



DEM Business Roundtable Newsletter

May 29, 2003

2003 Alfred Hawkes Award Recipient

Contributed by: M. Musselman



DEM recently announced Eugenia Marks as the recipient of the 2003 Alfred Hawkes Award. Eugenia is the Director of Policy and Publications for the Audubon Society of Rhode Island (ASRI). Eugenia is a tireless advocate for Rhode Island's natural environment, working closely with DEM and the state's environmental community for more than two decades. She does not limit her environmental interests to protecting birds in Rhode Island, but is dedicated to improving our environment everywhere in all aspects. In her position at ASRI, Eugenia is actively involved in many environmental issues. She can be seen in the legislature debating the merits of a bill before the General Assembly. She has written editorials and position papers for the ASRI newsletter and the Providence Journal, and has reviewed and commented on many draft regulations developed by the Department.

Some of the other organizations and multi-year initiatives with which Eugenia has been deeply involved are the development of the watershed approach, South County Water Use Stakeholders Group, RI Drought Management Plan, Greenhouse Gas Action Plan, Solid Waste Management Plan and the Wetlands and ISDS Task Force recommendations.

Her commitment to preserving and restoring Rhode Island's environment and educating the public has led her to a close relationship with all environmental groups in RI. Her memberships include the Environment Council of Rhode Island (of which she is a past president) and the

Statewide Planning Technical Committee that advises the State Planning Council.

An award ceremony honoring Eugenia was held on Tuesday, May 20, from 12 noon to 2:00 p.m. at the Radisson Airport Hotel located at 2081 Post Road, in Warwick. Approximately 40 people attended the award ceremony.

2002 OC&I Accomplishment Summary

The Office of Compliance and Inspection (OC&I) released its 2002 Accomplishment Summary. This report details the major program milestones concerning complaint response, compliance monitoring, and enforcement response. Here are some highlights from the three areas:

Complaint Response:

Air – The program received 969 complaints and conducted 576 inspections to investigate the complaints

Emergency Response – The program responded to 731 incidents and conducted 773 inspections.

Hazardous Waste – OC&I investigated 29 of 30 complaints.

Septic Systems- OC&I received 376 complaints of failed systems and conducted 423 inspections.

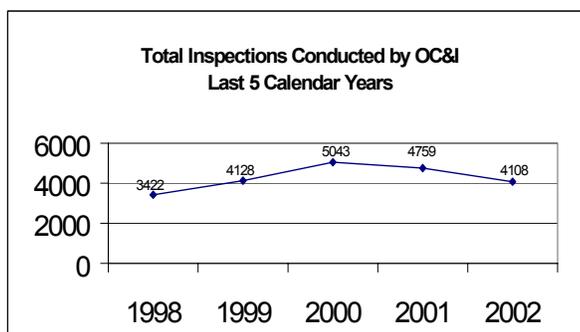
Water Pollution- OC&I conducted 423 inspections and investigated 285 out of 292 complaints received.

Freshwater Wetlands- OC&I conducted 943 inspections and completed 477 investigations. The Office received 526 complaints.

Solid Waste – The program completed 591 inspections and conducted 175 inspections. The Office received 159 complaints in 2002.

Compliance Monitoring

Compliance monitoring is OC&I's effort to oversee closely regulated businesses and operations. Its compliance monitoring efforts are concentrated on air, above ground storage tanks, hazardous waste generators, UST facility operations and dam safety programs. OC&I targets a certain portion of the regulated facilities and then conducts inspections to determine compliance with DEM regulations. The report details the number of inspections conducted by the program. The chart below tracks OC&I's effort in this area over the last five years.



Enforcement Response

A large component of OC&I's activities include an enforcement response to bring facilities into compliance. OC&I responds to noncompliance through either informal or formal enforcement efforts. Informal enforcement includes actions that do not result in an enforceable order or assessment of a penalty. These types of actions are taken to persuade facilities to voluntarily resolve noncompliance as quickly as possible. In 2002, OC&I issued 496 informal and 89 formal actions. Over one million dollars in penalties was collected as the result of OC&I activities.

Overall formal enforcement actions in 2002 were slightly higher than in 2001, with a slight downturn in the number of consent agreements executed.

For additional information, contact Dean Albro at dalbro@dem.state.ri.us or 222-1360 extension 7431. The report can be viewed on the DEM website located at

<http://www.state.ri.us/dem/index.htm> (then click on Publications/Regulations and scroll down to [2002 Accomplishment Summary](#)).

Greenhouse Gas Update

Contributed by: J. Keller



As can be seen from the updates below, the greenhouse gas stakeholders and working groups made considerable progress towards implementing the six high priority strategies they chose last fall that would reduce RI's greenhouse gas emissions by 15.6% by 2020. This represents 47% of the target to reduce RI greenhouse gasses by 33% by 2020. Governor Carcieri also advanced the cause of renewable energy in his April 11 letter to the USEPA requesting expedited permitting for the proposed Cape Wind proposal to build a wind energy project on Buzzards Bay capable of producing an average of 170MW of energy. Efforts by the Rhode Island State Energy Office and Narragansett Electric are also paving the way for renewable energy projects.

Rhode Island Greenhouse Gas Action Plan Implementation Phase 2 Renewable Portfolio Standard (RPS)

The Rhode Island House Energy and Environment Committee will hear testimony in late May or early June on a Renewable Portfolio Standard developed by stakeholders with assistance from (BobGrace), Raab Associates and Tellus Institute. This proposal would require Rhode Island utilities to provide 20% of electricity from renewable sources by 2020. Two parts of the stakeholder version are being revised: a provision that would include (Block Island Power) among the utilities that would be required to meet the RPS target, and a provision that would allow relatively low cost wind power from New York to qualify as part of the RPS. The 20/20 Renewable Portfolio Standard would

meet 8% of RI's 33% greenhouse gas reduction target.

Transit Oriented Development (TOD)

The Stakeholders received a proposal from the Transit Oriented Development that had five recommendations. The working groups were convened by the Statewide Planning Program and were assisted by Brown University. The recommendations included:

- Endorse RIPTA efforts to maintain/improve transit services and infrastructure and focus service in densely settled areas and work with communities to promote transit supportive features in development.
- Develop guidance for RI communities to plan and implement transit oriented development practices, starting in South County.
- Promote and raise funding for a study of optimal locations for Transit Oriented Development in the planning for extension of commuter rail service in South County.
- Endorse the Growth Planning Council proposal for a State-Local Growth Centers Program.
- Recommend to the State Planning Council that it provide for allocation of federal transportation funding incentives to municipalities for Transit Oriented Development and growth centers.

The proposal will be discussed in further detail at the May 31 stakeholder meeting. Transit Oriented Development is projected to account for 5% of Rhode Island greenhouse gas reduction target.

Buildings and Facilities Tax Credits, Commercial/Industrial Fossil Heated Retrofit and Industrial Targeting

Tax credits:

The House Energy and Environment Committee will hear testimony on tax credit legislation in late May, early June. Energy efficiency tax credits could account for 1% of Rhode Island's greenhouse gas reduction target.

Commercial/Industrial Fossil Heated Retrofit:

The Rhode Island State Energy Office is leading a working group that has developed a proposal for Energy Service Companies to work with operators of large facilities to identify a range of energy efficiency improvements including retrofits to fossil fuel heating systems. The State Energy Office is surveying Energy Service Companies and facility owners regarding their interest and need in the service. The Fossil Fuel Energy Efficiency project could provide up to 6% of RI's 33% target.

Industrial Targeting:

Computerized targeting and monitoring of heating, lighting and processes in industry could account for up to 7% of Rhode Island's greenhouse gas 2020 reduction target. This effort is still under development by the State Energy Office led working group.

RIGHG Action Plan Implementation Phase 3

Stakeholders will meet on May 31 in Room 300 at DEM, 235 Promenade Street to consider the next steps in implementing the Action Plan. In addition to the TOD proposal, they will consider:

- Follow-up action on the other Phase 2 projects
- Investigating undertaking new projects such as a Public Agency Energy Initiative and
- Investigating a project to reduce regulatory barriers to clean combined heating projects to complement a Massachusetts initiative to reduce economic barriers.

Other Rhode Island Actions

Efficiency Standards

There are currently two identical bills introduced in the House the deal with minimum efficiency standards for some common appliances. Specifically, H-5325 and H-5370 requires the Public Utilities Commission to adopt rules and regulations, by January 1, 2004 that establishes energy efficiency requirements for ten specific products. The appliances include: (1) ceiling fans and ceiling fan light kits; (2) commercial clothes washers; (3) commercial refrigerators and freezers; (4) illuminated exit signs; (5) large packaged air-conditioning equipment; (6) low voltage dry-type distribution transformers; (7) set-top boxes; (8) torchiere lighting fixtures; (9) traffic signal modules; (10) unit heaters; and (11) other such products as designated by the commission. The bill also requires the Public Utilities Commission to set minimum efficiency requirements for any new products sold or offered for sale in Rhode Island after January 1, 2005.

Rhode Island State Energy Office Projects

Recent Rhode Island State Energy Office actions to promote and support efforts to provide renewable energy in Rhode Island include:

- The recent assumption of management of the RI Renewable Energy Fund that distributes about funding from the System Benefit Charge that Rhode Islanders pay on their electricity bills.
- Organizing an advisory committee and developing guidelines for managing the fund.
- Hiring Think Energy to convene four meetings for facility operators and universities to assist in the marketing of renewable energy options that are currently

available. Two options discussed included aggregating sources to provide lower energy prices due to bulk purchasing; developing renewable energy facilities that could be marketed to groups of businesses that are interested in using renewable energy.

- Meeting vendors to aggregate their buying power to purchase renewable energy.
- Issued an RFP for green power.
- Provided training for RI electricians in technical and economic aspects of installing renewable electricity projects (electricians must oversee such installations).

For more information about these initiatives contact Janice McClanahan at (401) 222-3370.

Narragansett Electric Green Power

Narragansett Electric is developing a voluntary program for their customers to purchase green power that is expected to begin operation in fall 2003.

Air Toxics Regulation Revision Update

Contributed by: T. Getz



The DEM stakeholder group that was reviewing the revisions to the Rhode Island Air Toxics regulations completed its work on April 24. This group has been meeting every three weeks since February. The group agreed to the following changes to the regulations:

- Regulatory requirements had been triggered by the amount of toxic material *used* at a facility. DEM has agreed to allow actual emissions of the material to determine regulatory requirements when that information is available.

- The fuel burning exemption was clarified to exempt sources that burn natural gas.
- DEM will accept the information on MSDS sheets for calculating minimum quantities.

The regulation will be revised based on the discussions of the working group. A regulatory hearing will be noticed later this spring. For additional information concerning the working group, contact Barbara Morin at bmorin@dem.state.ri.us or 222-2808 extension 7012.

Rhode Island Drought Report

Contributed by: Connie McGreavy & Kathy Crawley, RI Water Resources Board



The Rhode Island Water Resources Board convened the Drought Steering Committee for the first time in January 2002, when three of the four drought triggers (Palmer Drought Index, stream flow, and precipitation) were met for two consecutive months at the end of 2001. In December 2001, groundwater levels, which is the fourth trigger also declined in response to continued precipitation deficits. The Drought Steering Committee issued a statewide Drought Advisory in January 2002 that was elevated to a statewide Drought Watch in February 2002. The Watch was extended through mid-June due to the lingering hydrological effects from the second driest fall/winter on record in 107 years. During this period, the Water Resources Board distributed water restriction information and drought condition reports to the Governor, legislature, municipal officials, water suppliers, and the public.

The state received almost no precipitation during the summer months, prompting the Drought Steering Committee to declare a

Drought Warning in three of the seven regions covering the southern half of the state and Aquidneck Island. The graphic in the next page is a depiction of the status of the state at the time.

A record number of water suppliers instituted water restrictions or daytime water use bans. The RI Drought Management Plan requires that the Drought Steering Committee recommend water use reductions for regions in Drought Warning. Rhode Islanders, including those on private well supply, were urged to continue conserving water and to avoid non-essential water-use activities. A list of nonessential water uses was adopted by the Committee, which included washing down hard surfaces, buildings, structures or vehicles,



supplying water to decorative water bodies, watering lawns, plants, and trees, obtaining water from hydrants, and flushing sewers. Water uses that rely on treated wastewater or recycled water were exempted. Water uses for agriculture or uses that ensured public health and safety received priority consideration.

In September, a disaster declaration for agriculture was declared. The Farm Services Agency and RIDEM/Division of Agriculture processed several dozen permits for irrigation ponds and/or wells, all in groundwater-dependent areas. The Drought Steering Committee continued the Watch/Warning status through October 2002.

By November, continued improvement, coupled with seasonal reductions in demand, placed the state back to a Drought Watch. Since then, precipitation has been above normal, prompting complete recovery of both surface and groundwater sources. The state was placed in the Normal category in January. Current Conditions reports are available on the Internet at <http://www.wrb.state.ri.us>.

Natural Resource Damage Assessment Task Force

Contributed by: G. McAvoy



DEM assembled this Task Force in early 2002, to pursue natural resource damage claims that resulted from federal activities on sites that have been listed on the federal Superfund list. Task Force members include DEM staff from the Office of Waste Management, Rich Gottlieb, Gary Jablonksi and Paul Kulpa. Mary Kay and Gerry McAvoy represent the Office of Legal Services. The Attorney General's representative is Trisha Jedele. Over the course of the last 18 months, the Task Force has put together a Natural Resources Damage claim on Allen Harbor Landfill. DEM is expected to file legal action in May on Calf

Pasture Point. Both sites are part of the Davisville facility in North Kingstown.

On the Allen Harbor Landfill site, the Director sent out Trusteeship Letters on April 17. These letters are official notices to the state's co-trustees for natural resources, inviting them to participate with the State in this claim against the United States Navy. In this case, the co-trustees are the US Department of the Interior, for land, water, vegetation, and animals, and the US Department of Commerce, parent agency for National Oceanic Atmospheric Administration (NOAA), for marine habitat and resources.

The claim will investigate and catalogue irreparable damage to the soils, groundwater, marine shellfish and habitat, that was a result of the disposal of hazardous substances by the US Navy during the operation of the Davisville facility over the course of 26 years. The claim will document the loss of the use of groundwater, and the pollution of offshore marine sediments that served as habitat for an abundance of clams, mussels, and quahogs. These damages are the result of the disposal at the site of municipal wastes, paint thinners, degreasers, PCB oil, asbestos, ash and other toxic solvents.

Contact Gerry McAvoy, DEM Executive Counsel at gmcavoy@dem.state.ri.us or 222-6607 extension 2301 for additional information concerning this Task Force.

DEM 2002 Annual Report

Contributed By: G. Mastrati



The Department of Environmental Management has issued its annual report for 2002. The 28-page, illustrated report offers numerous examples of the progress made last year toward meeting DEM's goals and chronicles challenges that lie ahead.

2002 was a year in which DEM responded to a serious drought, to depleted fishing stocks, and to domestic security issues, among other difficult issues. It was also a year in which the Department, with multiple partners, made progress on several habitat restoration projects throughout the state and completed a number of watershed action plans to restore and protect the environment on a watershed-wide basis. Major accomplishments included:

Fisheries

- Implemented a restructured commercial fishing license that prevents overfishing and restores depleted stocks, while respecting the interests of current and prospective commercial fishermen.
- Reconstruction of Pier 9 in Newport, home to 50 commercial fishing boats, and
- Completion of the Department's Fort Wetherill Marine Resource Management Center in Jamestown.

Land Conservation

- More than 6,500 acres - a record setting total - were preserved by state, local and non-profit partners.
- DEM provided Geographic Information System greenspace maps to South County communities for planning purposes.
- Developed five action plans to protect watersheds throughout the state, and
- Worked with the Governor's Growth Planning Council to encourage the establishment of growth centers - locally designated areas prioritized for growth.

Pollution Reduction Measures

- Developed an attainment plan for meeting the national air quality standard for ozone.
- Established an action plan featuring more than 50 ways Rhode Islanders can reduce their contribution to greenhouse gases.
- Helped communities to meet stormwater management programs requirements; and
- Issued a permit for full construction of Phase I of the Narragansett Bay Commission's combined sewer overflow system that will improve water quality around the greater Providence area and Upper Bay.

While focusing on Department's actions in 2002, the report chronicles many of the challenges that lie ahead. The drought and near-drought conditions experienced by the state over the last few years call for a closer look at the withdrawal and use of the state's water resources. The threat of terrorism has created new areas where emergency responders must be ready, making planning and preparedness more complex and critical than ever. The solid waste industry is changing. Although enforcement action led to the closure of both NEED and Global Recycling, other facilities must be regulated effectively to ensure that no new problems are created. And, restoring marine fish stocks remains a significant challenge, since most of Rhode Island's fisheries are in varying degrees of trouble due to historic overfishing and other factors.

DEM's Annual Report 2002 is a collaborative effort on the part of staff from several divisions of the Department, under the editorship of Gail Mastrati, communications director. The report can be found on [DEM's website, www.state.ri.us/dem](http://www.state.ri.us/dem), by clicking on [Publications](#). For a hard copy of the report, call DEM's Office of Strategic Planning and Policy at 222-3434.

Internet-Based Training Courses

Contributed By: Ron Gagnon



The Interstate Technology & Regulatory Council (ITRC) offers a wide variety of free Internet-based training courses on innovative environmental technologies and approaches specific to the areas of site characterization and remediation. The training courses were developed by multi-disciplinary technical teams and reflect the consensus of the various ITRC members from states, federal agencies, private sector, and citizen stakeholders.

Registration information is available at www.itrcweb.org click on "Internet-based Training". All course dates are subject to change, so check the website for the most up-to-date information. You can also download the ITRC technical and regulatory guidance documents that are the basis for the training materials by clicking on "Guidance Documents".

ITRC Internet training courses being offered in the May / June timeframe include:

- Natural Attenuation of Chlorinated Solvents in Groundwater: Principles and Practices-May 29, 2003 (Thursday 11:00 AM - 1:00 PM EST)
- Small Arms Firing Range Characterization and Remediation Technologies - June 10, 2003 (Tuesday- 2:00 PM-4:15 PM EST)
- Phytotechnologies - June 12, 2003 (Thursday 11:00 am - 1:15 PM EST)
- In Situ Chemical Oxidation - June 17, 2003 (Tuesday - 2:00 PM - 4:15 PM EST)
- Surfactant/Co-solvent Flushing of DNAPL Source Zones June 19, 2003 (Thursday 11:00 AM - 1:15 PM EST)

The comprehensive 2003 ITRC Internet-based training schedule is also available. Course registration opens 4-6 weeks before each course offering. These ITRC courses are delivered in partnership with USEPA on their website at www.clu-in.org/studio/. Contact Mary Yelken at myelken@earthlink.net or 402-325-9615 for additional information.

Water Allocation Strategy Development

Contributed by: Kathy Crawley & Connie McGreavy RI Water Resources Board



The RI Water Resource Board has convened an interdisciplinary workgroup to devise a water allocation strategy for the state. The group is exploring various facets of water supply, including water and sewer rate structures; priority uses during drought, water use reporting, regional growth planning and technical assistance for users. The goal is to create a future plan for Rhode Island's water resources that will maximize efficient water use for citizens and businesses, while conserving what is an increasingly valuable and shrinking commodity. Fresh water is a key factor in the daily life of all Rhode Islanders, and how it is used impacts everything from human health to the productivity of Narragansett Bay.

The Water Resources Board invites interested individuals and organizations to become involved in the decision-making process. The perspective of municipal officials, local planners, solicitors, major water users, private well owners and citizens groups is needed to create a comprehensive and balanced plan for the state's water supply. Meetings are held monthly and take place in various locations around the state. For more information, contact the RI Water Resources Board at (401) 222-2217 or view the agency website at www.wrb.state.ri.us