

## **Environmental Council Roundtable Meeting**

January 12, 2000

Present: Paul Beaudette, Alison McDeedy, Gregg Gerritt, Guy Lefebvre, Charles Obert, Eugenia Marks, Jeff Brownell, George deTarnowsky,

DEM staff: Fred Vincent, Ed Szymanski, Alicia Good, Tom Getz, Steve Majkut, Al Gettman, Janet Keller, Russ Chateaufneuf, Dean Albro, Alan Shoer, Mickie Musselman

Director Reitsma was called away from the meeting at the last minute and was not able to attend. Fred Vincent chaired the meeting in the Director's absence.

### **Open Space 2000**

Mr. Vincent reviewed the details of department's proposal. The \$50 million bond issue would be used for open space and recreation needs, and together with matching funds from other public and private sources, would provide this program with \$100 million over the next 10 years. The kick-off meeting for this effort will be on Tuesday, January 18, at 2 p.m. in the State House and environmental groups were encouraged to attend to support this request.

Paul Beaudette asked about the effect of debt service on DEM's budget. Mr. Vincent explained debt service for capital development and infrastructure will be borne by the Department of Administration and not DEM.

### **Operating Budget**

The Department submitted its budget request with the five per cent cut, and requested restoration of some funding. DEM was given enhancements under the separate "white paper" process. The Department has requested \$70 million for the capital development budget to be included on the November ballot. Fifty million dollars is allocated for the Open Space 2000 program, and \$20 million is for the Clean Water Fund. This fund would combine Nonpoint Source, Non-Governmental, Aqua, and the Sewer and Water Supply Failure Funds that are nearing exhaustion of their bonding authority, and add a fifth new one. The fifth program would be Coastal Habitat Restoration.

Gregg Gerritt reiterated his previous point that members of this group would be willing to testify on behalf of budget items for DEM, but needed to be better informed on the DEM budget. Mr. Vincent offered to brief interested ECRI members on the budget. The Department operating budget request was \$65 million, with \$28 million coming from the General Fund. Mr. Beaudette asked the Department to identify the programs impacted by the budget discussions.

Mr. Obert expressed his concern that the Pawtuxet River Authority does not have sufficient funding to upgrade the three treatment plants to tertiary treatment standards. Mr. Lefebvre noted that there should be a cooperative effort to fund these programs since DEM's, NBC's and the Pawtuxet River Authority's capital requests are major expenditures for the state.

There was some discussion of the Pawtuxet River Authority bond request and the level of detail included to support their application. There were also questions raised concerning the amount of funding available

for distribution, when the bond fund will it be exhausted, and the timing of new bonding authority that will be needed to complete the facility upgrades.

## **Ombudsman**

There was a question regarding the creation of the Ombudsman position. The ECRI was concerned the position was created by shifting FTEs, and was not a permanent position. Mr. Vincent explained the position was generated by the vacancy of another position within the DEM. The Ombudsman position is within the department FTE cap.

## **Criminal Investigation**

Mr. Vincent explained that the unit would remain in DEM at the current funding level. There had been a proposal to move it to the Office of the Attorney General.

## **Workplan 2000 – 2001**

Janet Keller presented an abbreviated version of the PowerPoint slide show used by the Director to brief many legislative, civic and citizen groups. The two-year plan charts the future course of DEM with a clearly defined set of goals for clean air, clean water, livable communities, healthy ecosystems, viable natural resource based industries, abundant and accessible open space and recreational opportunities, and open and effective government. The document also details strategies, environmental indicators, and performance measures to reach these goals.

The work plan consists of individual work plans for each bureau and division within DEM. The plan also details pilot programs that will be used in the South County and the Woonsquatucket watersheds to address environmental issues collaboratively. Copies of the work plan can be located on the DEM home page.

There was a brief discussion regarding a House resolution that created a standing committee to study "all matters relating to the environment". It was mentioned the committee had subpoena powers.

Mr. Lefebvre raised a concern about sprawl and thought DEM should keep track of all building permits issued in the state. Ms. Keller noted that the number of building permits issued may not be the only indicator to track sprawl. The Department is working with communities on proactive planning for growth. She offered to meet with him, and Scott Millar of DEM, to discuss this issue.

Mr. Lefebvre then said he would like to see more of a commitment to environmental education in the Livable Communities goal in our Work Plan. He noted there are 30,000 to 40,000 students in higher education in the state and about 150,000 in the K through 12 grades. Ms. Keller also offered to meet with him on that issue.

## **West Nile Virus**

Al Gettman, director of the Mosquito Abatement Program, briefed the group on this issue. The virus is a mosquito borne disease that caused the death of seven people in New York, who contracted the disease. Dr. Gettman said our storm water catchment basins are breeding grounds for mosquitoes and are being targeted for control, although the agent has not yet been determined. The drought conditions last year contributed to the mosquito population, because the storm water basins were not flushed by rainwater.

He said broad-spectrum insecticides are the only effective weapons and discussed the pros and cons of Bti versus Altocid. Bti is an environmentally friendly bacterium but is a poor choice for catch basins because it floats and would be flushed out quickly. He has considered the possibility of tethering a "donut" of Bti in catch basins. Altocid is the product of choice in storm water basins, but has the potential for effects on other organisms at high dosages. The decision has not been made but this will have to be made within a few weeks.

Eugenia Marks and Alison McDeedy had questions concerning the preferred sites for each agent and the impacts on downstream receiving waters. Many individuals may administer the chemical agent for this program and DEM may have problems monitoring the application rates. Dr. Gettman said both products under consideration last only 30 days and will not be detectable downstream, i. e., Greenwich Bay. Ken Ayars said there would be a series of training sessions for local officials so the application rates are well understood. Dr. Gettman and Ken Ayers have met with Lee Schisler of the Audubon Society and will continue to communicate with him on program issues, especially on the product used and training. Gregg Gerritt mentioned that genetic engineering and the use of BT in plants will eventually make control methods such as this less effective. Dr. Gettman answered that BTI only affect mosquitoes and that BT in plants affect other insects.

DEM is working with the Department of Health on this issue and plans to address the problem through altering mosquito surveillance programs; initiation of a vigorous public education program; dead and live bird surveillance; reliance on increased town mosquito control (eliminate piles of materials, drain water, larvicide to culverts, etc.) and additional financial aid to towns etc.

### **I/M Update**

Steve Majkut indicated at this time the program is operating well with the current 220 stations. It is anticipated that when the program is fully operational there will be 250 inspection stations. The initial feedback from the contractor and the public is mixed, and the number of vehicles tested to date is small. The contractor's website has about 260 visits per day. The phone was initially very busy, but things have now calmed down. Fred Vincent asked if there would be an end of the month report and if the contractor is doing any public education. Mr. Majkut said there are newspaper ads, billboards, and radio spots. The annual report will also be made public. It was mentioned that this program provides consumers with a greater level of detail than the previous inspection program. Consumers will receive a report on their vehicle that covers four pollutants and eighteen safety items.

### **Regulatory Update**

Wetlands - Tom Getz reported the kickoff meeting for the wetlands stakeholder group will be held on January 20. Russ Chateaufneuf, Kris Stuart, and Eugenia Marks were still working out details with CRMC issues.

ISDS – Individuals who submits a design for an ISDS must be licensed and are required to oversee the installation of the system. The Department has established a panel to review the performance of licensees. The exams for soil evaluators began November 18. The first license should be issued in January and all soil evaluators must have licenses within one year of that time.

Mr. Lefebvre asked how many ISDS permits were issued in 1999. Russ Chateaufneuf responded that about 1600 licenses were approved for repairs and 1400 for new systems. Eighteen alternative technology systems have been approved for use in RI. Design and installation manuals must be provided to the

property owners of these systems. Fifteen of the alternative designs are on the DEM website and three will be added.

Mr. Obert asked if RI is considering legislation similar to Massachusetts' that requires property owners to bring septic systems up to the current standard. Mr. Chateuneuf said Rhode Island does not have the authority to require this, but the septic system must be upgraded when there are major alterations to a house. A one hundred page septic system inspection manual will be published soon. North Kingstown has an ordinance requiring the use of the manual. The Septic System Forum is held quarterly, and URI provides training.

Enforcement- Dean Albro explained the changes to the Penalty Regulations. Each regulatory program has its own penalty matrix. There now are eight matrices some are for the same statutory penalty limit but are set up differently per program. This causes conflicts when attempting to issue enforcement actions for multi-media issues. In regard to Air Resources, the current matrix is designed for a maximum penalty of \$1,000 while the statute calls for a maximum penalty of \$10,000. The proposed changes to the regulations call for reducing the number of matrices to four and designing a matrix based upon the maximum penalty limit set forth in the laws enforced by DEM. In this way a matrix will be available for the maximum statutory penalty limit that can be used by any authorized program. Enforcement is now in one office and the generic matrices will lessen confusion. Dean also went over the Enforcement Response Policy.

Medical Waste Incinerators - Steve Majkut explained the changes to air regulations that make the RI regulations more restrictive than EPA's for mercury emissions from medical waste incinerators. Our regulations are however, consistent with the recommendations of the New England Governors and Eastern Canadian Premiers.

Water Quality - Alicia Good reported DEM is considering the two following minor revisions to its water quality regulations. The first would allow the discharge of water from desalinization units to be discharged into SA waters with a permit. In the second instance, DEM is conducting an internal review to determine how EPA's recently revised ammonia standard would impact state regulations.

Legislative Update - Fred Vincent reviewed the list of DEM sponsored legislation. The Coastal Habitat Restoration bill is co-sponsored by the Lieutenant Governor and DEM.

Mr. Lefebvre asked who is in charge of the watershed effort. Scott Millar in Strategic Planning and Policy was identified as the overall Watershed Coordinator. Jeff Nield and Bob Schmidt are the coordinators for the South County and the Woonasquatucket Watersheds respectively.

The meeting was adjourned and the next meeting was scheduled for April 19 at 4 PM.