

Business Roundtable Meeting Meeting Notes

Thursday, February 2, 2006

Attendees: Glenn Almqvist, Christina Altimari, Al Bettencourt, John Bonnert, Joseph Callanan, David Carlin, Robert Cerio, Sheila Dormody, Robert Gallagher, James Dunlap, Gary Ezovski, Kevin Flynn, Jeff Fornaro, Robert Gallagher, Richard Hittinger, Bill Howard, Gary Kaufman, Michael Keyworth, John Lovegren, Joanne Macerini, Ken McDermott, Jerry Meyer, LeBaron Preston, Jeff Seeman, John Tashiro, John Trevor, Mike Walker, Charles Willard, Arthur Yatsko

DEM Staff: Bob Ballou, Terri Bisson, Russ Chateaufneuf, Ron Gagnon, Tom Getz, Alicia Good, Terry Gray, Janet Keller, Terry Maguire, Bev Migliore, Mickie Musselman (meeting notes), Elizabeth Stone, Michael Sullivan

- 1. Greetings and Introduction** - Chair Gary Ezovski welcomed participants and Director Mike Sullivan led introductions.
- 2. September 15, 2005 Meeting Minutes** - The meeting minutes were accepted as written.

3. Presentations/Discussions:

Environmental Standards

- Gary Ezovski said apparent inconsistencies in the standards for some compounds for different DEM programs present a bigger challenge to developers in RI than when they are working in other states. Inconsistencies in the arsenic standard have been reconciled. However, naphthalene and trihalomethanes have different standards for the GA groundwater objective and the Site Remediation cleanup standard.
- Russ Chateaufneuf said the Site Remediation and Groundwater rules are consistent, but there are instances where EPA uses a different name for a compound (e.g., chlorobenzene in DEM regs is called monochlorobenzene by EPA). There may be also times when the standards are not in sync because EPA has promulgated a new standard and the DEM regs have not caught up or one set of regs is updated before the other.
- Terry Gray said the standards are not meant to be in conflict and not meant to give a range – the newer, and most often stricter, standard is the one that should be used. The regulations for Site Remediation are not as new as the Groundwater standards. He said that where microbial and radiation standards are not the same it is because there are no standards for these in site cleanup and that there is more flexibility in the tank program because those sites are more likely to have the same use after cleanup, but if the use changes they may have to meet a higher standard.
- Mike Sullivan said he wants to keep the development community aware of current standards and whenever anyone runs into a conflict that he should bring it to the attention of DEM. He said there are different standards for different uses, for example, a brownfield that is intended for a new industrial use would not be held to the same standard as a site that was intended for residential use.
- Gary said he is not concerned about different standards for different uses, but different standards for the same compound on one site in two DEM programs.

Environmental Issues in Current Legislative Session

Ken Payne, Chief of the Policy Office for the RI Senate, presented the environmental priorities that have a strong link to business.

- Energy – there will be several bills related to energy this session, because demand is causing pressure on the cost and 64% of New England's energy is generated with fossil fuels. He expects bills that will address: more aggressively pursuing renewable energy, formalizing the new energy officer (Andy Dyskewicz), conservation, the standard offer, and distributed generation.

- Water supply – the Kent County Water controversy highlights the need to develop long-term water supply management.
- Solid waste – issues such as recycling

DISCUSSION:

- Q: Is the New England percentage of electricity generated by fossil fuels (64%) close to the national level and aren't RI's power plants fueled 100% by fossil fuels?
- A: Almost all of RI's power is generated by fossil fuels. RI is a net exporter of electricity, but there are now increased peaks and summer peaks, when we need to import some electricity.
- Q: How is the water supply measured? There is a perception that RI has plenty of water, but there are problems in some parts of the state during the summer.
- A: There are differing expectations on managing water demand and withdrawals from water supplies. There are differences in opinion on what to use for a baseline, the average supply volume or the average availability in dry periods. The actions taken in Kent County will have implications for the rest of the state. There are 400 water suppliers in the state and we need to have a consistent plan for them all. The Water Resources Board has done a lot of analysis but has not yet formulated a policy.
- Q: What is the climate in the legislature regarding acceptance of environmental legislation now?
- A: The climate is good but the budget is very constrained. The environmental agenda that Ken outlined is not as dependent on the budget as are some other issues.
- Q: Connecticut has clean energy funds that are used for renewables, is there any funding in RI?
- A: There is a small amount from the demand management fee on all electric bills that goes to renewables. The renewable energy bill requires a slow increase in the percentage of electricity generated from renewable energy sources in the next 14 years.

ECRI Environmental Priorities

Sheila Dormody presented the Environment Council of RI's priorities for legislation this year.

- Water – ECRI wants to see a statewide water supply strategy and a cesspool phase-out bill adopted this year.
- Energy – ECRI has added furnaces to the list of appliances with efficiency standards and wants to see more conservation mandates.
- ECRI would like the state to adopt a tighter renewable energy target - the City of Pawtucket has a target of 20% of its energy from renewable sources by 2010, while the state's target is 16% by 2020.
- Solid waste – ECRI wants to keep toxic waste from TVs and computers out of the landfill. With the shift to high definition TV they expect a huge increase of old TVs abandoned – up to 4 million in the next few years and want to have manufacturers take more responsibility for their products at the end of their useful lives.
- Q: How would anyone collect on TVs made in Japan?
- A: That has not been entirely worked out. California imposed a fee at the point of sale to go to a fund for disposal. Maine created consolidation centers where the manufacturers were tallied and bills sent to manufacturers based on the numbers. A fee to dispose of old TVs would result in many of them being disposed of inappropriately. The point is that these are clearly a source of contaminants and we must come up with some way to keep them out of landfills.
- Transportation – ECRI supports anti-idling legislation to cut diesel air pollution and has set a goal for the reduction of diesel fuel. The Federal energy bill provides \$1 billion to municipalities to retrofit diesel-powered vehicles to burn low sulfur diesel fuel.

DEM Legislative Initiatives and Other DEM Environmental Priorities - Director Sullivan

Cesspool Phase Out Legislation

- This bill is very focused on the cesspools that are in high risk areas such as within 200 feet of water supplies and public beaches.

Dam Safety

- This bill would allow DEM to take action if it deemed a dam posed an imminent risk and require dam owners to develop emergency management plans for all dams.

Preserving capacity at the Central Landfill

- Some types of waste should be recycled and not disposed of in a landfill.

Brownfields

- DEM wants to streamline redevelopment and increase public participation for brownfields sites

Tree Stumps

- Tree stumps are currently the only part of trees that are exempt from the definition of solid waste and this bill would add them to DEM's regulations to be managed as are other forms of tree waste.

Environmental Tickets

- This bill would allow DEM to issue tickets for violations of environmental laws and regs such as fishing, hunting and boating infractions, and have mail-in payments of fines handled by the traffic tribunal.

Construction and Demolition Debris

- This bill would amend the Refuse Disposal Act to clarify DEM's oversight and control of C&D debris and solid waste management facilities.

The Director also discussed a number of high priority non-legislative initiatives and issues:

RIWINS

- The Governor has announced a new initiative, RIWINS, to promote wind energy in Rhode Island and has named Andy Dyskewicz as the program director.

Regional Greenhouse Gas Initiative (RGGI)

- Rhode Island (along with Massachusetts) did not sign the RGGI agreement, but is still involved. The Director would like to see better modeling assumptions in costs and savings before he would consider advising the Governor to enter into the agreement.

Minimum Wage Increase

- The proposed minimum wage increase will have an effect on the DEM budget because the Department depends on many seasonal employees to operate and maintain parks, beaches and summer programs.

Water

- The Kent County Water Authority hearings are provoking good discussions on statewide water policy. Director Sullivan said he believes that Rhode Island has enough water, but needs better integration of water supplies and policies focused on conservation, preservation and water quality.

DISCUSSION

- Comment/Q: Regarding the cesspool phase-out, some communities may push the entire cost of abandoning a cesspool and connecting to a sewer line onto homeowners, including extending a sewer line if there is not one present on the homeowners street.
- A: Director Sullivan said he will look into it and that there is funding through the State Revolving Fund to help homeowners.
- Q: Regarding integrating water supplies, has any thought been given to the security of water supplies?
- A: The Water Resources Board is looking at district connections to deal with local problems and emergencies in small systems. The interconnections could help with problems, but leave the larger system vulnerable. Vulnerability assessments have been required since 9/11/2001.

- Q: What does the Department plan to do about the accelerated permits, which were not well received.?
- A: The first problem with them was the name. They should be called accelerated consideration, because they would lead to earlier permit decisions, both approvals and denials. These are still under consideration, the Department is still analyzing comments. The second issue was the guaranteed turnaround time of 14 days. This could lead to a poor application being rejected and re-submitted (on day 12 or 13 and the applicant expecting an answer within the 14 days of the original submittal.
- Q: Dams – since many dams were built for abandoned mills and are no longer functional, could the state take over some of them that have the potential to generate electricity, or remove some?
- A: Many of these dams are not in good repair and would be very costly to repair/rebuild. The Stillwater dam cost \$2.7 million to rebuild. In some places there are industrial contaminants behind the dams in sediments that would be stirred up if a dam were removed. There do not appear to be many dams in RI with the potential to generate much hydropower. The Rhode Island Renewable Energy Fund is looking into putting one in Scituate. Andy Dyskewicz is considering tidal generation of power.

Budget

The Governor will submit his budget next Tuesday, February 7, so there is nothing to say about it now. The Department's hearing is not yet scheduled. It could be in March or later. Information on the budget and hearing date will be emailed to members.

4. Reports/Updates

Regulatory – see newsletter.

Other – Announcements

- The Blackstone River State Park Visitors Center is open and Director Sullivan invited members to hold the next meeting there. It is on the northbound side of Route I-295 and directions will be sent with the meeting announcement.
- Jeff Fornaro said the Earth Day festival will be held at the Warwick Mall on April 22 and other activities during Conservation Week will be at the Roger Williams Park Zoo and possibly at the Audubon Education Center in Bristol. Check the Earth Day website at earthdayri.org for details.
- The Department is working on a series of 3-5 minute features on the environment in RI for public television. The Director asked for case studies to show where DEM has assisted businesses on environmental issues.

6. Next Meeting Date June 8, 2006

7. Possible topics:

- Please call or email Terri Bisson with topics for the next meeting.