

Meeting Notes
Business Roundtable
May 6, 2004

Meeting Attendees: John Boehnert, Kelly Camp, Alan Cantara, John Chambers, Harold Gadon, Rich Hittinger, Andrew McManus, Amy Willoughby, Arthur Yatsko, Juan Mariscal, Joseph McLoughlin. **DEM Staff:** Fred Vincent, Bev Migliore, Bob Ballou, Ernie Panciera, Angelo Liberti, Dean Albro, Janet Keller, Terri Bisson, Ron Gagnon, Tom Getz, Steve Majkut, Terry Gray, Alicia Good

I. Greetings and Introductions – John Boehnert, filling in for Roundtable Chair Gary Ezovski, welcomed participants.

II. Old Business

- a. **Review February Meeting Notes** – It was noted that the attendance sheet from the 2/12/04 meeting was missing. If anyone was present and would like their name included in the minutes, please contact Terri Bisson. The meeting minutes were approved without change.
- b. **Budget and Bond Update** – Fred Vincent reported that the DEM budget hearings in both house and senate went well. Fred thanked members of the Business Roundtable for their support at the hearings. The revenue estimating committee is updating revenue projections. Once the estimates are finalized, the budget will move forward. Early indications are that revenues are higher than expected, but even with better than projected revenue, DEM will still face serious challenges. The Department was fortunate that Governor Carcieri restored nearly one million dollars to the final FY05 budget proposal and avoided the layoff of about 15 FTE's. All of these were in the regulatory and administration bureaus. With regard to the upcoming bond referenda, 25% of general obligation bonds, or \$60 million, are land and water bonds. Many agencies testified in support of and for expansion. Finance panel members appeared receptive. Will be decided in next few weeks.
- c. **DEM Director's Search** – nothing new to report, but it is on the Governor's agenda.
- d. **Fiscal Fitness Update** – Fred Vincent mentioned that the report was released in January. DEM and Natural Resources were not major part, but we are targeted for \$2.5 million of \$180 million savings projection per year. Fred has met a few times with the Fiscal Fitness implementation team on next steps. Some parts of the fiscal fitness recommendations have moved forward, such as registration/license fee increases, which are part of DEM's FY 2005 budget. Most of the increases are in the agriculture area for fees that have not been changed in years. Fred stated that he and staff are working on an internal reorganization plan. Consolidation of programs with Coastal Resources Management Council, Department of Health,

and Water Resources Board are also in the works, with more detail coming in the next few months.

John Boehnert asked if there were any concerns about the CRMC/DEM consolidation and asked what the specific benefits would be of consolidation. Roundtable members suggested they would support only if real benefits, such as shorter timelines, fewer redundancies and cost savings. Members noted that DEM and CRMC have worked cooperatively over last few years already, which has been very helpful to business community. Members noted that there are very different areas of expertise in both agencies that could be jeopardized by a merger. A member suggested looking at models of how municipalities handle multiple permits. Many have one application with no need to recreate documents and they are automatically transferred to next department for consideration. (It was noted that DEM and CRMC use a single application, coordinated process for most if not all permitting. It was also noted that the Secretary of State is working on a one-stop application, but many technological barriers exist.

- e. **Legislative Update** – Bob Ballou provided a status on DEM sponsored/supported bills. Bob distributed a [letter from Fred Vincent](#) asking roundtable members for support on the cesspool and wetlands bills. Members discussed the wetlands bill and expressed concern about DEM using higher fines to leverage for settlements. DEM said they have been very clear that the fines will be levied against blatant violators and/or repeat violators. Dean Albro noted that many violators receive notices of intent to give them time to comply before enforcement actions are taken. DEM will address situations where innocent 3rd party gets stuck with potential enforcement penalties in amendments to the wetlands regulations, which are now being worked on by the Wetlands Task Force.
- f. **RISEP Marginal Risk Policy (MRP)** – Terry Gray stated that DEM continues to review the RISEP proposal. He and staff are working on an alternative model that would include parts of the RISEP proposal, as well as other changes. Also considering general permit for those who have limited amounts of contaminants. RISEP proposed general permit for capping, but DEM is not comfortable with this yet. DEM will work on the policy over next couple of months and then reestablish formal stakeholder process sometime in September.
- g. **RIPDES Update** – Angelo Liberti provided an update on the RIPDES program: the MS4 deadline has passed and to date, 30 of 31 communities and 7 non-municipal agencies have submitted; DEM continues to work on a multi-sector permit program and plans to issue for public comment in June or July; DEM will also go out to public notice on #2 fuel oil regs in June/July.

A member asked about whether any proposals have surfaced to transfer RIPDES to EPA. Fred reported that no action has been taken this session.

Angelo also reported that Water Quality regulations will be amended to adopt new EPA standards. They have been sent to EPA for review and we expect to go out for public notice sometime in June.

- h. **Supplemental Environmental Policy** – Terry Gray reported that DEM is responding to a few comments received at the March 9 workshop and expects the policy to be issued by the end of month with a limited number of projects in SEP bank.
- i. **Environmental Results Program (ERP) for UST's** – Ron Gagnon reported that the Department and stakeholders have been developing an ERP for UST's using the Massachusetts model. The program includes a workbook and checklist that UST owners can fill out to determine if they are in compliance, then submit to DEM certifying they are in compliance along with documentation that problems have been addressed. DEM is now testing the checklist and will train owners/operators sometime in September with final roll out expected late fall. A similar program for the autobody industry is working well, although a few issues remain.

III. New Business

- a. **Governor's Narragansett Bay and Watershed Planning Commission** – Fred Vincent provided a handout of the Executive Summary of the Commission report for members to review. The full report is available at <http://www.ci.uri.edu/GovComm/>. Fred noted that the Governor is reviewing the report and will come back to the commission for further pursuit of recommendations soon.

- b. **DEM Updates**

Regulatory

- Groundwater Quality Regulations – Ernie Panciera provided a [handout](#) and overview of the proposed amendments. RIDEM is planning to go to public notice within the next two months. Draft rules and a detailed summary will be posted on the DEM website at the time of public notice.
- Mercury Regulations – Terry Gray reported that the updated regulations will be effective 5/11. The proposed regulations can be found on DEM's website, www.state.ri.us/dem by clicking on "[Mercury](#)" under "[Topics](#)." Gray also reported that a new fourteen-member planning and oversight commission begins (details in newsletter). Their first meeting will be held on Friday, May 14, 2004 at 10:00 at DEM (Conference Room A, 4th Floor). Gray also noted that while DEM is helping with logistics of meetings, the Commission is not a DEM commission or a stakeholder group.

- Air Toxic Regulations – Steve Majkut reported that the revised air toxics regulations became effective on 4/27/04. A summary of the revisions appears in the Business Roundtable Newsletter. John Boehnert noted that the process to update the regs was a good model.

Steve also reported that EPA has designated RI as non-attainment for ozone based on monitoring. By 2007, the state needs to have plan and be in attainment by 2010. Attainment will be difficult, if not impossible to reach without federal support on emissions from up wind states. We will be looking at how we deal with this issue. Steve noted that the American Lung Association issues a state of the state's air report annually and that Rhode Island fails each year. He stated that the state notifies constituents of ozone alert days and that sensitive individuals remain indoors to avoid exposure. He noted, however, that this year 3 counties did not fail on fine particulates, showing some improvement.

Fred also reported that Governor Carcieri is announcing that the state will begin a regulatory process to adopt California Low-Emission Vehicle (CA-LEV) standards. Fred invited anyone who is interested in joining process to contact Steve

- Waste Oil Regulations – Dean Albro distributed a [handout](#) and noted that DEM gave an overview to the Business Roundtable of DEM's plans to develop the waste oil regulations approximately one year ago. The purpose of the new regulations is to encourage more recycling of waste oil and to be less constrictive in managing this waste stream in comparison to conventional hazardous waste. A lot of time spent over the last year has been to obtain and address internal comment by DEM divisions and coordinating with EPA. We expect the last changes to be approved by EPA soon. Immediately following approval, DEM will do a workshop and hopes to promulgate the revisions by end of year.

Greenhouse Gas Process

Janet Keller provided a [handout](#) and update on the Greenhouse Gas project. She noted that many states are now formulating and implementing GHG mitigation strategies. MA announced their statewide plan earlier in the day. CT and MA are considering vehicle efficiency legislation similar to RI's proposal in the General Assembly. And, CT and MD have recently adopted appliance standards legislation.

- c. **Business Roundtable Meeting Feedback** – Terri Bisson distributed a [meeting feedback form](#) and invited participants to suggest improvements to notification process, agendas and newsletters of Business Roundtable meetings.

- d. **Future Meeting Topics** – John Boenhert invited participants who would like to see specific topics on the next agenda to contact Terri Bisson.
- e. **Other**
- John congratulated Business Roundtable Chair Gary Ezovski for receiving an Earth Day Award (article in newsletter)
 - John also pointed out the [Interstate Technology and Regulator Council Training Schedule](#) for May /June
- f. **Next Meeting:** Thursday, ~~September 2~~, September 9, 2004, 3:30 to 5 PM. Also, Thursday, December 2, 2004, 3:30-5PM. **Please Note:** Date change due to Labor Day Holiday.