



DEM Business Roundtable Newsletter

October 30, 2002

Mercury Update

Contributed by Beverly Migliore

DEM has been very busy throughout the summer and into the early fall developing regulations for the implementation of the 2001 Mercury Education and Reduction Act. This new law aims to curb the amount of mercury added to consumer products sold in Rhode Island. The RI Mercury Advisory Working Group has met monthly to review and discuss draft regulations. DEM's goal is to complete the regulations by the first of the year.

To date, the draft regulations include requirements for:

- Product notification,
- Restrictions on mercury-added novelties,
- Mercury-added product phase outs and exemptions,
- A disposal ban on mercury added products, requirements for the collection of mercury-added products, and
- Limitations on the sale and use of elemental mercury.

Another group, composed of members of state and local agencies, non-governmental agencies, dental representatives and others has been working on non-regulatory outreach approaches to promote mercury reduction. This group has been arranging mercury product and elemental mercury collections from RI schools and homeowners, and is drafting a document on mercury reduction in homes. Additional funds are being sought to expand the education and

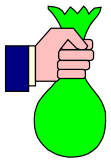
outreach programs. This group has also been very actively working with the RI Dental Association to implement a voluntary Best Management Program for dental mercury.

The RI Chemical Safe Schools is working to provide ongoing training to RI School District personnel on the safe handling of chemicals in their workplace. This group is composed of members of DEM, DOH, Labor and Training, and Education and is working with representatives from area colleges and universities. In addition to training personnel in overall safe handling procedures, each workshop provides a specific section on elimination of mercury-added products. These training opportunities have been well attended and have already helped the DEM identify and mitigate some chemicals of immediate concern from local schools.

A subgroup of the RI Mercury Advisory Working Group is beginning to discuss issues concerning the procurement of mercury-free and low-mercury added products. The Attorney General's Office, the Department of Administration and DEM, and other stakeholders are discussing ways to encourage all state agencies and organizations to buy mercury-free products.

All of these efforts will make a measurable difference in the amount of mercury all Rhode Islanders will be exposed to on a daily basis. We invite your support of these activities and ask that you contact [Bev Migliore](#) in the Office of Technical and Customer Assistance (401-222-4700 x7503) for further information.

Brownfields Funding Opportunities



DEM has federal funding available to assist communities or non-profit organizations interested in assessing potentially contaminated property. The two-page application form is posted at: <http://www.epa.gov/region01/brownfields/programs/targeted/tbaform.pdf> For more information contact [Kelly Owens](#) at 222-2797 ext. 7108.

The New England Region of the US Environmental Protection Agency has also announced a new grant round for assessments, cleanups, loan capitalization, or job training. Workshops on the grants will be held October 23 and 28 in Worcester and Manchester respectively. The application deadline is November 27. See: http://www.epa.gov/region1/brownfields/pdfs/grants_outreach.pdf for specifics. General information about the grant programs can be viewed at: <http://www.epa.gov/ne/brownfields/>

The information below is a quick synopsis of the major EPA grant programs. Additional information on the programs below can be found at the EPA website located at: http://www.epa.gov/region1/brownfields/pdfs/grants_outreach.pdf

- **Targeted Brownfields Assessment (TBA) Program**

One of EPA's non-grant programs is the Targeted Brownfields Assessments Program (TBA). EPA conducts TBAs on behalf of municipalities or non-profits. This is a "grant of services" where an EPA contractor performs the site assessment. The purpose of a TBA is to minimize the uncertainties associated with actual or perceived contamination that complicates the redevelopment of vacant or underutilized properties.

- **Assessment Grant Program**

Applicants may submit either community-wide or site-specific proposals. A site-specific proposal is one in which the funding will be used primarily for environmental assessments at specified sites, whereas a community-wide proposal is one in which funding will be used for environmental assessment and/or other activities, such as an inventory of Brownfields sites. Call Diane Kelley at (617) 918-1424 for more information.

- **Cleanup Grant Program**

The Cleanup Grant provides funding (up to \$200,000 per site) to carry out cleanup activities at Brownfields sites. Applicants may apply for funding to address more than one site. Non-profit organizations may also apply to EPA for Cleanup Grants. Organizations applying for a Cleanup Grant must own the property.

- **Cleanup Revolving Loan Fund (CRLF) Grant Program**

The CRLF Program provides funding for an award recipient to capitalize a revolving loan fund and provide grants to clean up Brownfields sites. Funds must be used for cleanup, not for site improvements such as roads or new buildings.

The CRLF may be used to provide no-interest or low-interest loans for Brownfields cleanup to private parties, governmental entities and non-profits. It may also be used to provide Cleanup Grants to eligible entities and nonprofit organizations.

In addition, the new Brownfields law allows assessment and clean up of properties contaminated by petroleum. Applicants can use the funding at sites where the petroleum is commingled with other hazardous substances. Applicants can also apply separately for funding for sites where petroleum is the only contamination. In this latter case, properties must be of relatively low risk (decided on a site-

specific basis) as compared with other petroleum-only sites in the state, and there must be no viable responsible party.

Phase II of Greenhouse Gas Project Underway

Contributed by Terri Bisson



The Greenhouse Gas Stakeholder Group kicked off Phase II of the project on September 25, 2002. In Phase II they will concentrate on development and implementation of high priority options that can achieve almost half of the reductions to meet RI's target of 10% below 1990 levels by 2020. The options include:

Energy

- Renewable Portfolio Standards (RPS)
- Tax Credits For Energy Efficiency

Transportation

- Local Fuel Economy Improvements (Feebate) Initiative
- Transit and Transportation Infrastructure Planning

Buildings and Facilities

- Commercial/Industrial Fossil Fuel Retrofit Initiative
- Energy Efficiency Targeting Initiative (Industrial)

Solid Waste

- Resource Management (RM) Contracting Initiative
- Pay-As-You-Throw (PAYT) Initiative

The Group is still raising funds to pay for needed research and technical analysis of all eight options. Stakeholders decided to concentrate efforts on efforts on RPS, Feebate, and Buildings and Facility options until additional funding is secured. For up-to-date information on the project visit www.righg.raabassociates.org.

For additional information on this project, contact Terri Bisson at tbisson@dem.state.ri.us or 222-3434 extension 4402.

Dredge Regulations Update

Contributed by Ron Gagnon

The Department of Environmental Management is in the process of promulgating new regulations for dredging and the management of dredged material. A Public Hearing was held on August 6, 2002. Comments have been received and are under review. The regulations and public comments are available at:

<http://www.state.ri.us/dem/programs/benviron/dredgepn.htm>

The proposed regulations will establish a coordinated process with the Coastal Resources Management Council. This process will assist applicants, review applications in a timely manner, and issue dredging permits that are protective of both human health and the environment. The application process combines both DEM and CRMC requirements into a single application submitted for concurrent review to both agencies.

The draft regulations include several main elements. They address:

- Pre-application meetings, which will be encouraged;
- Characterization of the material to be dredged; Application requirements;
- Review and processing of applications;
- Upland disposal and beneficial use of dredged materials;
- In-water disposal of dredged materials;
- De-watering of dredged materials; and
- Dredged material re-handling facilities.

Both the law that the regulations are based on (The Marine Waterways and Boating Facilities Act of 2001) and the regulations encourage the beneficial use of dredge materials for

Brownfields redevelopment. The regulations propose using the site remediation standards for residential exposure and commercial/industrial exposure to make decisions on the dredge materials suitability for use at Brownfields sites. A number of marinas are now in the application process and more are expected. The Department is especially interested in linking marinas that are dredging, with Brownfields projects that need fill for redevelopment of the site.

If you are interested in the dredging projects or are working on a site that may potentially use dredge sediments, call [Ron Gagnon](#) at 401 222-6822 extension 7500 for more information.

DEM Mediation Program Update

Contributed by Kathy Lanphear



DEM's Mediation Program, administered through the Administrative Adjudication Division for Environmental Matters, made significant progress in the last fiscal year. The Program is a collaborative effort between the Office of Compliance and Inspection, the Office of Legal Services and the Adjudication Division to provide a non-adversarial means of resolving enforcement actions. The goal of the Program is to focus efforts on achieving an agreed end to a dispute, thereby saving each side time and money while channeling resources toward a mutually productive end.

Mediation activities in fiscal year 2002 centered on ISDS violations. Thirty-seven individuals and companies, with outstanding ISDS violations ripe for court action, were invited to participate in the mediation process as an alternative to court action. Twenty-four responses were received and ultimately half of those cases were resolved or closed. Nine cases resulted in environmental improvements or a finding that systems used to control pollution were in working order. Mediation remains ongoing in eight matters and

four matters remain under review. Two solid waste matters also entered mediation in 2002 and remain engaged in the process. In most instances, parties who had unresolved ISDS cases failed to notify DEM that repairs of overflowing tanks were repaired. The mediation process is allowing DEM to reduce the enforcement backlog and is providing an example of positive environmental results.

Mediation activities in the current fiscal year encompass freshwater wetlands and ISDS cases. Twenty cases have already been solicited for mediation with seven mediation sessions scheduled in the coming weeks. The target for fiscal year 2003 is to identify and involve eighty cases in the mediation process. For further information concerning the Department's mediation program contact the Administrative Adjudication Division at 222-1357 or visit our website at

<http://www.state.ri.us/DEM/programs/director/adminadj/index.htm>

Growth Centers Executive Order

Contributed by Peter Hanlon

On October 2, 2002 Governor Almond signed Executive Order 02-05 which directs state agencies and departments to begin targeting their resources and investments towards municipally identified growth centers. Growth centers are defined in the order as "planned or existing dynamic and efficient centers for development that have a core of commercial, industrial, and community services, residential development, and natural and built landmarks and boundaries that provide a sense of place." By identifying their growth centers communities can plan and reduce their costs for building and maintaining the infrastructure needed to support residential, commercial, and industrial growth. At the same time, by directing future growth to specific areas the character of other parts of the community can be preserved, including historic areas and open space. A successful growth centers initiative can

help prevent impacts to the environment from development.

One of the key requirements of the order is that state departments and agencies report to the governor within 90 days with a preliminary inventory of funding resources that can be targeted to growth centers. The preliminary inventory is to include a description of any changes to rules, regulations, or statutes needed to give growth centers elevated priority in these programs. State departments and agencies will also identify any other statutory or regulatory changes which could be made to further encourage development in growth centers. The Statewide Planning Program will coordinate this effort and will be contacting state agencies soon.

The DEM Sustainable Watersheds Office provided key staff support to the Governor's Growth Planning Council over the past year, and the Council has produced a report detailing the concepts and strategies of the initiative that can be found at:

<http://www.state.ri.us/DEM/pubs/grow2inv.pdf>

The full text of Executive Order 02-05 is available at:

<http://www.gov.state.ri.us/News%20Releases/Growth%20Center%20rel.htm>

For additional information on this order, contact Peter Hanlon at phanlon@dem.state.ri.us or 222-3434 extension 7040.

Motor Vehicle Testing Program Update

Contributed by S. Majkut & T. Barry



Rhode Island's vehicle Inspection / Maintenance (I/M) program is making a difference in the emission characteristics of the state's vehicle fleet. The table below shows the average emission reduction from failing vehicles after repairs. The data, in grams per mile from the first year of the program, are for vehicles that failed a dynamometer test and were re-tested after repairs. The higher percent reductions show that vehicles that fail, improve emissions

substantially after they are repaired. These vehicles are failing rather lenient startup pass/fail standards, so only the dirtiest vehicles fail. These cars are the easiest to repair show the greatest improvement. The final, more stringent pass/fail standards went into effect in January 2002.

	Hydro-carbons	carbon monoxide	nitrogen oxides
Initial test	4.19	72.76	5.35
Ave Reductions After Repairs	1.32	13.73	3.29
Difference	2.87	59.03	2.06
Average reduction %	68.5%	81.1%	38.5%

Five hundred fifty thousand dollars from federal transportation program funds will be used in the fall of 2002 to implement a comprehensive repair technician-training program that will focus on On Board Diagnostic (OBD) training. OBD is a method of examining any failure codes stored in a vehicle's on-board computer. These funds were also used to purchase software development needed to implement a registration denial system. This system will be in place starting in 2003 and will require that vehicles have had an inspection before the vehicle's registration can be renewed.

At the beginning of 2002, in addition to the final pass/fail standards taking effect, the waiver repair cost limit increased from \$250 to \$450. This means motorists who experience continued inspection failure must now spend at least \$450 for emissions related repairs in order to obtain a waiver.

Finally, some of the inspection stations in outlying areas incur long distance telephone charges each time they conduct an inspection. A toll-free telephone number will be established before the end of 2002 for stations to use that will help cut their operating costs.

For additional information concerning the I/M Program contact Tom Barry at tbarry@dem.state.ri.us or 222-2808 extension 7021.