

Environmental Roundtable
April 4, 2001

Present: Jeff Kos, Topher Hamblett, Amy Burgin, Jane Sherman, Bob Mendoza, Alicia Karpick, Brad Hyson, Guy Lefebvre, Harold Ward, Gina DeMarco, Sheila Dormody,

DEM staff: Jan Reitsma, Tom Getz, Mal Grant, Gerry McAvoy, Bob Ballou, Ken Ayars, Fred Vincent, Alicia Good, Janet Keller, Ana Baptista, Josh Uebelherr, Terry Maguire, Elizabeth Stone, Mickie Musselman

Old Business

West Nile Virus

The Director and Mal Grant gave an update on the West Nile Virus Protocol. The Department does not intend to spray adulticide as much this year as last because of new understanding of the nature of the disease in birds and the lack of an indication for human health risk when many birds die. DEM's strategy stresses prevention and will also rely more on trapping and testing of mosquitoes. Details are in the handout.

Jane Sherman asked if there was an emphasis on risk in rural populations as opposed to urban. The Director said the Department recognizes that mosquitoes are common in urban areas and will ensure the message is clear to everyone that personal protection, i.e., (insect repellent and depriving mosquitoes of habitat) are important everywhere.

Eugenia Marks asked if there is progress toward using Bti over Altosid. Mal Grant said that Bti will be used over open water and Altosid will be used in catch basins since it is the only product that sinks and stays in the catch basin rather than getting washed out into the natural environment.

Open Space Bond Rulemaking

The Department has held several meetings to discuss the rules for the open space bond that was passed last fall. Fred Vincent said there will be a public workshop on April 24 at 4pm on the new regulations. To encourage communities to work together, the new rules award points for regional open space protection. Points will also be awarded for consistency with the local comprehensive community plan, open space plan, or watershed plan. The Department will have some discretion in acquiring the land for open space protection and recreational use. The Director said there is the potential for significant federal funding and the Department is working on that issue.

Bob Mendoza asked if points would be given for wellhead protection areas and water resource protection. He also asked if riparian buffers and habitat protection are considered in awarding points, and if there is any connection of TMDLs. Fred Vincent said wellhead protection and water quality protection are in the point system, as well as riparian buffers and habitat protection, but TMDLs have not specifically been considered.

Brad Hyson asked if there is any requirement that public facilities that will be built with these funds be constructed consistent with energy efficient standards and with recycled materials? He noted that there is legislation proposed this year that would make these items mandatory for state buildings. The Director said these would be good additions to the rules as well as water conservation. He added that sustainability in design should go beyond this program.

Alicia Karpick asked where bike paths come in and if there are points for connecting communities. Fred Vincent said bike paths are included in a separate Greenways plan.

Jeff Kos asked how tribal lands are treated in this process. Fred Vincent indicated that the Office of Legal Services is looking into this issue.

Guy Lefebvre said the Department should take advantage of the CARA funding. Fred Vincent said the Department is working with Senator Chaffee's office on the Land and Water Conservation Fund but has not met with Representative Langevin's office yet. Jeff Kos said the Council will meet with Rep. Langevin in a couple of weeks and will raise this issue.

Budget Update

The Director said all agencies are required to propose a 5% budget cut when developing their budget. He mentioned the Department came through the budget process with no major increases or decreases. He said we face some serious challenges in the future especially with respect with future development of TMDLs. DEM is able to fund this program next year due to an infusion of EPA funding, but we should be looking for state funding to continue this activity in the future. The climate change and energy initiatives are new and there is no new funding to implement them.

Terry Maguire explained some of the major budget items. Overall DEM's budget increased by 4.9%. Due to the expiration of federal grants, funding is down about 5.5% in this category. DEM is developing an asset management plan for the management of the parks and forests. This analysis will review of the condition of DEM facilities and the costs of repairs.

Eugenia Marks said the naturalists and education programs provide an important benefit to the environment and asked if there is plan to address that seasonal personnel issue. The Director said DEM has been weak in this area but is committed to building an outreach program across divisions but there is a resource issue here too.

The Governor added \$125,000 to cover West Nile Virus personnel costs.

DEM, if legislation were passed, would like to start a small grant program similar to the ISDS planning grants to communities to develop management plans for dam safety. Dam owners would then be eligible for low-interest loans for repair and maintenance and dam removal. Eugenia asked if fish passage is addressed in this program. The Director said it is not but will develop incentives to address fish passages.

The state will take over planing for remediation of the Rose Hill Landfill and this will cost less than if the federal government oversaw it. This project is important to the Saugatucket Watershed.

The ECO Depot will be transferred from DEM to RIRRC, but they will not take the Youth Litter Corps and DEM does not have funding for it this year. The Director suggested ECRI speak to RIRRC about potentially funding the Youth Litter Corps.

DEM has eliminated the \$54,000 grant to URI for small business assistance because the program was not used a lot. DEM will provide assistance with existing staff. The Director wants pollution prevention efforts stepped up and would like to see additional public / private partnerships formed in this area.

ISDS permit fees are slated to be increased by 26%. This is the first increase in ten years. Eugenia Marks asked what percentage of permits are inspected by DEM. Russ Chateaufneuf said designers must be involved with the installation and DEM is not doing as many inspections per system as before, but will

get to most sites at least once. Owners must notify DEM when an installation is to begin. In the future DEM could focus inspections based on a designer's history with the department. Those that have good records will not have their systems checked as often as those with known problems.

Jeff Kos congratulated DEM on its openness throughout the budget process and will send a letter to the Legislature stating ECRI's appreciation of DEM's budget process. ECRI will meet with Fred Vincent this week for more detailed budget information.

Guy Lefebvre requested DEM to look at model inputs for pollution loading. He also mentioned that DEM should look for a new name for the TMDL program. Alicia Good said the Office of Water Resources is working with a consultant on the modeled averages of pollutant loading, but actual loading are still required. The Director said in some instances, an aggressive pollution prevention program could result in fewer TMDLs. Guy also said the Pawtuxet River Authority is interested in acquiring surplus land at the Pontiac Mills to develop a canoe launch. He also mentioned that DEM should work closely with the Department of Education on the issue of environmental education. He also suggested that a portion of the DEM website should address this issue.

- Bob Mendoza noted EPA's priorities in the DEM budget and included the following: Watershed Programs, Brownfields, Pollution Prevention, Environmental Management Systems, Performance Track, Data Management, the Estuary Program.

The Director said he has discussed with Rich Ribb how to enhance the Narragansett Bay Estuary Program (NBEP) by coordinating more with the Narragansett Bay Estuarine Research Reserve and the Partnership with Narragansett Bay. The DEM work with NBEP will count as state match for federal funding.

Legislative Update

- **Administrative Search Warrants** – DEM is optimistic about passage of this bill.
- **Dredging** – This bill is investigating the redefinition of dredged material and removing it from the definition as a solid waste. This could to eliminate some barriers for dredged materials to be used beneficially
- **Lead** – DEM is interested in this bill . The Center for Disease Control national numbers on lead show that RI children are more exposed to risks form lead than children in any other state. In RI there is a flawed system in housing court and a lack of attention to affordable housing.
- **Dam Safety** - not scheduled for a hearing
- **Mercury Reduction and Education Act** – Ten percent of women of childbearing age on RI has levels of mercury unsafe for unborn children – the New England states have set a goal of zero mercury emissions

New Business

Ladd School – The Audubon Society is concerned about impacts of development at the site and questioned DEM's role in the EIS. The Director said it is not appropriate for DEM as a regulatory authority to be involved at this time. Harold Ward said that focusing on it as an environmental problem is not appropriate, it is dumb growth and that should be prominently stated. The Director said the original plan was to develop the site as a Job Corps Center and the town would not entertain that use without more development. Eugenia Marks said there was a less open process on the Job Corps portion and it is dumb growth. The Queen River is one of the most pristine in the state and more open space should be supported in this area. We know more now about water pollution and how water withdrawal may affect habitat.

Quonset Point – The Citizens for RI's Future are looking at the Quonset/Davisville process. They say an EIS is premature, with no economic analysis. The Director said he is an advocate of the EIS process in general and it may be helpful here in the following ways:

- An EIS takes time
- Economic information would be needed prior to the development of an EIS
- It is not a given that conducting an EIS would mean that the project would happen
- An EIS would give valuable information and improves the planning process

Topher Hamblett said the studies going on now assume the RK Johns study is valid, but there is no defined port project. We should look at other port concepts and determine what is viable for that location, and Save the Bay supports Senator Irons call for an economic feasibility study. Sheila Dormody said this is a sequential problem and you must define the project before you determine the impact. She was concerned the EIS is expensive and builds momentum for the project.

Alicia Karpick asked if the Director knew of any proposed legislation for a Port Authority and where the money would come from for an EIS. The Director said the Governor's position is that it is too early for a Port Authority and if there is one, it should be professional. He does not know where the money is coming from and an EIS is the best way to ensure the project is done right. Brad Hyson asked if DEM has a position on Quonset and the Director answered no.

Kennedy Plaza – Alicia Karpick said an Environmental Assessment has been done for Kennedy Plaza funded under RIPTA mass transit. Brad mentioned that one of the Priority Actions is to reduce driving. He asked if anyone in DEM is interested in working on the "Why Drive" and "Walk to School" campaigns. Guy said there is a non-steel, non-internal combustion engine in development. The Director said he believes the hybrid cars are the most promising now. With CNG cars range is a problem.

Miscellaneous

Future Meeting Dates

The meetings for the rest of the year are scheduled as follows:

- July 11
- October 10