



# DEM Environmental Roundtable Newsletter

May 20, 2004

## Clean Cars

### Governor Mandates California Low Emission Standards for Rhode Island

Adapted from Governor's Press Release

Governor Carcieri announced May 7 that Rhode Island will adopt California's Low Emission Vehicle standards (known as CA LEV) for new automobiles and light-duty trucks sold in Rhode Island.



The Governor instructed DEM to promulgate regulations to implement the CA LEV program which will reduce emissions of hydrocarbons in Rhode Island by 16 percent, air toxics by 25 percent, and greenhouse gases by two percent, by the year 2020 and assure that Rhode Island will get the cleanest new cars available in the world today.

Vehicles in Rhode Island contribute more than 80 percent of the air toxics in Rhode Island, which are at levels currently above health benchmarks, according to DEM's air quality monitoring data. Hydrocarbons contribute to Rhode Island's ozone non-attainment problem.

Rhode Island joins Massachusetts, Vermont, Maine, and New York in implementing the program. Connecticut and New Jersey are in the process of adopting the standard.

## Earth Day an Overwhelming Success

Submitted by: M. Hopkins

Earth Day 2004 drew over 11,700 people to Roger Williams Park Zoo in Providence for

Conservation Week and the Earth Day Festival. All who attended enjoyed music, fun, and environmental education exhibits.



Throughout the month of April, over 9000 volunteers joined forces and participated in over 100 cleanups around the state. DEM awarded 73 organizations mini grants of \$200 each to help enhance their clean ups and provided gloves and bags to the volunteers.

The Earth Day Committee is considering plans for Earth Day 2005 - the 35<sup>th</sup> Anniversary. If you would like to join the Earth Day Committee, the meetings are on the 2<sup>nd</sup> Tuesday of each month at RIDEM headquarters, room 340C at 5:30pm. Or, call Earth Day Committee Chair Jeff Fornaro at 949-2187.

## Mercury News

### 14-Member Mercury Planning and Oversight Commission Named

Submitted by: E. Stone

In 2003 the General Assembly amended the RI Mercury Reduction and Education Act to create a fourteen-member planning and oversight commission. The Commission's purpose is to study the system for reducing and eliminating mercury hazards in Rhode Island, including, but not limited to:

- identifying current and projected sources of mercury hazards;
- evaluating programs and efforts to reduce the sources in a cost-effective and efficient manner that does not place

Rhode Island at a disadvantage with other states;

- building on effective efforts in other states and achieving consistency with other states in terms of approach and timing of implementation; and
- determining the availability and effectiveness to consumers and the public of programs, facilities for disposal and recycling mercury-added products, and education about mercury-added products and mercury hazards.

Governor Carcieri recently appointed Marcella Thompson, Senior Safety Engineer from ON Semiconductor, to serve as the commission chairperson. Other commission members appointed by the Governor earlier this year include: Andrew Knapp (Hasbro, Inc.), Peter Bleasby (Osram Sylvania Inc.), Jason Linnell (Electronic Industries Alliance), Howard J. Rosenberg (Novomont Ventures), Dr. Nicholas Tsiongas of Pawtucket, Kate Canada (RI Public Interest Research Group), Sheila Dormody (ECRI/Clean Water Action of RI), and Eugenia Marks (Audubon Society of RI). The following agencies/ organizations will be represented on the commission as ex-officio voting members: RI DEM, RI DOH, RI EDC, RI Resource Recovery, and the RI League of Cities and Towns.

The commission's first meeting was on Friday, May 14, 2004. Although DEM will work with the chair to support the commission, this is not a DEM commission or stakeholder group, so there is independence between the commission and the Department.



DEM is developing a web page to support the commission. The URL for that page is: <http://www.state.ri.us/dem/hgcomm/index.htm>. Commission membership, meeting times/agendas/minutes, and background information will be posted at this site.

## Regulatory Agenda Update

### Mercury Regulations Finalized

Submitted by: B. Migliore

The Department has finalized regulations implementing the state's comprehensive mercury reduction law enacted by the legislature in 2001. Effective May 11, the regulations provide guidelines for achieving significant reductions in environmental mercury. Among the topics addressed are:

- manufacturer's notification regarding mercury content;
- gradual phase-out of mercury-added products;
- mercury labeling requirements; manufacturer's product collection plans;
- disclosure for mercury-added formulated products sold to healthcare facilities; and
- product disposal requirements.

Also addressed are specific product bans and sale restrictions that began on January 1, 2003. Banned products are mercury-added novelties for final sale or use or distributed for promotional purposes in Rhode Island. The ban does not apply to novelties incorporating removable mercury-added button cell batteries if they are the only mercury-added components.

A mercury advisory group comprised of industry representatives, local environmental and health organizations, state officials and legislative policy analysts collaborated with DEM in developing the regulations. The proposed regulations can be found on DEM's website, [www.state.ri.us/dem](http://www.state.ri.us/dem) by clicking on "[Mercury](#)" under "[Topics](#)."

### Air Toxics Regulations Finalized

Submitted by: B. Morin

Amendments to the Air Toxics requirements in Air Pollution Control Regulation No. 9, "Air Pollution Control Permits" and No. 22, "Air Toxics" were adopted on April 27, 2004.

Below is a summary of the major changes, which were developed in conjunction with a stakeholder group. The amendments:

- Expand the list of toxic air contaminants in the regulations.
- Update Acceptable Ambient Levels (AALs), which are ambient air impact standards, to reflect current toxicological information.
- Update Minimum Quantity applicability thresholds and changed them from the amount of the substance used or generated to the amount actually emitted from a facility.
- Moved requirements for perchloroethylene dry cleaning facilities from Regulation No. 22. to Regulation No. 23.
- Remove the exemption for small organic solvent degreasing sources.
- Exempt sodium hydroxide emissions from caustic scrubbers.
- Add exemptions for asbestos abatement projects subject to Department of Health (HEALTH) rules and for lead paint hazard reduction and removal projects.
- Change the exemption for fuel burning sources.

The amended regulations and a fact sheet with all of the amendments and explanations of the changes can be found on RI DEM's web site at

<http://www.state.ri.us/dem/pubs/regs/index.htm#Air>. Questions about the amended regulations can be directed to Barbara Morin at 222-4700, extension 7012.

### **Groundwater Regulations Amendments**

DEM's Office of Water Resources expects to go to public notice with proposed amendments to the "Rules and Regulations for Groundwater Quality" within the next two months.

Some of the more significant proposed amendments being considered are:

- no new facilities that require permits for treatment, storage or transfer of hazardous waste will be allowed in areas where groundwater is classified as GAA or GA, and road salt piles must be covered in those areas;
- changes to groundwater classification and groundwater quality certification; criteria for large septic systems to be subject to groundwater quality certification requirements will be decreased from 10,000 gallons per day to 5,000 gallons per day;
- changes to wellhead protection area designation and planning requirements; and
- changes to monitoring well construction standards.

Watch for the draft rules and a detailed summary on the DEM website at the time of public notice.

### **Used Oil Regulations - (Proposed New Hazardous Waste Management Rule 15.00)**

This proposed Rule is intended to provide businesses that generate used (or waste) oil an alternative method for managing their used oil that is similar to managing it as a conventional hazardous waste, but is less restrictive to facilitate recycling rather than disposal as hazardous waste.



After an extensive internal review process and comment by EPA, the proposed Rule with changes to address EPA concerns, was mailed to the EPA this week for follow-up review. Immediately following approval, DEM will hold a workshop and hopes to promulgate the revisions by end of year.

## ISDS Regulations

Submitted by: E. Panciera

Later this year the Office of Water Resources plans to propose comprehensive changes to the ISDS rules. The proposed changes will address administrative and procedural issues as well as technical requirements regarding the siting and design of an ISDS. Provisions expected to be included are:

- new tank standards - including risers and requirements for effluent filters- that will help improve performance,
- more varied options for leachfield design and construction,
- requirements for nitrogen reduction systems in certain critical areas;
- increased setbacks to subdrains and drinking water wells in certain instances; and
- phase-out requirement for high-risk cesspools.

DEM will also completely reformat and reorganize the regulations to correct discontinuities due to several extensive amendments over many years. DEM will present the proposed changes to the stakeholder group that met approximately 25 times with DEM for review and comment. Prior to going to public notice on the changes, DEM plans to hold several public workshops this fall.

## Wetlands Regulations

Submitted by: Carol Murphy



In 2004, the Freshwater Wetlands Protection Program will complete Phase 2 revisions to the Freshwater Wetland rules and regulations. The proposed changes, while primarily structural and organizational, will include some added provisions and procedural revisions aimed at improving application processing. One objective of the structural changes is to make the rules more transparent to all users. The draft rules emphasize the importance of wetland functions and values right up front in the

findings section; include an ‘umbrella rule’ that describes the prohibitions and approvals that are available; introduces a rule with requirements that relate to all applications, including site plan requirements and field requirements; simplifies the fees by eliminating the square foot additives; and introduces rules for each of the major application types, with specific requirements and review criteria. The draft rules were provided to and reviewed by the Wetlands Task Force in January through March. Many good comments resulted. Their comments along with those of both permitting and compliance unit staff are now being reviewed and evaluated and the next step will be a public notice with an opportunity for public hearing and further comment.

## Environmental Results Program on Tap for Auto Salvage Operations

Submitted by: R. Enander



DEM and project partners will receive \$200,000 to develop an Environmental Results Program (ERP) for auto salvage operations from the U.S. Environmental Protection Agency, National Center for Environmental Innovation, Washington, D.C.

Human health and environmental risks associated with auto salvage operations are diverse and variable – arising from a broad array of physical, chemical, and biological hazards. Such hazards include the potential for fire or explosion at improperly managed sites; the transmission of West Nile Virus and/or other zoonotic diseases where yard areas serve as vector-breeding habitats; soil, surface water, and groundwater contamination resulting from the improper management of solid and hazardous waste, including mercury switches; and air releases of asbestos fibers,

fugitive dust, and/or volatile organic compounds.

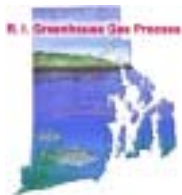
DEM will build upon existing partnerships and incorporate knowledge from recent successes with ERP's for auto refinishing, underground storage tanks, exterior lead paint removal, and dry cleaning. The ERP will be developed in conjunction with stakeholders and will consist of three parts: facility certification; statistically-based performance measurement; and on-site compliance, pollution prevention and technical assistance.

Project partners include the University of Rhode Island Center for Pollution Prevention and Environmental Health, Narragansett Bay Commission (NBC) Pollution Prevention Program, William Davies Career and Technical High School, and the Rhode Island Department of Health. The project will be underway in the fall of 2004. Updates will be provided as the project progresses.

## Greenhouse Gas Update

Submitted by: M. Musselman

### Forestry Options to Reduce Greenhouse Gas Emissions



On June 1 The Greenhouse Gas Stakeholders Group will host a workshop to discuss strategies to reduce greenhouse gas emissions in the draft report Forestry,

Agriculture and Land Use Change Strategies for Reducing Greenhouse Gas Emissions in RI prepared by the Tellus Institute and Ecofor. The draft may be seen on the RI Greenhouse Gas website at <http://righg.raabassociates.org/events.asp?type=grp&event=Forestry>

### Workshop

The workshop will be held at the George Washington Management Area in Chepachet

on June 1 from 9 AM to 2 PM. For the workshop invitation and agenda see, <http://righg.raabassociates.org/Articles/Forestry%20Workshop%20Invite.pdf>.

In the morning participants will review the state of Rhode Island's forests, as well as the forestry and land use strategies in the report. In the afternoon there will be two facilitated breakout sessions and an optional guided walk in the woods.

Reducing greenhouse gas emissions through forestry and land use changes is part of the larger effort to reduce greenhouse gas emissions in Rhode Island.

Forestry recommendations include:

- expand urban and community forest programs with a goal of planting at least 200,000 new trees by 2014;
- seek full implementation of conservation development program; increasing target acreage for riparian buffer restoration;
- target 2,750 acres of inactive gravel mines to convert to grasslands by 2015; and
- increase the pine proportion of existing forests.

Recommendations for agriculture include:

- switch 4,000 acres from conventional plowing to no-till cropping; and
- educate small farmers in farm fertilizer management and home owners in lawn fertilizer management.

### System Benefit Charge for Fossil Fuels

The Greenhouse Gas Stakeholder Group has proposed establishing a system benefit charge (SBC) on fossil fuels, including fuel oil and natural gas to reduce the rising consumption of those fuels.

The program would be similar to the existing SBS on electricity where ratepayers pay a small surcharge on monthly electric bills based on usage. The funds collected are distributed on the form of grants, rebates and other incentives to encourage consumers to

use less electricity through the purchase of more efficient appliances. The fossil fuel SBC funds would be used for similar programs aimed at promoting oil and gas efficiency.

Stakeholders plan to work with members of the fossil fuel industry in the coming months. Updates will be provided as the initiative progresses.

### Forestry News

Submitted by: G. Cassidy

#### Forest Management Plan Update

The Forest Resources Management Plan last published in 1984, is being updated. DEM and Statewide Planning expect to post a draft of this element of the State Guide Plan on the web for public comment sometime in July.

#### Alternative Forest Business Grants

Dem recently awarded \$13,758 in grants to forestland owners to pay half of the cost of supplies and materials needed to initiate non-traditional forest-based businesses. The fifteen projects include alternative forest crops such as forest mushrooms, medicinal plants like witch hazel and ginseng, maple syrup and floral greens. This is the third and final grant round for the project.

As a condition of receiving grants, landowners agree to report to DEM on the growth and yield of the crops and to assist DEM in promoting this concept to other forest landowners. A publication describing alternative forest business opportunities in Rhode Island will be developed this fall.

Forests cover nearly 60 percent of Rhode Island's landscape, contributing over 530 million dollars to the state's economy as well as providing clean air and water, habitat for wildlife, and aesthetic benefits. Most of this forest (76 percent) is owned by private citizens, many who own less than 15 acres.

These grants are intended to help landowners keep their forested land.

### Brownfields

Submitted by: P. Hogan

On May 3 EPA approved three projects that DEM submitted for Targeted Brownfields Assessments (TBA) that will be funded by DEM and EDC.

#### DEM funded:

- City of Cranston – to develop a new recreational facility on six acres of vacant land that will include a lacrosse field and a soccer field with a field house for storage, restrooms, metal bleachers and on site parking.
- Town of Glocester - Chepachet River Park – to develop a 17-acre site into an interpretive historic park and passive recreational area.

#### EDC funded:

- Providence Community Health Centers - to redevelop a portion of the former Federated Lithographers factory into a community health center and a day care center. The building is to be "Green," using solar power as a renewable energy source and filtered rainwater to provide for operate sinks and toilets.

### 2003 OC&I Accomplishment Summary

Submitted by: D. albro

The Office of Compliance and Inspection (OC&I) released its 2003 Accomplishments Summary. This report details the major program milestones for OC&I and the Bureau of Environmental Protection (BEP) concerning complaint response, compliance monitoring and enforcement response. The report notes that in 2003 the Department:

- Conducted 6,991 inspections and issued 1,223 informal enforcement actions with 852 of those actions resolved. Thirty-one

(31) cases were referred to OC&I for formal enforcement action.

- Closed 559 enforcement cases
- OC&I issued 101 formal enforcement actions (Notice of Violations) and settled 71 formal enforcement actions by executing Consent Agreements
- Entered into 9 Supplemental Environmental Project (SEP) agreements, totaling \$1,152,234.
- Assessed almost \$2.3 million in administrative penalties and collected nearly \$1 million in past penalties.

The report also provides details on a number of major cases the Department took action against and/or responded to, such as the Station Nightclub Fire, the explosion at Technic, Inc. and air and hazardous waste violations at Metals Recycling.

OC&I has issued the Accomplishment Summary since 1999. Annual summaries as well as monthly enforcement actions may be found on OC&I web page: <http://www.state.ri.us/dem/programs/benviron/compinsp/index.htm>.

### Hearing Schedules on The Web

DEM's Office of Administrative Adjudication (AAD) now posts on-line schedules for adjudication matters that will come before the Office. Schedules are posted on Friday afternoons for the next week. Schedules are posted as a public service and are subject to frequent change. AAD suggests calling to confirm dates/times of hearings, motion arguments and conferences. The schedules may be found at <http://www.state.ri.us/dem/programs/director/adminadj/pdfs/schedule.pdf>. Hearing decisions are also posted on the AAD website: <http://www.state.ri.us/dem/programs/director/adminadj/index.htm>.

### Upcoming Events/Meetings



- May 18 - The annual Alfred Hawkes Award Luncheon, honoring Peggy Sharpe, from 12 o 2 PM at the Airport Radisson Hotel in Warwick. Luncheon tickets are \$20 per person. Call Rayna Santoro at 222-4700 ext. 2409.
- May 20 - Public meeting on the remedial design for the Rose Hill Landfill, 7 p.m., South Kingstown Council Chambers at 180 High Street in Wakefield.
- May 25 - RI Agriculture Day from Noon to 5 PM, State House, speaking program in the Governor's State Room at 3 PM.
- Quahog transplants:
  - May 19 - from Warwick Cove to the High Banks Shellfish Management Area and the Potowomut Spawner Sanctuary.
  - May 24 - from Mill Cove in Wickford to the Bissel Cove/Fox Island Shellfish Management Area off North Kingstown.
- Four DEM-operated farmers' markets in state parks opened in early May. Market hours of operation are:
  - Fishermens' Memorial State Park, Narragansett, Sundays, 9AM to 1 PM.
  - Haines Memorial State Park, Metropolitan Park Drive, E. Providence, Wednesdays, 2 PM to 6 PM.
  - Goddard Memorial State Park, Warwick, Fridays from 9 AM to 1 PM.
  - Colt State Park, Bristol, Fridays, 2 PM to 6 PM.