



Environmental Roundtable News

DEM, Partners Recognize Efforts To Reduce Mercury

On November 23, DEM Associate Director Terry Gray and DOH Risk Assessment Chief Bob Vanderslice presented three gubernatorial citations for efforts to reduce mercury in the environment. The awards went to Clean Water Action Director and Environmental Roundtable Chair Sheila Dormody, the Narragansett Bay Commission (NBC) and Eastside Marketplace.

Through their combined efforts, the state will realize significant reductions in the amount of mercury in our environment, along with increased awareness of the dangers associated with the substance.

Sheila was recognized for organizing and implementing statewide mercury reduction programs such as the Zero Mercury Campaign. NBC was recognized for implementing environmental best management practices in its Management of Waste Dental Amalgam program. Eastside Marketplace, of Providence, was honored for its efforts to promote the RI Department of Health's message "*Fish is Good, Mercury is Bad*" by organizing and implementing a consumer education program for its customers.

The recognition program is sponsored by the State Mercury Education Reduction Group, of which DEM is a member.



From left to right: Robert Vanderslice, DOH; Sheila Dormody, Clean Water Action; Tom Uva, NBC; Edmund Pacheco, Eastside Marketplace; and, Terry Gray, DEM.

SAVE THE DATES

Here are proposed quarterly meeting dates for the 2005 Environmental Roundtable. The dates will be finalized at the December 16, 2004 meeting and posted on the web.

February 17
May 19
September 22
December 15

All meetings are from 3:00 to 5:00 PM in Room 300, DEM Headquarters.

DEM's Newest Investigative Team Saves State Time and Money

DEM introduced its newest investigative team – six highly trained staff members who use specialized equipment to search out and remediate underground contamination at selected sites. The Field Investigation and Remediation Support Team, or FIRST, is expected to save hundreds of thousands of dollars annually and has already proven its worth with over \$578,000 in savings since 2001.

Similar to a Crime Scene Investigation Unit, FIRST searches for contamination rather than criminals. FIRST got its start during the Pascoag MBTE emergency in 2001. Faced with a bankrupt responsible party and a multi-million dollar clean-up, DEM needed to balance the use of its in-house expertise with the use of contractors. As a result, DEM conducted almost all of the initial investigation work and used contractors primarily for the remediation phase, saving an estimated \$350,000.

Pooling equipment, personnel resources and expertise from several DEM programs, FIRST conducts Rapid Site Assessments to collect and analyze air, soil and water samples and provide initial findings on contaminated sites within hours using a mobile lab and specialized equipment, rather than sending samples to private labs for analysis, which would add cost and time to the investigatory process.



DEM Geoprobe

With EPA funds and legal settlement fees, DEM purchased several pieces of equipment, including a Geoprobe, a field Gas Chromatograph (GC), and an X-ray Fluorescence (XRF) analyzer, for use in FIRST's Rapid Site Assessments. The Geoprobe drilling machine can collect soil and water samples from over 100 feet deep and install small groundwater monitoring wells for follow-up sampling. The samples can then be analyzed by the GC for volatile compounds, found in gasoline, degreasers, and solvents, and by the XRF for metals, such as lead, arsenic, and chromium.

In addition to responding to environmental emergencies, FIRST is used extensively in the EPA/DEM Leaking Underground Storage Tank Site Closure Initiative, where DEM helps owners of properties where underground storage tanks have leaked. Often DEM needs additional information to determine if further cleanup work is needed and many individually owned gas stations (mom and pops) are financially unable to provide this information, leaving DEM with no alternative but to take legal action to force the owner to do the work. FIRST is now able to complete some of investigation that the owners cannot afford. The hope is that DEM can close leaking tank cases more quickly without resorting to costly and confrontational legal proceedings and help financially strapped gas station owners.

FIRST also works with municipalities to assess the condition of their old landfills, leveraging the small amount of funds that municipalities have budgeted for this work to collect and evaluate all the information necessary to assess these sites.

FIRST team members include James Wilusz, Chris Walusiak, George Mouradjian, Frank Gally, Michael Andrews, and Michael Cote.

DEM to Adopt California Vehicle Emission Standards

DEM is wrapping up the stakeholder process to amend Air Pollution Control Regulation No. 37, Rhode Island's Low Emission Vehicle Program, in keeping with Governor Carcieri's directive to adopt California Vehicle Emission Standards. The new standards will require greater curbs on auto emissions, beginning with cars sold in model year 2008, resulting in a 16 percent improvement over federal standards by 2020. Vehicle emissions contribute 80 percent of the air pollution and 40 percent of greenhouse gas emissions in Rhode Island.

The Department expects to adopt the standards in December, joining a growing number of Northeast States that have adopted the California standards, including Maine, Massachusetts, New York and Vermont. Connecticut and New Jersey are also considering adopting the standards. The amendments were proposed on October 16th and a public hearing held on November 16th.

Stakeholders included representatives of automobile manufacturers, Rhode Island auto dealers and environmental and health advocates. DEM developed a system to transfer Zero Emissions Vehicle (ZEV) credits from California to Rhode Island to address an auto manufacturers' concern that compliance with the ZEV standards would be difficult in Rhode Island because manufacturers have been able to earn credits for early ZEV sales in California. The system also allows manufacturers to earn additional credits for placement of ZEVs in Rhode Island before the requirement becomes effective in model year 2008.



The hybrid Toyota Prius is one of the vehicles that would qualify as a Zero Emissions Vehicle under the proposed CA-LEV regulations.

DEM is reviewing comments from 127 individuals and groups in preparation for adoption of the standards. For more information contact Steve Majkut at 222-2808, extension 7010 or visit DEM's [website](#) DEM's [Air Resources Web Page](#).

Draft RI Forest Resources Management Plan Available

DEM has forwarded a final draft of the RI Forest Resources Management Plan to the RI Statewide Planning Program for review and adoption as part of the state guide plan.

Developed by DEM's Sustainable Watersheds Office and Division of Forest Environment in cooperation with the RI Statewide Planning Program, the 70-plus page document will be an element of the state guide plan. By law the goals and policies of Guide Plan Elements such as the Forest Resources Plan must be reflected in updates of local comprehensive plans.

Forests cover nearly 60 percent of Rhode Island's landscape, contributing over \$530 million each year to the state's economy as well as providing clean air and water, habitat for wildlife, and aesthetic benefits. The Plan addresses forest resource management, information and education, forest health, commercial forest products, and water resources. Three new issues - sustainability, recreation and tourism, and fragmentation - are also addressed.

The objectives for recreation and tourism focus on providing adequate funding to maintain recreational areas, and coordinating policies with recreational groups for state-owned forestland, as there is little, if any, private forestland recreation for the public corresponding to agri-tourism on farmland. The plan recommends expanded education and outreach to address the key issues of sustainability and fragmentation. Since 70% of the state's forestland is in private ownership, education in the following areas is critical to preserving forestland:



- conservation development, estate planning, conservation easements and the Farm, Forest and Open Space Program
- land use ordinances to minimize loss of forest cover and fragmentation
- land use and smart growth policies
- technical assistance and education on sustainable practices
- sustainable forest product businesses

The plan will be reviewed by the State Technical Planning Committee next month and open for public comment shortly thereafter. The draft Plan can be found on DEM's website, by clicking on "[Forest Environment](#)" under "[Programs](#)". The file is large, and may take some time to download.

DEM Selling Surplus Property

Submitted by Lisa Primiano

The Department of Environmental Management is surplusing a 5.48-acre parcel of land located in the City of Providence at 242 Allens Avenue that has been owned by the State since condemnation by the State Harbor Improvement Commission in March of 1911.

Since December of 1978, the property has been leased to Promet Marine Service Corporation for use as a marine repair facility for large boats and commercial vessels and for handling bulk cargo. After a comprehensive review of all DEM properties, the parcel was determined to be surplus to the Department's needs. Under Governor Carcieri's Fiscal Fitness Program, DEM proceeded to immediately surplus this land.

The property is located in the City's industrial/commercial waterfront district and is zoned for Port Maritime Industrial use. It contains approximately 410 feet of frontage on Allens Avenue and 500 feet of frontage on the Providence waterfront.

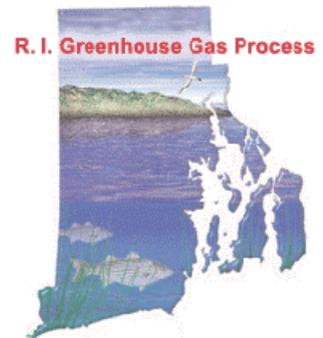
In response to an RFP advertising the land for sale, DEM received two bids on the property; one from the current tenant and the other from a nationally recognized stone and granite buyer and processor. The Department is about to begin negotiations to enter in to a Purchase and Sales contract to sell the land to Promet, the highest bidder. The prospective transfer, which is expected to occur in early 2005, will reflect the market value for this coastal parcel on the Upper Bay.

Greenhouse Gas Process Begins Phase IV

The RI Greenhouse Gas Group kicked off Phase IV in late October and early November with meetings of the Transportation and Buildings and Facilities Working Groups.

The Transportation Working Group will explore several options to reduce Vehicle Miles Traveled (VMT) and promote more efficient vehicles, including:

- Assess the potential benefits of enforcing a 2004 law that requires employers within ¼ mile of transit who subsidize parking to offer a transit pass in lieu of parking.
- Examine Pay-As-You-Go Insurance where rates are based heavily on actual VMT's
- Explore raising the gas tax and implementing vehicle efficiency incentives on a regional basis. (State officials from RI, CT and MA are meeting on December 10 and will report back to the working group).
- Expand the use of bio-diesel fuel in transportation (in conjunction with the Buildings and Facilities WorkGroup).



The Building and Facilities Working Group will:

- Explore opportunities to promote and fund Combined Heat and Power and Clean Distributed Generation applications
- Develop standards for sustainable public school buildings
- Consider options to extend the System Benefit Charge to other fossil fuels, such as oil and gas, to fund efficiency and clean energy programs. Currently the SBC applies to electricity only.
- Encourage the State Building Code Committee to adopt ASHRAE 2004 standards in the July 2007 adoption of the next code
- Devise a strategy to improve energy code compliance

The Stakeholder Group is following the adoption of Executive Orders for Clean State Fleets, Green Facilities and Environmentally Preferable Purchasing, which the state will roll out soon in conjunction with a new incentive program to lower energy costs in state buildings. The Stakeholder Group will also continue to monitor implementation of the Renewable Energy Standard law.

For more information about the GHG process, please visit the [Rhode Island Greenhouse Gas Process](#) web page. Upcoming meetings of the GHG process may also be found in the Upcoming Events/Meetings page of this newsletter.

Nutrient Removal Course Held To Assist Efforts In Water Pollution Control

On Monday, October 25, DEM sponsored a biological nutrient removal course for wastewater treatment operators at the Warwick Wastewater Treatment Facility. The day-long session was attended by some



35 operators from facilities throughout Rhode Island that are undertaking or considering voluntary and interim system changes to remove as much nitrogen and ammonia as possible from their systems before they are required to do so.

Wastewater treatment facilities are a significant source of nutrients to upper Narragansett Bay. Excess nutrients stimulate algae growth, which robs water of the oxygen necessary to fish and shellfish. The course, presented by the New England Interstate Water Pollution Control Commission, presented the latest concepts in nitrogen removal and

examined nitrogen removal retrofits as well as process control changes that facilities can make.

Operators who are working toward nutrient removal include Cranston, Warren, and East Providence, who are experimenting with interim process control changes. East Greenwich is continuing to evaluate whether interim process control changes are feasible. Narragansett Bay Commission's Field's Point wastewater treatment facility is investigating the feasibility of facility modifications to temporarily reduce nutrients. In addition, DEM has required or has drafted permits that will require construction of wastewater treatment facility upgrades.

For additional information, call Bill Patenaude of DEM's Office of Water Resources, at 222-3961 ext. 7264.

2004 State of the State's Waters Report Completed

DEM has published the 2004 *State of the State's Waters* Report. The 2004 report details considerable progress due to water pollution abatement and restoration programs and projects, while identifying remaining serious shortfalls in water quality and monitoring coverage. The report identifies 137 lakes, river segments and coastal waters that fail to meet water quality standards. It also shows that the state still has a long way to go to fully assess its ground and surface waters to determine whether they meet standards. To date, 99% of the 156.29 square miles of estuarine waters, 80% of the 20,917 lake acres, and only 38% of the 1,498 river miles in the state have been assessed. DEM hopes to address the lack of assessment through its newly completed draft statewide water monitoring strategy (see Bay Update in this newsletter).

Of the assessed waters:

- 66% of river miles, 78% of lake acres and 69% of estuarine waters assessed support all designated uses.

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- Approximately 80% of waters designated for shellfishing are open.
 - Bacterial contamination continues to be among the leading causes of impairments in all waterbody types.
 - Excess nutrients and low dissolved oxygen are among the leading causes of impairments in lakes and estuarine waters.

The report is available on the [publications page](#) of the [DEM website, www.state.ri.us/dem](http://www.state.ri.us/dem), and will be placed at various libraries around the state. A hard copy is available for review at the Office of Technical and Customer Assistance at DEM Headquarters, 235 Promenade Street in Providence. For additional information regarding the content of this report, contact Connie Carey at 222-3961.

Narragansett Bay Update

Submitted by Tom Getz

DEM is responsible for implementing a number of elements in the Governor's Narragansett Bay and Watershed Planning Commission Report. The following is an update on some of the major DEM activities of the last few months:

- Nutrient Reduction at Wastewater Treatment Facilities: Warwick- completed construction and started the Biological Nutrient Reduction (BNR) process. Cranston- Issued Order of Approval in September. Construction projected to be complete by April 2005. DEM, with contractor assistance, evaluated the feasibility of implementing temporary improvements at five facilities. Recommendations were successfully implemented in Warren, East Providence and Cranston. East Greenwich and Fields Point continue to evaluate possible changes for interim nitrogen removal.
- DEM's Division of Law Enforcement intensified enforcement of the states "no-discharge" law, targeting five priority beaches. The Division conducted compliance checks on 31 boats and made six arrests and issued one written warning for violations.
- DEM, DOH and DOT developed and implemented several projects of a Beach Improvement Strategy. At Scarborough Beach, one of the highest priority projects, DOT instituted engineering changes to the stormwater collection system to help reduce pollution at the beach. In addition, DEM inspected septic systems at all 30 houses in the Black Point area of Scarborough and identified nine failed systems. DEM issued Notices of Intent (NOI) to enforce in order to provide owners with an opportunity to correct problems before Notices of Violations (NOV's) are issued.
- DEM has completed a draft statewide water monitoring strategy. The draft strategy is posted on the web. (http://www.ci.uri.edu/Projects/RI-Monitoring/Docs/DEM_WQ_Mon.pdf) and is expected to be finalized by the end of the year.
- The National Oceanic & Atmospheric Administration (NOAA) informally approved DEM's request to reprogram a \$368,000 grant to enhance access to and use of the Prudence Island Reserve by the public. DEM will contribute an additional \$100,000 to the project. Key aspects of the project include rebuilding and improving accessibility of the wharf, upgrading and expanding

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- the educational center and building a new handicap-accessible composting toilet facility. DEM programmed \$75,000 to assess increased shoreline access sites at 23 publicly owned properties, with an emphasis on public fishing sites. DEM received seven bids for consultant services and will select a firm by January 2005. The study will be completed in the summer of 2005.

Regulatory News

Water Quality Regulation Amendments

DEM will hold a public workshop on proposed amendments to the Water Quality Regulations on December 9 and a public hearing on January 12, 2005, both will be held in room 300 at 6 PM. The regulation amendments are required to meet the mandates of the federal government in the Clean Water Act and include changes to criteria, classification of waters, special resource protection waters, water quality certification rules, appeals to decisions, and to the anti-degradation policy. For a brief overview of the changes and the complete amendments, visit <http://www.state.ri.us/dem/programs/benviron/water/quality/draftreg.htm>.

DEM to Begin Public Comment Period for Groundwater Regulations

Proposed changes to the Rules and Regulations for Groundwater Quality are moving forward and DEM has established the public notice schedule as follows:

Monday, December 13, 2004 - Public Comment Period Opens
Thursday, January 6, 2005; 3:00 PM; - Workshop
Thursday, January 20, 2005; 3:00 PM - Public Hearing
Friday, January 28, 2005 - Public Comment Period Closes

The workshop and public hearing will take place at DEM Headquarters, 235 Promenade Street, Providence, Room 300, 3rd floor.

Fee Changes Proposed

DEM will hold a public hearing on proposed amendments to the Rules and Regulations Governing the Establishment of Various Fees. The regulations, adopted in March 1990 and amended in April 2001, establish fees for various applications and permits within the Rhode Island Pollutant Discharge Elimination System (RIPDES), Wastewater Treatment Facilities (WWTF), and Air Resources programs within DEM. The current RIPDES and Air Resources fees will not be changed by these amendments.

In response to recommendations made by the Governor's Fiscal Fitness team, DEM proposes to establish new fees in the following programs:

- Groundwater Quality Certification: \$200
- Water Quality Certification:
Estimated project cost <\$250,000: \$200

Estimated project cost ³\$250,000: \$400

- Underground Injection Control:

Stormwater Subsurface Discharge System: \$100

Subsurface Discharge System Other than Stormwater: \$200

Permanent Closure for Shallow Injection Well Facilities: \$200

- Well Drilling Variance: \$50

Water Quality Certification Fees and Underground Injection Control Fees will be waived for projects where the sole purpose is water quality improvement or wetlands restoration.

**Proposed Fee Modifications
DEM Wastewater Treatment Facility Program**

Activity	Current Fees	Proposed Fees	Percent Change
New WWTF	\$9,930	\$10,000	+ 0.7%
Major WWTF Modifications	\$5,775	\$6,000	+ 3.9%
Minor WWTF Modifications	\$5,775	\$1,000	- 83.0%
Sewer Extensions-No New Flows or New Flows <250,000 gpd	\$277	\$300	+ 8.3%
Sewer Extensions with New Flows of ≥250,000 gpd	\$277	\$1,000	+ 261.0%

The amendments also modify the Wastewater Treatment Facilities Program fee structure as follows:

The public hearing will be held on Wednesday, December 15, 2004 at 4:00 PM in Room 300 of DEM Offices, 235 Promenade Street, Providence, RI. Public comments will be accepted until 4:00 PM on Friday, January 7, 2005. The proposed rules are posted on the DEM website. For further information, please contact Lisa McCreavy at 222-4700, extension 7611.

Air Regulation Amendments Underway

In addition to the California Vehicle Emission Standards discussed above, the Division of Air Resources has a number of regulatory amendments in process. They include:

- Streamlining permitting requirements regulations that will encourage more small-scale Combined Heat and Power (CHP) and Distributed Generation (DG) projects (see DEM Environmental Roundtable News - December 2003). A stakeholder group will be established by the end of 2004 and begin work in early 2005. Contact: Doug McVay, 222-2808, extension 7011.
- Chemical Accidental Release Prevention Program regulations that will minimize the potential for accidental air releases and minimize the harmful effects of those that do occur. The proposal has been reviewed in a stakeholder process and the regulations will be proposed in January 2005. Contact: Gina Friedman, 222-2808, extension 7016.
- A change to Control of Nitrogen Oxides Emissions regulations to allow facilities to submit certified stack testing results instead requiring each test be observed by DEM staff. DEM will continue to review all testing protocols and results and will conduct random stack test observations. The Office of Air Resources will discuss the changes with potential stakeholders in January 2005 with the goal of promulgating the regulations by May. Contact: Ted Burns, 222-2808,

extension 7013.

For additional information on proposed air regulations, please visit DEM's [website](#) DEM's [Air Resources Web Page](#).

Save the Dates - Training for Underground Storage Tank Environmental Results Program Tentatively Scheduled

At previous Environmental Roundtable meetings, the Department has reported on a stakeholder process to develop an Environmental Results Program (ERP) for Underground Storage Tanks (UST). The UST-ERP will allow facilities to certify that they are meeting their regulatory obligations using a workbook and checklist. The program has been finalized and training dates have been tentatively scheduled. The proposed training dates are: February 2, 16, 24, March 9, 22 and 31 in 2005. Locations will be in Providence, South County and East Bay areas. Times will be early evenings.

Environmental Roundtable members will be notified once details have been finalized. Please visit the UST-ERP web page for more information and/or updates at RI DEM/OTCA- [Underground Storage Tanks Environmental Results Program](#).

RI Committee on Occupational Safety & Health News

Adapted from the RICOSH October 2004 News Bulletin Submitted by James Celenza, Director

Chemical Safety in Schools

A special chemical prohibition that involves high schools here in Rhode Island is now in effect. Under Rhode Island Department of Education/Department of Health (DOH) regulations (Section 39.0-Laboratories, Shops and Other Special Purpose Areas) many hazardous chemicals must now be removed from schools, and can no longer be purchased.

Examples of banned chemicals that have been found (improperly stored and improperly identified) in RI schools include: sodium or potassium metals (can explode in contact with water); mercury (toxic to the brain); picric acid (extremely sensitive to shock and friction - may explode if moved); and, ethers (extremely flammable and explosive).

Rhode Island regulations require chemicals on the designated list to be removed by August 2005. There are federal and state hazardous waste regulations that govern the removal of chemicals. DOH has some grants for proper removal and almost a dozen schools have taken advantage of the DOH grants.

The Rhode Island Chemical Safe Schools Committee, a voluntary group of state regulators, private consultants, chemists, educators and occupational health advocates, have put on several workshop and on chemical safety and safe chemical removal to look at environmental health risks in schools and to help eliminate or minimize risks associated with hazardous chemicals in schools.

Rhode Island Joins the Ranks of Smoke-free Workplace States

After years of effort on the part of smoke-free worksites advocates and their legislative allies, a comprehensive smoke-free worksites law will go into effect on March 1, 2005. Some private bars and small neighborhood bars would be exempt from the ban until October 2006. Gambling establishments, nursing homes and hotels can still permit smoking by visitors and guests but there is a provision that permits employees to refuse to work in areas where smoking is allowed.

Among the labor groups supporting passage of the law were the Rhode Island AFL-CIO, the Hotel And Restaurant Workers and the Rhode Island Committee on Occupational Safety and Health.

RI Committee on Occupational Safety & Health

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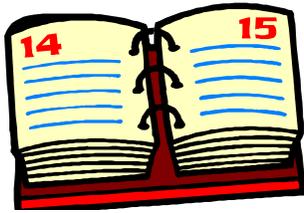
Tis the Season!

Please support Rhode Island Christmas tree farms when choosing your fresh cut Christmas tree this season.

For a list of Rhode Island farms, tips on safety and rules for buying and preserving your tree, please visit the DEM's Division of Agriculture, <http://www.state.ri.us/dem/topics/agricult.htm> or call (401) 222-2781 for a free brochure.



Happy Holidays!



Upcoming Events/Meetings

2004

December 9

Greenhouse Gas Stakeholder Meeting
9:00 a.m. at DEM, Room 300, 235 Promenade Street, Providence, RI

Public Workshop re: Proposed Amendments to the Water Quality Regulations 6:00 p.m. at DEM, Room 300, 235 Promenade Street, Providence, RI.

Public Hearing re: Proposed "Rules and Regulations Governing the Management of Marine Fisheries" (Licensing Regulations) 6:00 p.m. at the URI Graduate School of Oceanography's Corless Auditorium, South Ferry Rd., Narragansett, RI. For information, call Jason McNamee at 423-1943.

December 14

Earth Day RI Meeting - DEM, Room 340C, 235 Promenade Street, Providence, 5:30 PM

December 15

Public Hearing re Proposed Amendments to the Rules and Regulations Governing the Establishment of Various Fees. - DEM, Room 300, 235 Promenade Street, Providence, RI, 4:00 PM

December 16

Environmental Roundtable - DEM, Room 300, 235 Promenade St, Providence, 3-5 PM

2005

January 6

Public Workshop re: Proposed changes to the Rules and Regulations for Groundwater Quality 3:00 p.m. at DEM, Room 300, 235 Promenade Street, Providence, RI.

January 7

Greenhouse Gas Transportation Work Group Meeting, DEM, Room 300, 235 Promenade Street, Providence, RI. Time TBD.

January 12

Public hearing re: Proposed Amendments to the Water Quality Regulations 6:00 p.m. at DEM, Room 300, 235 Promenade Street, Providence, RI.

January 20

Public hearing re: Proposed changes to the Rules and Regulations for Groundwater Quality 3:00 p.m. at DEM, Room 300, 235 Promenade Street, Providence, RI.

January 27

Greenhouse Gas Buildings & Facilities Work Group Meeting, DEM, Room 300, 235 Promenade Street, Providence, RI. Time TBD.

February 2, 16, 24

Underground Storage Tank Environmental Results Program Training (tentative) Time/location TBD.

February 3

Business Roundtable - DEM, Room 300, 235 Promenade St, Providence, 3:30-5 PM

February 17

Greenhouse Gas Stakeholder Meeting, DEM, Room 300, 235 Promenade St, Providence, Time TBD.

Environmental Roundtable - DEM, Room 300, 235 Promenade St, Providence, 3-5 PM