us or 222-3961, extension 7202.

Rhode Island Portal Project



The state has contracted with New England Interactive, a subsidiary of the National Information Consortium (NIC), to design and implement a self-supporting World Wide Web portal for Rhode Island government. This portal will serve as a single point of access to a collection of online government services, both information and transactions. The portal is expected to be on line by early fall this year, offering an initial array of services to citizens, businesses, and visitors.

The portal will be of particular interest to Rhode Island businesses, centralizing the availability of economic data, state purchasing interactions, permits, registrations, licensing, and other essential business and government transactions.

The portal will bring all of the state’s world wide web resources together and add the ability to perform transactions and purchase services, making it a simple matter to find, and interact with the right government bureau by visiting on-line rather than by standing in line. From car registration to professional licensing to making a reservation at a state campground or searching for employment with state government, all will become easy on-line activities as the portal grows. Most services on the portal will be free, although fees will be attached to some transactions to support the portal and its development.

For examples of portals developed by NIC check out the following sites: <http://www.state.in.us>, <http://www.state.ks.us> and <http://www.state.ut.us>

For further information, please contact Pamela Annarummo at pannarump@dem.state.ri.us or 222-4700, ext. 7202.

State-wide Regulatory Update

There has been an amendment to the Administrative Procedures Act, passed by the General Assembly, and signed into law by Governor Almond, on July 3, 2001. The amendment requires each state agency to renote and refile all of their existing rules and regulations by January 2, 2002. Any rules or regulations not noticiced and refiled prior to the January 2, 2002 deadline will be considered expired.

Other changes mandated by the amendment include:

- The appointment of a "rules coordinator" for each agency who will keep and maintain the official rule making file.
- A new format for the rules will be developed by the Secretary of State for the official "hard copy" version of the rules and regulations that are filed.
- A computer filing with the Secretary's office in a format will also be required to accompany the paper filing, and be maintained on the Secretary's website.

The entire process must be repeated every five years from the filing date, in order to keep rules and regulations current.

ISDS Task Force Update



DEM's ISDS Task Force is beginning to wrap up its work. The Regulatory Working Group has focussed on major changes to the regulations. Issues discussed included:

- Additional nitrogen removal requirements for systems located near a critical resource area.
- Development of a risk-based approach for cesspool replacement.
- Technical revisions that improve the function of leachfields.,
- Increased coordination of ISDS and Wetlands permits, when appropriate.
- Development of new tank standards

Recommendations of this working group will now be finalized and forwarded to the full ISDS Task Force. A

set of draft regulations will be completed, and DEM will to conduct a series of workshops in November to inform the ISDS design community of these recommendations. Regulation hearings will be scheduled after the workshops.

For further information about the ISDS Task Force, visit the DEM website <http://www.state.ri.us/dem/> then click on Programs, then Permit Streamlining or contact Tom Getz at tgetz@state.dem.ri.us or 222-4700 extension 2417.

Fisheries Management Reform Initiative



The Rhode Island Marine Fisheries Modernization Act of 2001 requires DEM must to develop recommended options and a prepared plan, by January 2002. This plan must:

- Restructure commercial fishing licenses;
- Improve data collection and management;
- Allow certain aquaculture products, of any size, to be harvested and marketed; and
- Establish a marine recreational fishing license system by March 2003.

To accomplish these tasks, DEM, working in collaboration with members of the Governor's Office and House and Senate Policy Offices, has called upon the URI Coastal Institute to coordinate a series of public meetings and to report on the outcome of those meetings by December. Through this process, the commercial and recreational fishing communities, URI, DEM technical staff, and members of the general public will be afforded the opportunity to help guide the development of the reform proposals. Six subcommittees have been formed and have already begun meeting. Monthly plenary meetings, where the work of the subcommittees will be integrated, are scheduled for October 24 and November 21 at the Coastal Institute. All of the meetings are open to the public, and all information pertaining to the process is available at www.ci.uri.edu/projects/rifish. For additional information, contact Bob Ballou at 222-4700, ext. 4420.