



DEM Environmental Roundtable Newsletter

December 17, 2003

Fredrick Vincent Named Interim Director

Submitted by G. Mastrati

Governor Donald L. Carcieri has appointed Frederick J. Vincent as the Interim Director of the Rhode Island Department of Environmental Management. Mr. Vincent has been the Associate Director for Planning and Administrative Services since 1991, and served as Interim Director from April 1998 to September 1998.

Governor Carcieri said, "As an Associate Director since 1991, and with a previous stint as Interim Director, I believe that Fred Vincent has the experience and ability to lead this important agency while we search for a permanent director."

He further stated, "The DEM serves a critically important role in monitoring the environment, protecting public health, and preserving Rhode Island's natural resources. I am committed to enabling DEM and its many dedicated employees to succeed in that mission. As a result, I will be conducting a national search to find a candidate that can spearhead our combined efforts to build on Rhode Island's recent environmental accomplishments."

Mr. Vincent has a long record of service to Rhode Island. Before joining DEM in 1991, Mr. Vincent served as the Deputy Director of the Rhode Island Department of Transportation (DOT) from 1986 to 1991. Previously, Mr. Vincent served in the Office of the Governor from 1985 to 1986, and was Director and Principle Planner at the Cranston City Plan Commission.

DEM, Attorney General's Office Settle Metals Recycling Case



DEM, the state Attorney General's Office, and Metals Recycling LLC agreed to settle a hazardous waste case. Under the terms of the consent agreement, pending criminal charges relating to illegal operation, storage, transportation, and disposal of hazardous waste will be dismissed upon payment of the \$250,000 penalty. The Attorney General's Office agreed to dismiss the criminal charges in order to close the case in a timely and cost-efficient manner. The consent agreement is also a settlement of the administrative Notice of Violation that resulted from the joint investigation by DEM and the FBI.

Metals Recycling LLC had been indicted by a Providence County Grand Jury in August of 2002 on 10 counts of hazardous waste violations stemming from an eight-month surveillance from July 1998 through January 1999 by investigators from the Department of Environmental Management's Office of Criminal Investigation and the FBI. The investigation focused on hazardous levels of PCB-contaminated automobile shredder residue - commonly known as auto fluff - being transported by tractor-trailer from a Metals Recycling LLC facility in Worcester, MA to the Johnston facility and to the Central Landfill.

In the years since DEM issued the Notice of Violation on this case, DEM and the US Environmental Protection Agency have taken additional enforcement actions against Metals Recycling LLC resulting in significant improvements in management practices at the facility and less risk to public health and the environment. Those actions also resulted in the assessment of additional penalties. With regard to auto fluff, it is DEM's understanding and belief that the facility no longer receives the waste from outside sources, no longer transports the material generated onsite to the Central Landfill, and now employs sound practices to manage the material generated onsite.

DEM Grants For Alternative Forest-Based Businesses

Submitted by G. Mastrati



DEM is accepting a new round of grant applications from forest landowners interested in starting small businesses based on producing specialty crops that are grown and harvested in forests, or on recreational use of forestland. The grants, which will be accepted until January 9 and in most cases, will range from \$500 to \$1,000. The grants will be awarded on a competitive basis to projects that best meet the goal of promoting alternative forest-based businesses in Rhode Island.

The grants will reimburse landowners up to 50 percent of the cost of supplies and materials needed to start up non-traditional forest-based businesses that fit in with community character. These businesses will also generate revenue to help landowners pay property expenses, reducing the likelihood the land will have to be sold.

Forests cover nearly 60 percent of the state's landscape, providing clean air and water, jobs, recreational opportunities, and aesthetic benefits. Most of this forestland is owned by individuals and families and under the threat of conversion to other uses. The small size of most of these parcels makes management for traditional wood-based forest products difficult.

Eligible grant categories include edible and medicinal products such as maple syrup, wild and cultivated mushrooms, ginseng and witch hazel; floral greens for decorative use and as backdrops for floral arrangements; specialty wood products such as raw material for carving, woodturning, and artistic crafts; and recreational use of forestland.

Landowners will have up to one year to complete their projects and submit requests for reimbursement. As a condition of receiving the grants, landowners must agree to report back to DEM on the growth and yield of the crops and to assist DEM in promoting this concept to other forest landowners.

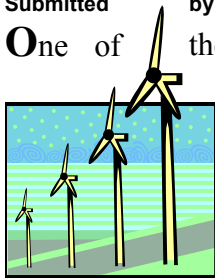
Funding for the specialty grants comes from the US Department of Agriculture's Forest Service. In the first round of funding, DEM in August awarded more than \$8,000 in challenge grants for nine projects. More than \$30,000 remains available.

Applications and additional information are available on [DEM's website at www.state.ri.us/dem](http://www.state.ri.us/dem) under "Topics". Click on "[Grants/Financing](#)" for an [application](#) and/or "[Forests](#)" for a [challenge grant fact sheet](#) and regulations regarding the grants. Additional information and applications are also available by contacting [Gregg J. Cassidy](#) of DEM's Sustainable Watersheds Office at 222-3434 extension 4403.

Green House Gas Initiative Improves Efficiency and Reduces Pollution

Submitted by S. Majkut

One of the strategies discussed by the Green House Gas Stakeholder group has the benefit of reducing energy costs while reducing the emissions of green house gas emissions. This is accomplished by the use of combined heat and power (CHP) systems.



CHP refers to a system where heat and electricity are generated sequentially from the same fuel source. An example of this concept is a boiler that produces steam that goes through a turbine, to generate electricity. The condensed water is still hot and can be used for process or building heating requirements. This kind of installation can increase fuel efficiency and reduce emissions of traditional air pollutants such as nitrous oxides and particulate matter as well as carbon dioxide, the main pollutant identified with climate change. CHP is also an example of generating electricity near the point of use. This concept is called distributed generation or DG.

There are institutional barriers to the installation of DG and CHP systems. These include the high rates companies must pay to the utilities to connect to the electrical grid. In addition, technical standards that apply to these facilities to connect to the grid do not encourage these operations. Because CHP installations result in reduced emissions, DEM is seeking the endorsement of the RI Greenhouse Gas Stakeholder Process for the DEM to promulgate regulations that would streamline the process for permitting small scale CHP and DG projects. This streamlined process will encourage more of these installations.

The Regulatory Assistance Project, under a contract with the National Renewable Energy Laboratory, developed model regulations that

would meet this purpose. The regulation suggests a number of innovative ways to lessen the permitting burden and include:

- Setting output-based emission standards (pound of pollutant/megawatt-hour limits instead of pound/million BTU of heat input), which would reward efficiency and encourage the development of clean technology.
- Allowing manufacturers of equipment used in CHP and DG applications to certify the emissions performance of their equipment, as opposed to the current rules that require an emissions technology assessment and testing of each installation

DEM's proposal is now under review by a workgroup to the Stakeholder process. For additional information concerning this topic, contact Steve Majkut at smajkut@dem.state.ri.us or at (401) 222-2808.

Air Toxics Regulation Update

Submitted by S. Majkut

The Office of Air Resources used a stakeholder process to revise its air toxics regulation. Amendments to that regulation were proposed last year, along with changes to the requirements for dry cleaning operations. At the request of commenters, DEM convened a stakeholders group that met several times earlier this year to discuss the proposed revisions to the Air Toxics regulation. The November 2003 proposal will incorporate many of the recommendations made by that group. The main changes from the amendments proposed in 2002 include:

- Regulatory requirements will be triggered by the amount of a toxic substance emitted from a facility rather than the amount used by the facility.



- Applicability thresholds in pounds per hour and pounds per day were dropped. Thresholds are now expressed only in pounds per year. This change results in simplified record keeping and reporting requirements.
- Fuel burning sources that are not major sources of air pollution will be exempted from the regulation. Major source fuel burning sources will be exempted from Air Toxics Operating Permit requirements for five years.
- Asbestos and lead abatement projects regulated by the Department of Health and other DEM rules will be exempted from the regulation, along with sodium hydroxide emissions from air pollution control equipment like caustic scrubbers.

The comment period will remain open until December 11th. The program anticipates the regulation would be finalized by mid February 2004.

RI Litter Task Force Update

Submitted By G. DiCenso



The Rhode Island Litter Task Force was created in response to a discussion of the May 7th

Environmental Roundtable meeting. It consists of members of Audubon Society of RI, Buckeye Brook Watershed Association, Clean Water Action, RI Association of Conservation Commissions, RI DEM, RI Food Dealers Association, Sierra Club of RI, Woonasquatucket River Watershed, and others. This group was convened to study the growing litter problem throughout the state and has been meeting monthly to discuss ways of addressing the problem. The three main areas of focus for the Task Force are:

- Revise the law regarding restricted receipt accounts
- Revise the litter and recycling laws
- Develop programs to educate the public concerning the negative impacts of litter.

To date, the Task Force has developed a survey, sent to all municipal police, public works, and administrative departments, regarding current municipal litter ordinances and methods of local enforcement. Information gathered from this survey will help to determine the types of changes needed in the laws and demonstrate the need for these changes. The Task Force plans to use this information to approach legislators and the governor with suggested changes in the laws.

A letter was written and will soon be distributed to some of Rhode Island's key businesses asking them to join the Task Force to discuss litter education and prevention strategies. The Task Force will also be asking local Chambers of Commerce for their involvement as well.

The Task Force is looking into corporate sponsorship and stewardship in an attempt to address the fact that no funds exist for litter education, prevention and clean up. Members of the Task Force hope to meet with corporate officials to discuss ways that business can aid in litter education and prevention.

The Task Force sent a letter to the Executive Director of the Rhode Island Resource Recovery Corporation (RIRRC) inviting her to participate in the discussions. Additionally, RIRRC has been asked by members of the Rhode Island General Assembly to spearhead a new "Eye on Litter" campaign. The Task Force will be working with members of RIRRC to help implement this program.

Some methods of educational campaigns have been discussed. Ideas include state and

local highway signs, notices on drivers license and registration renewal forms, posters at all Rhode Island DMV's, reminders on lottery tickets (as well as an innovative idea whereby when a person turns in 10 used lottery tickets, he/she receives a free ticket of the same type), and some replication of the successful "Don't Mess With Texas" program.

The Task Force meets every third Thursday of the month at DEM, in room 425. Additional information on the Rhode Island Litter Task Force can be found on the web at <http://www.state.ri.us/dem/programs/ombuds/litter/index.htm>

Mercury Legislation Update

Submitted by B. Migliore

In the 2003 legislative session, two identical bills addressing mercury-added products were enacted. Both bills delay implementation of many of the provisions of the 2001 RI Mercury Education and Reduction law. Major provisions of the bills include:

- Providing more time to meet the standards
- Setting up a 14-person advisory committee to provide the Governor and the General Assembly with several reports with recommendations for reducing and eliminating mercury hazards in Rhode Island
- Allowing phase-out requirements to be extended from July 13, 2003 to July 1, 2005 for those products with greater than 1,000 milligrams or 250 parts per million (ppm) mercury
- Extending phase-out requirements for those products with greater than 100 milligrams or 50 ppm mercury from July 13, 2007 to July 1, 2009
- Extending phase-out requirements for those products with greater than 10 milligrams or 10 ppm mercury from July 13, 2005 to July 1, 2007

- Specialized lighting used in the entertainment industry was exempted from these bans
- Delaying until July 1, 2005 labeling requirements, disposal bans and the requirement for manufacturers to either set up their own or a cooperative collection system for their products.
- Novelties incorporating one or more mercury-added button cell batteries as their only mercury-added component(s) are no longer subject to the ban on the sale, use, or distribution of mercury-added novelties. Under the 2001 law, the exemption had applied only to novelties with *replaceable* mercury-added button cell batteries.

For additional information on this program contact Beverly Migliore bmigliol1@dem.state.ri.us or 222-4700 extension 7503.

Science Grants for Environmental Conservation and Stewardship

Submitted by S. Johnson – Statewide Planning



Applications are due January 15, 2004 and five projects will be funded. Each project will be awarded \$5,000. The

Nature Conservancy's Rhode Island Field Office and the Rhode Island Natural History Survey are issuing these grants for projects that help identify critical lands for conservation in Rhode Island and to provide information for the stewardship of existing protected lands. Further information will be posted on the RI Natural History Survey's website located at www.rinhs.org. Contact, Virginia Brown, Coordinator, RINHS Ecological Inventory, Monitoring, and Stewardship Program, 874-5817, brown@rinhs.org.

Transportation Plan Update - Focus Group Members Needed

Submitted by S. Johnson - Statewide Planning



Statewide Planning Staff is beginning the year long process of updating the 20-year surface transportation plan. As part of the update, the following six focus groups will help formulate goals, policies, objectives, and strategies for the Plan, i.e.,

- Safety (all modes)
- Security
- Environment and Land Use
- Congestion and Intelligent Transportation Systems
- Freight and Northeast Corridor and
- Transit and Urban Transportation.

These focus groups will consist of members of the Transportation Advisory Committee, invited agencies, and transportation providers. In addition we are looking for volunteers from the general public and interested professionals to be part of these focus groups. We are also looking for a local school official and local public safety official to be members of the Safety focus group. It is anticipated that focus group meetings will be held in January, February, and March. Meetings will be open to the public. Contact Katherine Trapani at katherine_trapani@mail.state.ri.us to volunteer for a focus group. Check the planning website periodically for meeting dates.

2003 Legislative Board and Commission Update

Submitted by E. Stone



The 2003 Legislative session was a busy one and a number of boards and commissions were set up. The following is the status of these commissions:

Bay Commissions:

- The *House* Bay Commission held an organizational meeting on November 19th. The Commission's next meeting is scheduled for December 10th. (H-6577)
- The *Governor's* Bay Commission (created via Executive Order) is scheduled to meet for the first time on Tuesday December 16th.
- A joint session of the *Senate* Environment Committee and Senate Oversight Committee is wrapping up its hearings on Narragansett Bay (in response to last summer's fish kill in Greenwich Bay.) The Senate is expected to complete its hearings later this month and have a report ready for the General Assembly by the beginning of the legislative session in early January

Other Commissions:

- Mercury Products Commission
Has not met yet. Suggested names for Governor's appointees have been forwarded to the Governor's Office.
S-0578 & H-6610
- RIPDES Review Commission
Has not met yet. DEM is preparing a short white paper/briefing document in preparation for the first commission meeting that has not yet been scheduled.
(H-6596 & S-1206)
- Health Effects of Toxic Mold
The Toxic Mold Commission held an organizational meeting on November 18th. The Commission's next meeting is tentatively scheduled for December 16th. (S-0983)

Commissions that have not met include:

- Tire Disposal Commission (H-6049)
- Oil Pollution Control/OSPAR (H-6611) Sand & Gravel Task Force (S-1915)
- Wastewater Reclamation/Reuse/Recycling (S-1179)
- Electronic Waste (H-5829)
- Mercury Penalty Money Commission (S-1194)