



DEM Business Roundtable Newsletter

December 4, 2003

Fredrick Vincent Named Interim Director

Governor Donald L. Carcieri has appointed Frederick J. Vincent as the Interim Director of the Rhode Island Department of Environmental Management. Mr. Vincent has been the Associate Director for Planning and Administrative Services since 1991, and served as Interim Director from April 1998 to September 1998.

Governor Carcieri said, "As an Associate Director since 1991, and with a previous stint as Interim Director, I believe that Fred Vincent has the experience and ability to lead this important agency while we search for a permanent director."

He further stated, "The Department of Environmental Management serves a critically important role in monitoring the environment, protecting public health, and preserving Rhode Island's natural resources. I am committed to enabling DEM and its many dedicated employees to succeed in that mission. As a result, I will be conducting a national search to find a candidate that can spearhead our combined efforts to build on Rhode Island's recent environmental accomplishments."

Mr. Vincent has a long record of service to Rhode Island. Before joining DEM in 1991, Mr. Vincent served as the Deputy Director of the Rhode Island Department of Transportation (DOT) from 1986 to 1991. Previously, Mr. Vincent served in the Office of the Governor from 1985 to 1986, and Director and Principle Planner at the Cranston City Plan Commission.

Green House Gas Initiative Improves Efficiency and Reduces Pollution

One of the strategies discussed by the Green House Gas Stakeholder group has the benefit of reducing energy costs while reducing the emissions of green house gas emissions. This is accomplished by the use of combined heat and power (CHP) systems.

CHP refers to a system where heat and electricity are generated sequentially from the same fuel source. An example of this concept is a boiler that produces steam that goes through a turbine, to generate electricity. The condensed water is still hot and can be used for process or building heating requirements. This kind of installation can increase fuel efficiency and reduce emissions of traditional air pollutants such as nitrous oxides and particulate matter as well as carbon dioxide, the main pollutant identified with climate change. CHP is also an example of generating electricity near the point of use. This concept is called distributed generation or DG.

There are institutional barriers to the installation of DG and CHP systems. These include the high rates companies must pay to the utilities to connect to the electrical grid. In addition, technical standards that apply to these facilities to connect to the grid do not encourage these operations. Because CHP installations result in reduced emissions, DEM is seeking the endorsement of the Rhode Island Greenhouse Gas Stakeholder Process for the Department to promulgate regulations that would streamline the process

for permitting small scale CHP and DG projects. This streamlined process will encourage more of these installations.

The Regulatory Assistance Project, under a contract with the National Renewable Energy Laboratory, developed model regulations that would meet this purpose. The regulation suggests a number of innovative ways to lessen the permitting burden and include:

- Allowing manufacturers of equipment used in CHP and DG applications to certify the emissions performance of their equipment, as opposed to the current rules that require an emissions technology assessment and testing of each installation.
- Setting output-based emission standards (pound of pollutant/megawatt-hour limits instead of pound/million BTU of heat input), which would reward efficiency and encourage the development of clean technology.

DEM's proposal is now under review by a workgroup to the Stakeholder process. For additional information concerning this topic, contact Steve Majkut at smajkut@dem.state.ri.us or at (401) 222-2808.

Internet Training Opportunities

The Interstate Technology & Regulatory Council (ITRC) offers a wide variety of (NO COST) Internet-based training courses on innovative environmental technologies and approaches specific to the areas of site characterization and remediation. ITRC training courses developed by multi-disciplinary technical teams reflect the consensus of the various ITRC members from states, federal agencies, the private sector, and citizen stakeholders.

Phytotechnologies – December 9, 2003 (Tuesday 2:00 –4:15 PM eastern time). This is the last course being offered this year.

Phytotechnologies use plants to contain, stabilize, sequester, assimilate, reduce, detoxify, degrade, metabolize, and/or mineralize contaminants in soil, groundwater, surface water, or sediments. Phytotechnologies can be applied in situ or ex situ and can address organic compounds such as petroleum hydrocarbons, gas condensates, crude oil, chlorinated compounds, pesticides, and explosive compounds, as well as inorganics including high salinity, heavy metals, metalloids, and radioactive materials.

This training familiarizes participants with ITRC's *Phytotechnologies Technical and Regulatory Guidance* (PHYTO-2, 2001) and the *Phytoremediation Decision Tree* (PHYTO-1, 1999), which enables users to input basic site information and determine through a flowchart whether phytotechnologies are feasible. The course provides technical and regulatory information to help understand, evaluate, and make informed decisions on phytotechnology proposals. Included is a description of the various sciences and engineering practices phytotechnologies require, regulatory considerations and policy issues, stakeholder concerns, case studies, and technical references.

Course registration opens 4–6 weeks before each session. Dates are subject to change. Click on [Registration Information](#) to register for the course.

For more information, contact Mary Yelken at myelken@earthlink.net or (402) 325-9615.

Air Toxics Regulation Update

The Office of Air Resources used a stakeholder process to revise its air toxics regulation. Amendments to that regulation were proposed last year, along with changes to the requirements for dry cleaning operations. At the request of commenters, DEM convened a stakeholders group that met several times earlier this year to discuss the proposed revisions to the Air Toxics regulation. The November 2003 proposal will incorporate many of the recommendations made by that group. The main changes from the amendments proposed in 2002 include:

- Regulatory requirements will be triggered by the amount of a toxic substance emitted from a facility rather than the amount used by the facility.
- Applicability thresholds in pounds per hour and pounds per day were dropped. Thresholds are now expressed only in pounds per year. This change results in simplified record keeping and reporting requirements.
- Fuel burning sources that are not major sources of air pollution will be exempted from the regulation. Major source fuel burning sources will be exempted from Air Toxics Operating Permit requirements for five years.
- Asbestos and lead abatement projects regulated by the Department of Health and other DEM rules will be exempted from the regulation, along with sodium hydroxide emissions from air pollution control equipment like caustic scrubbers.

The comment period will remain open until December 11th. The program anticipates the regulation would be finalized by mid February 2004.

Mercury Legislation Update

In the 2003 legislative session, two identical bills addressing mercury-added products were enacted. Both bills delay implementation of many of the provisions of the 2001 RI Mercury Education and Reduction law. Major provisions of the bills include:

- Providing more time to meet the standards
- Setting up a 14-person advisory committee to provide the Governor and the General Assembly with several reports with recommendations for reducing and eliminating mercury hazards in Rhode Island
- Allowing phase-out requirements to be extended from July 13, 2003 to July 1, 2005 for those products with greater than 1,000 milligrams or 250 parts per million (ppm) mercury
- Extending phase-out requirements for those products with greater than 100 milligrams or 50 ppm mercury from July 13, 2007 to July 1, 2009
- Extending phase-out requirements for those products with greater than 10 milligrams or 10 ppm mercury from July 13, 2005 to July 1, 2007
- Specialized lighting used in the entertainment industry was exempted from these bans
- Delaying until July 1, 2005 labeling requirements, disposal bans and the requirement for manufacturers to either set up their own or a cooperative collection system for their products.
- Novelties incorporating one or more mercury-added button cell batteries as their only mercury-added component(s) are no longer subject to the ban on the sale, use, or distribution of mercury-added novelties. Under the 2001 law, the exemption had applied only to novelties with *replaceable* mercury-added button cell batteries.

For additional information on this program contact Beverly Migliore bmiglior1@dem.state.ri.us or 222-4700 extension 7503.