



# DEM Business Roundtable Newsletter

May 6, 2004

## Gary Ezovski Honored by Rhode Island Earth Day Committee

Submitted by: T. Bisson

The Rhode Island Earth Day Committee honored Business Roundtable Chair, Gary Ezovski as Earth Day Environmentalist of the Year on April 17 at the Rhode Island Earth Day Festival at Roger Williams Park Zoo.



The award is given out annually to individuals, groups or corporations for their significant contributions to earth day and the environment. Gary, President of Lincoln Environmental, Inc, is a long-time supporter and sponsor of Earth Day in Rhode Island.

According to Jef Fornaro, Chair of the Earth Day Committee, "Lincoln Environmental, under Gary's leadership, has gone above and beyond the call of duty in making Rhode Island a better place to live and work. Gary has worked tirelessly to represent the business community on environmental issues and he promotes practical environmental solutions that make good sense for the environment and good sense for business and/or the economy. It's because of his practical, no nonsense, forward thinking qualities that the Earth Day Committee selected Gary for this Environmentalist of the Year Award."

Congratulations, Gary!

## Mercury News

### 14-Member Mercury Planning and Oversight Commission Named

Submitted by: E. Stone

In 2003, the General Assembly amended the RI Mercury Reduction and Education Act to create a fourteen-member planning and oversight commission. The purposes of the Commission are to study the system for reducing and eliminating mercury hazards in Rhode Island, including, but not limited to: identifying current and projected sources of mercury hazards; evaluating programs and efforts to reduce the sources in a cost-effective and efficient manner that does not place Rhode Island at a disadvantage with other states; building on effective efforts in other states and achieving a consistency with other states in terms of approach and timing of implementation; and determining the availability and effectiveness to consumers and the public of programs, facilities for disposal and recycling mercury-added products, and education about mercury-added products and mercury hazards.

The commission is currently being organized and Governor Donald Carcieri recently appointed Marcella Thompson, Senior Safety Engineer from ON Semiconductor in East Greenwich, to serve as the commission chairperson. Other commission members appointed by the Governor earlier this year include: Andrew Knapp (Hasbro, Inc.), Peter Bleasby (Osram Sylvania Inc.), Jason Linnell (Electronic Industries Alliance), Howard J. Rosenberg (Novomont Ventures), Dr. Nicholas Tsiongas of Pawtucket, Kate Canada (RI Public Interest Research Group), Sheila Dormody (ECRI/Clean Water Action of RI),

and Eugenia Marks (Audubon Society of RI). In addition, the following agencies/organizations will be represented on the commission as ex-officio voting members: RI DEM, RI DOH, RI EDC, RI Resource Recovery, and the RI League of Cities and Towns.

The first meeting of the commission will be held on Friday, May 14, 2004 at 10:00 at DEM (Conference Room A, 4<sup>th</sup> Floor). Although DEM will be working with the chair to support the logistics of the commission, it needs to be noted that this is not a DEM commission or stakeholder group, so there is a certain amount of independence between the commission and the Department.

A web page is being developed to support the commission. The URL for that page is: <http://www.state.ri.us/dem/hgcomm/index.htm>. Commission membership, meeting times/agendas/minutes, and background information will be posted at this site.

### **Mercury Regulations Finalized**

Submitted by: B. Migliore

The Department has finalized rules and regulations governing the state's comprehensive mercury reduction law passed by the legislature in 2001. The regulations, which will become effective on May 11, provide guidelines for achieving significant reductions in environmental mercury. They address a wide range of topics such as: manufacturer's notification regarding mercury content; gradual phase-out of mercury-added products; mercury labeling requirements; manufacturer's product collection plans; disclosure for mercury-added formulated products sold to healthcare facilities; and product disposal requirements.

They also address specific product bans and sale restrictions that, under law, begin on January 1, 2003. On that date, no mercury-added novelty could be offered for final sale

or use or distributed for promotional purposes in Rhode Island. Such mercury-added novelties include certain toys, games, decorations and apparel, including footwear. (The ban does not apply to novelties incorporating removable mercury-added button cell batteries if they are the only mercury-added components.)

The regulations were developed in conjunction with a mercury advisory working group comprised of industry representatives, local environmental and health organizations, state officials and legislative policy analysts. The proposed regulations can be found on DEM's website, [www.state.ri.us/dem](http://www.state.ri.us/dem) by clicking on "[Mercury](#)" under "[Topics](#)."

### **Clearinghouse Provides Access to Mercury Information**

Submitted by: B. Migliore



In 2001 the Northeast Waste Management Officials' Association (NEWMOA) launched the Interstate Mercury Education and Reduction

Clearinghouse (IMERC).

The IMERC database is the repository for the product notification information required by the state Mercury laws. This online resource provides consumers, recyclers, policymakers and others access to data that manufacturers and distributors have submitted in compliance with the IMERC member states' mercury product notification requirements. The database contains data on the mercury content of hundreds of products, including measuring devices, thermostats, batteries, lamps, and numerous products that contain mercury-added switches, relays, lamps, and button cell batteries. The public can access this information at: <http://www.newmoa.org/Newmoa/htdocs/prevention/mercury/imerc.cfm>

## Air Toxics Regulations Finalized

Submitted by: B. Morin

Amendments to the Air Toxics requirements in Air Pollution Control Regulation No. 9, "Air Pollution Control Permits" and No. 22, "Air Toxics" were adopted on April 27, 2004. Below is a summary of the major changes, which were developed in conjunction with a stakeholder group. The amendments:

- ◆ Expand the list of toxic air contaminants in the regulations.
- ◆ Update Acceptable Ambient Levels (AALs), which are ambient air impact standards, to reflect current toxicological information.
- ◆ Update Minimum Quantity applicability thresholds.
- ◆ Change the Minimum Quantity thresholds from the amount of the substance used or generated to the amount actually emitted from a facility.
- ◆ Remove requirements for perchloroethylene dry cleaning facilities from Regulation No. 22. Requirements for these sources were promulgated in November 2003 as a new regulation, Regulation No. 23.
- ◆ Remove the exemption for small organic solvent degreasing sources.
- ◆ Exempt sodium hydroxide emissions from caustic scrubbers.
- ◆ Add exemptions for asbestos abatement projects subject to Department of Health (HEALTH) rules and for lead paint hazard reduction and removal projects subject to HEALTH rules and/or RI DEM Regulation No. 24 to eliminate possible overlapping regulation of those sources.
- ◆ Change the exemption for fuel burning sources.
- ◆ Clarify the requirements for permits to construct, install or modify air toxics sources and for air toxics operating permits (ATOPs).

- ◆ Clarify the amendments requirements for air toxics source registrations and included a delineation of the information that must be included in annual registrations.
- ◆ Move two sections of Regulation No. 9 that deal with ATOPs to Regulation No. 22 to consolidate all ATOP requirements in one regulation. Regulation No. 9 now contains only requirements for permits to construct, install or modify.
- ◆ Add language that requires RI DEM to notify a facility of the reasons that an ATOP is denied and that identifies the reasons that an ATOP can be suspended, revoked or amended and specifies procedures for appealing such actions.

The amended regulations can be found RI DEM's web site at <http://www.state.ri.us/dem/pubs/regs/index.htm#Air> and more detailed explanations of the changes can be found at <http://www.state.ri.us/dem/programs/benviron/air/pdf/atoxsum.pdf>. Questions about the amended regulations can be directed to Barbara Morin at 222-4700, extension 7012.

## Environmental Results Program on Tap for Auto Salvage Operations

Submitted by: R. Enander



DEM and project partners will receive \$200,000 to develop an Environmental Results Program (ERP) for auto salvage operations from the U.S. Environmental Protection Agency, National Center for Environmental Innovation, Washington, D.C.

Human health and environmental risks associated with auto salvage operations are diverse and variable – arising from a broad array of physical, chemical, and biological hazards. Such hazards include the potential

for fire or explosion at improperly managed sites; the transmission of West Nile Virus and/or other zoonotic diseases where yard areas serve as vector-breeding habitats; soil, surface water, and groundwater contamination resulting from the improper management of solid and hazardous waste, including mercury switches; and air releases of asbestos fibers, fugitive dust, and/or volatile organic compounds.

DEM will build upon existing partnerships and incorporate knowledge from recent successes with ERP's for auto refinishing, underground storage tanks, exterior lead paint removal, and dry cleaning. The ERP will be developed in conjunction with stakeholders and will consist of three parts: 1) facility certification, 2) statistically-based performance measurement, and 3) on-site compliance, pollution prevention and technical assistance.

Project partners include the University of Rhode Island Center for Pollution Prevention and Environmental Health, Narragansett Bay Commission (NBC) Pollution Prevention Program, William Davies Career and Technical High School, and the Rhode Island Department of Health. The project will be underway in the fall of 2004. Updates will be provided as the project progresses.

## Land Preservation and Recreation News

### Four-Thousand Acres Protected in 2003



DEM and its partners in land preservation protected close to 4,000 acres in fiscal year 2003. DEM and the Agricultural Land Preservation Commission, DEM protected 1,844 acres in 25 separate projects, including over 200 acres of active farmland through the purchase of development rights.

Municipal and private land trusts participated in the preservation of 1,304 acres. The Nature Conservancy protected another 576 acres, including significant acquisitions in the Queen's River watershed in South County and on Block Island.

The U.S. Fish and Wildlife Service added 214 acres to its refuges in Ninigret and Chafee Refuge in Pettaquamscutt and on Block Island.

The Rhode Island Department of Transportation is transferring 32 acres surrounding the Mud Cove inlet of Ninigret Pond for passive recreation. Plans for the property include walking trails, scenic overlooks, and canoe/kayak launching areas. The land will be managed by the Town of Charlestown.

For more information on land preservation see the Land conservation in Rhode Island – Fiscal Year 2003 report on the DEM website [www.state.ri.us/dem](http://www.state.ri.us/dem).

### Recreational Development Grants Awarded



DEM announced the award of \$4.6 million in open space recreational development matching grants for 41 projects in 26 communities across the state. The grants will fund a variety of recreational and community development projects from Westerly to Woonsocket, including new soccer fields, basketball courts, playgrounds and beach pavilions.

Of the total grants awarded, more than \$3.6 million is state funding and represents the last round of grants from the 2000 Open Space Bond issue. The additional \$1 million is being provided by federal funds from the National Park Service Land and Water Conservation Fund. The state grants will be matched by local bond funds and federal grants to generate almost \$14 million in recreational

project improvements throughout Rhode Island.

These grants will enhance the state's efforts to preserve open space by establishing a diverse group of recreational facilities. The Rhode Island Recreation Resources Review Committee selected the 41 projects from a total of 80 applications. DEM is administering the grants.

For a list of grants, go to <http://www.state.ri.us/dem/programs/bpoladm/plandev/grants.htm>

- ◆ Clean bathrooms with mold killing agents (1 cup bleach to 1 gallon water). (Never add ammonia to bleach. Mixing ammonia and bleach can produce dangerous chlorine vapors.
- ◆ Don't carpet basements & bathrooms or areas where you are likely to get water leakage.
- ◆ Remove and dispose of any soaked carpets, upholstery, or porous ceiling tiles.
- ◆ Use paints that have mold inhibitors.

For more information about mold visit: [www.osha.gov](http://www.osha.gov) or [www.CDC.org](http://www.CDC.org).

## Mold

Adapted from information submitted by J. Celenza

Last fall a few schools in Rhode Island experienced mold problems and were closed for varying periods of up to a week to protect children and staff from mold spores that were aerosolized during cleaning.

People who are allergic to molds can have hay fever-like symptoms, such as sneezing, runny nose, red eyes, and skin rash. Some molds can trigger classic asthma attacks in those who are allergic to molds. People with weakened immune systems may be more vulnerable to opportunistic infections.

Controlling the sources mold uses to live and multiply can reduce overall indoor mold exposure. Here are some tips:

- ◆ Fix and eliminate leaks, and repair damaged building materials.
- ◆ Remove mold-contaminated items from buildings promptly.
- ◆ Keep humidity below 50%: use air conditioners/dehumidifiers.
- ◆ Have adequate ventilation where mold sources likely: bathrooms, kitchens, basements.

## Wetlands Task Force

Submitted by S. Ely



The Wetlands Task Force reconvened at the end of January after a two-year break. The group was originally formed in 2000 to review the Wetlands Program for ways to improve and streamline the permitting process. At the January meeting DEM presented program streamlining improvements and wetland outreach initiatives that have been successfully completed over the past two years. Two ongoing projects include wetland rule revisions and the creation of a wetlands best management practices (BMP) manual.

The Task Force was asked to review a draft Phase II revision of the Wetland Rules. The primary revisions are a simplified fee schedule and structural improvements for clarity and understanding of application requirements and procedures.

The Task Force was also asked to provide comment on a nearly complete draft of the Wetland BMP manual. The objective of the manual is to provide a better understanding of acceptable and wetland-friendly designs and practices that can be used when completing an application for DEM.

The Task Force met twice in March to hear member's comments about the draft rules and continue to review the Wetland BMP Manual. To view the PowerPoint presentation from the January meeting please visit the DEM website at <http://www.state.ri.us/dem/programs/ombuds/pstream/wetlands/index.htm>.

### Materials Exchange Programs Aim to Reduce Waste

Submitted by T. Bisson



The Rhode Island Resource Recovery Corporation announced that two materials exchange programs are up and running. The programs are part of an effort to reduce the amount of reusable goods being thrown away.

The first is a business-oriented program called the [Southern New England Materials Exchange \(SNEME\)](#), which links businesses that have a surplus of waste materials with businesses (and other organizations) that may have a use for them. By providing businesses with the opportunity to easily give away what they would normally throw away, SNEME not only helps businesses to save disposal costs, but also helps them to reduce their environmental impact.

The second is a residential exchange program called Free Market Rhode Island, which connects free, reusable items with people who want them. The Free Market website ([www.freemarketri.org](http://www.freemarketri.org)) allows people to see what items people are looking for or what items people have to give away, and how they can reach each other to make the exchange.

For more information, contact [John Trevor](#) at 942-1430, extension 112 or visit the RIRRC website at [www.rirrc.org](http://www.rirrc.org).

### 2003 OC&I Accomplishment Summary

The Office of Compliance and Inspection (OC&I) released its 2003 Accomplishments Summary. This report details the major program milestones for OC&I and the Bureau of Environmental Protection (BEP) concerning complaint response, compliance monitoring and enforcement response. The report notes that in 2003 the Department:

- ◆ Conducted 6,991 inspections and issued 1,223 informal enforcement actions with 852 of those actions resolved. Thirty-one (31) cases were referred to OC&I for formal enforcement action.
- ◆ Closed 559 enforcement cases
- ◆ OC&I issued 101 formal enforcement actions (Notice of Violations) and settled 71 formal enforcement actions by executing Consent Agreements
- ◆ Entered into 9 Supplemental Environmental Project (SEP) agreements, totaling \$1,152,234.
- ◆ Assessed almost \$2.3 million in administrative penalties and collected nearly \$1 million in past penalties.

The report also provides details on a number of major cases the Department took action against and/or responded to, such as the Station Nightclub Fire, the explosion at Technic, Inc. and air and hazardous waste violations at Metals Recycling.

OC&I has issued the Accomplishment Summary since 1999. Annual summaries as well as monthly enforcement actions may be found on OC&I web page: <http://www.state.ri.us/dem/programs/benviron/compinsp/index.htm>.

## Hearing Schedules on The Web

DEM's Office of Administrative Adjudication (AAD) now posts on-line schedules for adjudication matters that will come before the Office. Schedules are posted on Friday afternoons for the next week. Schedules are posted as a public service and are subject to frequent change. AAD suggests calling to confirm dates/times of hearings, motion arguments and conferences. The schedules may be found at <http://www.state.ri.us/dem/programs/director/adminadj/pdfs/schedule.pdf>. Hearing decisions are also posted on the AAD website: <http://www.state.ri.us/dem/programs/director/adminadj/index.htm>

- **Haines Memorial State Park** on Metropolitan Park Drive in East Providence, Wednesdays from 2 PM to 6 PM beginning on Wednesday, May 5.
- **Goddard Memorial State Park** in Warwick, Fridays from 9 AM to 1 PM. beginning on Friday, May 7.
- **Colt State Park** in Bristol, Fridays from 2 PM. to 6 PM beginning on Friday, May 7.

## Upcoming Events/Meetings



- ◆ The annual Alfred Hawkes Award Luncheon, honoring Peggy Sharpe, sponsored by DEM will be held on May 18 from Noon to 2 PM at the Airport Radisson Hotel in Warwick. Luncheon tickets may be purchased for \$20 per person. Call Rayna Santoro at 222-4700 ext. 2409 for information.
- ◆ RI Agriculture Day will be held on May 25 from Noon to 5 PM at the State House, with a speaking program in the Governor's State Room at 3 PM.
- ◆ Four DEM-operated farmers' markets located in state parks will open on a weekly basis in early May. Farmers' market openings and hours of operation are:
  - **Fishermens' Memorial State Park** in Narragansett, Sundays from 9 AM to 1 PM beginning on Sunday, May 2