

# Business Roundtable Meeting Meeting Notes

Thursday, March 3, 2005

**Attendees:** Paul Caccia, Alfred Bettencourt, Kelly Camp, Patrick Dowling, Karen Fitzgerald, Jeff Fornaro, Michael Geisser, David Hazabrouk, Gary Kauffman, Jerry Meyer, H. LeBaron Preston, William Reynolds, Arthur Yatsko

**DEM Staff:** Bob Ballou, Terri Bisson, Russ Chateuaneuf, Ronald Gagnon, Tom Getz, Alicia Good, Terry Gray, Janet Keller, Terry Maguire, Steve Majkut, Bev Migliore, Mickie Musselman, Fred Vincent

1. **Greetings and Introduction** - Chair Gary Ezovski welcomed participants and led introductions.
2. **December 2005 Meeting Minutes** - The meeting minutes were accepted as written.

### 3. Presentations/Discussions:

DEM Budget/Fiscal Fitness/Restructuring

- **Budget** – Acting Director Fred Vincent reported that the Governor’s Budget restores the 10% cut that DEM was required to make in its budget submittal. This means that there will be no layoffs. The Governor’s Office did not accept the elimination of the tax credit for pollution prevention equipment, but did accept the \$1 surcharge on commercial recycling. Supporting Narragansett Bay as a priority, six new positions are funded in the Office of Water for monitoring, and one new engineering position is funded for watersheds and grants to administer the water quality grant funds authorized in the bond referendum in November. The hearings on DEM’s budget will be: House, March 15, at 11:30 am in Room 35; Senate, March 31 at 2:30 in Room 212.
- **Personnel** – Terry Maguire said the FTE cap is within a half FTE of last year’s cap. The FTE’s that will be lost to balance the new positions are currently vacant positions. In addition to the 7 new positions within DEM, the new Chair and Administrative Assistant for the Narragansett Bay Coordination Team will be funded from DEM’s Budget and housed at DEM, but will report to the Governor. The budget also includes \$2.1 million for the Rose Hill Landfill remediation and \$985 to restore the pier at Prudence Island toward reviving the Bay Island Park System.
- **Fiscal Fitness** – DEM’s target relative to other agencies is small – about \$1 million. The savings are expected to be about \$500,000-\$600,000 largely through personnel consolidation.
- **Restructuring** - Human Services, Information Management and Legal Services will be moved to DOA. The Policy and Administration Bureau has been eliminated, with some functions moved to the Director’s Office and some consolidated with other bureaus. Criminal Investigation will be incorporated into Enforcement, Coastal Resources will be moved to Fish and Wildlife and Planning and Development will be moved to the Bureau of Natural Resources. Parks and Recreation will assume management functions for the Prudence Island reserve and the Bay Islands. In the Environmental Protection Bureau, Environmental Response will be elevated to become a division, Permit Coordination will be moved from Policy and Administration and split from customer assistance. Sustainable Watersheds will be moved to the Office of Water along with the research functions of the Prudence Island Estuarine Research Reserve.

**Question:** CRMC was to be incorporated into DEM, what has happened?

**Fred Vincent** – The Fiscal Fitness Team recommended that CRMC, the Water Resources Board and the Drinking Water Program in DOH be incorporated into DEM, but that will not happen.

**Question:** How are the decision made on the agency budgets, is there a scoring method?

**Fred Vincent:** The decisions are made on each budget proposal individually. There are 23 payroll systems and data systems and consolidating these systems will save money. DEM has some concerns about consolidating our legal unit with all other state legal units for two reasons. The first is that

environmental law is specialized and the other is that DEM does at times take action against other state agencies.

Question: Will having Planning and Development in one bureau mean that the other bureau will suffer?

Fred Vincent: The capital budget decisions will be made in the Director's Office, so this should not be a disadvantage to the other bureau.

Question: Regarding Agriculture, what does this division do?

Fred Vincent: Some of the functions of the Division of Agriculture are assistance to farms, regulating pesticides and animal health, controlling insect-borne diseases and overseeing animal control officers.

- **Mandatory Commercial Recycling**

Terry Gray said the commercial recycling section of the Solid Waste Management Plan is focused on preserving capacity in the state landfill. State law requires that commercial recycling be enforced but this has not been done due to lack of resources. The Task Force recommends:

- Streamline regulation of approximately 2,000 entities (businesses, state agencies, multi-unit residences)
- Use an alternative model, focus on haulers, not generators – there is a problem with getting haulers to deliver containers and pick up - frequently haulers have mixed waste at pickup

Solution:

- License haulers – have them demonstrate that a certain percentage of waste is diverted to a recycling facility and have a way to verify

The update of this State Guide Plan element is nearly done, the final draft will be read at the end of April. There are two recommendations to reinvigorate commercial recycling: establish a task force to further develop a plan; establish a fee of \$1 per ton on commercial waste delivered to the Central Landfill and use it to fund a recycling program.

Question: Are apartment buildings above a certain number of units exempt?

Terry Gray: They are exempt from municipal recycling, but are subject to commercial recycling requirements. The Solid Waste Task Force has discussed pricing models to encourage municipalities to increase recycling rates or decrease the volume of waste delivered to the landfill. This would encourage towns to develop leaf and yard waste programs. Some towns pick up yard waste once or twice a year and the rest of the time this waste goes to the landfill.

Question: Are waste haulers licensed now?

Terry Gray: Hazardous waste haulers and septage haulers are licensed, but not solid waste haulers.

Question: Are any commercial haulers or businesses doing it right?

Terry Gray: There are some businesses that have good recycling programs. Toray and Hasbro are two good examples of businesses and Waste Express is an example of a good hauler.

Comment: Earth Day is coming up and the Earth Day Committee gives awards for environmental achievements. We could give an award to a business for commercial recycling to recognize their achievement and to encourage more recycling.

Question: Some years ago home trash compacters were popular. At one time there was a proposal to require them in all new homes to reduce the volume of trash. Do you know if this proposal is still being discussed?

Terry Gray: Do not know of the proposal, but there are a lot of steps from a house to the landfill. The truck that picks up at the curb compacts, the transfer station compacts and at the landfill there are giant compacters.

Question: Should leaf and yard waste go to the landfill? Could it be banned?

Terry Gray: In Providence leaves and yard waste are picked up in the spring and fall. In between, there is no way to dispose of it. Some communities run composting programs. There is a proposal to ban some items: white goods (appliances), some electronics, and yard waste.

Question: Is the requirement for annual reports on recycling enforced?

Terry Gray: There are no resources to monitor and enforce recycling or recycling reports.

Question: The hazardous waste task force found it more efficient to focus on haulers than on generators, but are loads inspected?

Terry Gray: Some loads are inspected. Some contaminated loads have been found, but DEM does not have statutory authority to regulate solid waste haulers as with hazardous waste haulers.

- **2004 Customer Service Survey Results**

Fred Vincent said the survey of permit applicants drew about 2300 responses and the average rating for all programs in the preliminary report is good. Terri Bisson said Tom Getz will finalize the survey report by the end of March and will follow up on what needs improvement. The preliminary report shows improvement in programs over the past ten years, as well as commitment to improving service.

Question: Is there any electronic filing now?

Fred Vincent: Boat registration can be done online, and we are looking at pesticide applicator licensing, fishing and hunting biannual reports for waste. Some applications do not lend themselves to online submission. Many applications come in with large plan files that cannot be submitted on an electronic form.

Question: Are DEM, DBR and the Secretary of State connected to share files and cut down on submittals?

Fred Vincent: We are not yet able to share files with these agencies.

#### **4. Reports/Updates**

- Personnel Updates

Question: Is there anything to report on the appointment of a Director for DEM?

Fred Vincent: This is probably my last meeting and there has been no announcement yet about a new Director. There will be new people in several positions in DEM. The Chiefs of Fish and Wildlife and for Forestry and the Assistant Director for Natural Resources have retired. In addition, three key positions in Water are open: the Nonpoint Source coordinator, the TMDL supervisor and the site manager for Prudence Island have left the Department.

Michael Geisser thanked Fred Vincent for his service and Gary Ezovsky said he regrets that the Governor did not name Vincent as permanent director. He said continual change in this position is not good for the agency and that the stability for a few years with Director Reitsma was unusual. He also thanked Vincent for his years of service and said it is appreciated by the private sector.

- 2005 Legislative Initiative – Bob Ballou said the Governor’s initiatives are the phaseout of MTBE to take effect in 2007 and the cesspool phaseout. The MTBE effort joins programs in place in New York and Connecticut, and Maine and New Hampshire have proposals in progress to eliminate MTBE. The Senate hearing on the cesspool phaseout bill will be held the week of March 7. The bills that were submitted are the bills from last year and do not reflect the changes that were negotiated with the Realtors. There will be a SubA distributed before the hearing. This bill would address half the estimated 60,000 cesspools in the state, those that have the potential to affect the Bay.

Ballou said DEM has re-introduced bills for a dam management district, mandatory incident reporting on boats, and eliminates the exception for commercial vessels from the no-discharge regulation..

Question: Has there been any evaluation to determine that as we eliminate MTBE we are not creating a similar problem? Concern about biodiesel dissolving deposits in older tanks that are not as regulated as gasoline tanks.

Terry Gray: The replacement for MTBE is to be ethanol and there have been studies to determine how tank systems handle it. Studies have included air and groundwater quality.

Question: What about co-solubility outside the tank?

Terry Gray: This issue has also been looked at by the Interstates.

Question: Have there been gasoline releases to the environment?

Terry Gray: There are about 10-12 a month. Almost all these leaks are small. The concern is not so much with tank leaks, which we can handle, as it is with the mysterious one that show up and cannot be traced to a source.

Question: Are cesspools not legal now?

Fred Vincent: One cannot put in a new one, but DEM has not required replacement of existing ones. The private sector is driving the replacement of cesspools. Buyers ask for replacement upon sale of a house.

- **Status of Site Remediation/Marginal Risk Site Policy** – Terry Gray said the Site Remediation section is focusing on site investigations, not on remediation policy. They are considering updating the model settlement agreement.

Question: The draft arsenic policy update on the DEM website is two years old, is there anything new? Regarding land restrictions for arsenic, statistical testing can get restrictions rescinded, how many of these have been done?

Terry Gray: Does not know, will get that information.

- **Regulatory Updates** – Gerry McAvoy said regarding Reg-Flex, any state agency issuing regulations after January 2005 must submit them to the Governor's Office and EDC for a review of how they will affect small businesses. These entities have two weeks to let the issuing agency know if they must conduct a small business analysis. The analysis must include: the number of businesses affected; the projected cost to businesses; what they must do to comply; and performance standards. EDC is to post all new regulations and is to provide guidance on complying for regulatory agencies.

Question: It seems as if one would need an accountant to conduct the analysis.

Gerry McAvoy: We need the guidance. There are exemptions to the requirement for analyses, such as any federal mandate, delegated programs and permits. Examples of businesses that are not covered are many financial institutions, insurance companies and nonprofits.

Fred Vincent: Agencies must reach out to and work with the regulated community.

Terri Bission: The regulatory agenda is available online and there are a few copies here.

Fred Vincent: It covers regulations that were issued in the last six months and those planned for the next six months. It contains regulations for the whole department, so you will see fisheries, permitting and hazardous waste rules, among others. This format has been adopted by EDC for its regulatory agenda and EDC is also using our stakeholder process as a model.

Fred Vincent: The expedited permit process is in development. The plan is to look at uncomplicated applications that meet certain criteria. We expect that some wetlands and ISDS permits, some air and some tank permits may be suitable. We are still drafting the rule and negotiating with the union.

Question: What is the status of the multi-sector general permit?

Terry Gray: Will have Eric Beck contact the questioner with the status.

## **5. Other - Announcements**

Jeff Fornaro said the Earth Day Festival will be held on April 23 at Roger Williams Park Zoo. The week before that day will be Conservation Week with many exhibits in the zoo. The Earth Day Committee is soliciting exhibitors. This year the awards will not be given at the festival, rather a separate event is planned.

Gary Ezovski said the Greenhouse Gas Stakeholder meeting was held the morning of March 3<sup>rd</sup>. He represents the Business Roundtable on the Stakeholder group and asked for input. He said he is in agreement with many of the strategies that were adopted by the group, but there is one that he cannot accept. The Vehicle Efficiency Incentive Act (VEIA) would create a feebate program and he believes that education and other actions would be as effective.

Fred Vincent said the Greenhouse Gas Stakeholder Process has been cited by EPA for a national award to be presented in May in Washington.

RIRRC representative, Paul Caccia said on March 15 RIRRC will pick up marina shrink wrap at 16 marinas to be recycled by the Institutional Recycling Network. RIMTA will take over the project in 2006 and expand it to about 32 marinas. RIRRC will develop educational materials and work with marinas on shrink wrap and maximum recycling.

## **6. Future Meeting Dates/Topics**

Next 2005 Meeting Dates:

May 5

September 8

December 1