

Business Roundtable Meeting Meeting Notes

Thursday, June 16, 2005

Attendees: Robert Cerio, Gary Ezovski, Mr. Fitch, Jeff Fornaro, Matthew Hackman, Bill Hayden, David Hazabrouk, Richard Hittinger, Bill Howard, Ken Kubic, Laura Lawrence, Tim O'Connor, Stephen Olson, Igor Runge, Louis Soares, Arthur Yatsko

DEM Staff: Bob Ballou, Terri Bisson, Ronald Gagnon, 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 introduced Acting Director Dr. Michael Sullivan and led introductions.
2. **December 2005 Meeting Minutes** - The meeting minutes were accepted as written.

3. Presentations/Discussions:

DEM Budget/Fiscal Fitness/Restructuring

Dr. Sullivan said that he does not plan to do any staff or programmatic changes until after he is confirmed. He said he sees the Business Roundtable as an important opportunity for him to hear the concerns of the business community, give factual assistance and to clarify DEM's role. He welcomes suggestions on efficiencies and any constructive criticism. He asked members to bring a friend to the next meeting.

Question: Igor Runge asked if DEM and CRMC would be combined. Sullivan said the Governor gave him a mandate to make environmental organizations as efficient and responsive as they can be. Moving technical people into DEM from CRMC could be done, but combining the organizations will not happen because the CRMC public tribunal process does not fit into DEM.

Question: Jeff Fornaro asked if the Governor had any budgetary plans for DEM. Sullivan said the budget is done for this year and the first one he can influence is the FY 07 Capital Budget that he is beginning to work on with Terry Maguire. They are talking about a zero-base budget. He has asked DEM managers for "5 and 5," two lists containing 5 things that they do well but have problems with because of efficiency and 5 things that they should do but cannot get to. He is looking for common themes such as opportunities for training. He said the Governor said to be efficient and to be prepared to defend budget requests and he would be open to growth. One example is the Bay Island Park System, where a new public ferry system would be required to make the islands and coastal state parks accessible to all. Sullivan sees the involvement of the private sector necessary to make this work.

- Fornaro: If the cesspool phase-out bill passes, will this require increased permitting staff, and will the Governor support that?
- Ans: We are still working on getting it passed. There are about 60,000 failed cesspools and engineers, installers and designers can respond more quickly than DEM can. We would need 3-6 new FTEs to handle the additional workload, if most had to be replaced at once. We are working on how to prioritize environmental risk, by assigning priority, for example, to those within 200 feet of coastal waters, those near wells, tributaries and highly permeable soils, with the highest priority those near tidally-flushed waters. We also want to find a way to get less competent designers identified.
- Kubic: The marine industry would be interested in working with DEM. Would it be possible to use outside engineers with DEM certification to oversee installation?

- Ans: DEM has 42 different kinds of permits and the IT staff is working on a permit tracking system that will track all permits from application to disposition. There will be two significant databases – one for internal use to allocate resources, target inspections and adjust the fine schedule and the other public, to identify which firms have the best record of performance.
- Question: Regarding targeting resources and privatization, the ISDS program is working well, is DEM looking at privatization in other programs?
- Ans: We expect to attain efficiencies with technology, knowledge and partnerships, we do not see complete privatization as appropriate.

4. Legislative Update:

- Cesspool phase-out Liz Stone said the cesspool legislation is not as far along as DEM had thought it would be, but that DEM is working in amendments, focusing on prioritizing cesspool replacements based on proximity to tidal waters, surface water drinking supplies, and beaches, etc.
- MTBE: The MTBE bill passed the House and the Senate, but the bills have to be reconciled. MTBE bans have been passed in Vermont, Connecticut, Maine, New York, and New Hampshire. Massachusetts and Rhode Island are the only states in the northeast that do not have plans to phase out MTBE.
- Mercury: The Mercury Commission finished its work in early April. The bill banning mercury in automobile switches and other products passed. The larger mercury law banning mercury in other products passed in 2001 required DEM to develop a plan to phase out mercury-containing products and for DEM to develop regulations goes into effect in July 2005. The regulations are not done and businesses do not understand the requirements. Passage of an amendment to the bill is needed to delay putting the law into effect.
- Regulatory agenda: This document contains DEM regulations that were promulgated in the past six months and those that DEM expects to promulgate in the next six months. The June update will be posted on the DEM website in the week of June 20. Several items on the last agenda will be rolled over, including mercury, dam safety, the open space/water bond regs, and several air quality issues.

Commercial Recycling: Sullivan said solid waste management lacks cohesive thought and we need engagement on commercial recycling. Richmond has a pay-as-you-throw system that works very well and could be a model for businesses.

Terry Gray: DEM has almost no data on commercial recycling. The business sector is not recycling much. The market is growing, for example China is a huge market looking for recyclable materials. There is a bill before Congress now to give tax incentives to companies that produce machinery for the recycling industry.

Terry Gray: DEM is talking to haulers about collecting from schools, but the DPW and School Department do not interact much.

Comment: Arthur Yatsko said small offices have a problem if they separate recyclables within the office, but there is only one bin outside.

Fornaro: This has been a topic at the Environmental Roundtable. The Earth Day Committee addressed it by awarding an Environmentalist of the Year award to Toray to bring attention to a company that does an outstanding job of recycling. The company worked with a hauler who designed containers and trucks for separation at the source. The Environment Council of Rhode Island has a program to give incentives to schools and for cooperation between haulers and businesses.

Comment: Kubic said the marine industry has begun to recycle boat shrink wrap this spring and it is working well.

Sullivan: We need to have the business community develop other solutions.

Comment: The task forces on hazardous waste and site remediation worked well in raising the quality of submittals and RISEP held one training session with DEM and is willing to do more.

Sullivan: We are talking to Mike Tikoian at CRMC about a possible joint application to streamline the process of getting DEM and CRMC approvals.

Question: We want to hear what the problems are with applications, why they are bounced.

Sullivan: We are working to establish common benchmarks and to standardize applications by making them similar in format.

Question: Will these be web-based? The ISDS applications are online now, but others are not.

Sullivan: Ultimately we will get more applications online, but it will be a 3 to 5 year process. In July 2006 we will have a common tracking process in operation, and eventually you will be able to enter an address and get all DEM info on that property.

Comment: The Apartment Association representing 40,000 units has a problem with recycling and would like to be involved with reaching a solution.

Drinking Water

Question: Why is DEM keeping us in Kent County from having water? Other states have wetland banks and allow wetland and upland trading.

Sullivan: DEM is open to any viable solution, but constructed wetlands are problematic. The Kent County Water Authority walked away from talks. Economics and environmental issues kept the Big River Reservoir from being built 10 years ago and the plan was to develop wells. Well production should be adequate if managed well. Kent County Water Authority promised water that was not in the pipeline and they did not have the capacity to deliver. Statewide Planning will ask for a water resources component in the Community Comprehensive Plans to determine build-out capacities based on water availability.

Dr. Sullivan had to leave for another meeting – said in closing, that he wants to get the business community and the environmental community together in a joint roundtable.

Budget Update – Terry Maguire said the General Assembly held its hearing on the DEM budget in March and did not focus anything in DEM to cut. There may be an announcement any day on the results.

Narragansett Bay – Bob Ballou said the Department is involved in many areas. DEM is very close to issuing permits with nutrient limits for 5 WWTFs. We are about halfway through reviews of stormwater plans for 33 communities. DEM is conducting directed patrols for boater discharges and next year there will be mandatory inspection of boats above a certain size that have toilet facilities. NBC requested a 14 month extension on the CSO Phase I, to be completed now in October 2008. There is a particular focus on beach monitoring at Easton's Beach and Scarborough. The Statewide Monitoring Strategy is under review. The Bay Assessment and Response Team (BART) Bayline is operational for the season at 222-8888. Seaweed disposal has been a problem recently and communities may now dispose of it at the landfill as yard waste at no charge. An agreement with

Massachusetts on Narragansett Bay on shared responsibilities is nearing finalization. The Bay Island Park system will initiate new public access. DEM is one of 7 members of the Bays, Rivers and Watersheds Coordination Team, and Richard Ribb has been named chairman. The draft Narragansett Bay systems Level Plan is due in December 2005, with the final version due in June of 2006. The Greenwich Bay Special Area Management Plan is completed. The MetroBay SAMP is in development.

Fornaro: Regarding seaweed disposal, is it not compostable?

Ans: DEM is talking to the agricultural community, but there is a huge volume of seaweed raked from beaches it is frequently contaminated with cigarette butts, plastic debris, etc. and not suitable for fields.

Fornaro: There are about 400 shoreline access point in RI, about one per mile, but cities and towns do not provide parking. Can they be made to provide parking?

Ans: CRMC is the lead on shoreline access. They have asked fishermen where their highest priority sites are. There is a bill in the Assembly to require municipalities to provide parking, but it does not specify how many spaces for each site.

Question: Does the red tide pose a problem in RI?

Ans: DEM is watching the situation and it is not in RI waters now. As the weather (and water) warms the danger of red tide spreading lessens. We are looking a shellfish landed in RI from federal waters.

5. Other - Announcements

Ezovski said the Director wants input from the business community and greater representation at meetings.

6. Future Meeting Dates/Topics

Future meeting topics may include:

- Cesspool replacement – problems in putting the phase-out into practice
- Water softeners and septic systems

Next 2005 Meeting Dates:

September 8 (Note the meeting was later changed to September 15)
December 1