

Draft Environmental Roundtable Meeting Notes
February 12, 2003

Attendance list: L. Bellavance, K. Canada, B. Cheng, G. DiCenso, S. Dormody, C. D'Ovidio, J. Dubis, C. Fuller, J. Garceau, T. Hamblett, S. Insana, C. Karp, A. Karpick, M. Komar, E. Marks, C. Obert, H. Perry, D. Riley, M. Rubin, J. Sherman, H. Ward

DEM: R. Chateaufneuf, T. Getz, A. Good, T. Gray, J. Keller, G. McAvoy, B. Migliore, B. Morin, F. Vincent,

The director began the meeting by welcoming everyone to this meeting. The October meeting notes were accepted as written.

II. New Business

1. Legislative Update

The director indicated that DEM was only sponsoring three bills this year. He mentioned that DEM's agenda was more comprehensive, but he was not yet able to present these issues to the new administration.

The first proposal would amend the *Refuse Disposal Act* to allow DEM to approve solid waste management pilot projects proposed by municipalities as a means of encouraging the development of safe, alternative waste management techniques in Rhode Island. Such pilot projects would serve to promote waste reduction and the safe and effective management of solid waste. Block Island was cited as having a pending application with the Department that would be positively affected by this legislation.

The second Department proposal would make it a felony to assault any DEM regulatory staff/personnel while engaged in the performance of his or her duty. Similar protections already exist for state and municipal police officers, DEM conservation officers, RIPTA bus drivers and other officials.

The third Department proposal would extend tax credits for facilities that spend money on pollution prevention (P2) activities. The Director indicated this would be a hard bill to pass this year considering the current budget status. He was asked if the pollution prevention credits would apply to clean-ups in watersheds. DEM staff indicated they would look into this issue.

The participants then discussed their legislative agendas. Charles Obert indicated the Pawtuxet Watershed Council is proposing legislation that would add additional communities into the watershed council. They are proposing to expand the list of communities who are in the watershed but are not currently represented on the Council. The communities include Providence, Johnston, Foster and Glocester. He was also trying to set up a multi-tiered advisory board that would include municipal officials such as town planners, conservation commission members, and representatives from public works departments.

Alicia Karpick (Sierra Club) indicated their priorities included mercury legislation that supports mercury free schools, mercury free cars, safe walkways around schools; incentives to get people

out of individual cars; snow removal from sidewalks; and painting of crosswalks on a yearly basis.

Sheila Dormody (Clean Water Action) mentioned three pieces of legislation that they were following:

Mercury - The organization was interested in legislation that required the material to be removed from vehicles. She indicated that they are interested in working with Metals Recycling on this issue.

Energy -Require 20% of energy sold in the state by the year 2020 be produced by renewable sources.

Toxics – Require manufacturers of electronics to remove toxics material from their equipment.

The director commented that renewable energy legislation should be a regional strategy because states may be limited on what they can do individually. He mentioned the Northeast Governors are studying this issue and they recognize the need to develop incentives to allow the development of renewable sources of electrical generation. A question was asked on how the 20% figure was developed and how the year was picked. Sheila indicated this follows a federal model and as an aside it is a catchy phrase.

Terry Gray mentioned that about eighteen states have submitted legislation on requiring electronics manufactures to remove toxic materials from their products. Dell Computer Company is looking at a program to capture obsolete CRT's.

Chris D'Ovidio (Conservation Law Foundation) said there were three bills they were backing. The first is the Feebate legislation that encourages the purchase of fuel-efficient vehicles. The second was funding for habitat restoration and the third was cesspool phase-out.

Mike Rubin indicated that he was now working for the House of Representatives as counsel to the committee that reviews environmental legislation. He said he was working on a resolution that was not supportive of EPA's New Source Review regulations. He then questioned the director on his position on these regulations. The director indicated that his position is known and it is not supportive of the EPA position. His position was consistent with that of the Ozone Transport Commission, which is an organization of approximately thirteen eastern states that are working on reducing transported pollution in the region.

2. Budget Update

The director provided a brief discussion of the DEM proposed budget. He said that he was not able to talk about specifics concerning the budget because the budget had not been finalized and was not yet a public document. In general, he said the Governor's budget has education and social services as a priority. He is not sure of how the DEM budget will be impacted by the process. He made the following points:

- The DEM budget represented an 8% reduction from last year, but the reductions were made without layoffs.
- There are problems in Enforcement due to the retirement of a number of Environmental Police Officers. These positions need to be filled.

The Director was questioned on areas where he perceives problems. The director noted the following areas:

- TMDL development
- Environmental enforcement - DEM is reviewing the resources for environmental regulatory enforcement. He is looking at ways of doing things differently. He mentioned that there is some thought being given to shifting resources from permitting to enforcement. If this were done there would be a move to spend less time on issuing the “perfect permit” and shifting some of the resources to field compliance of permit conditions.
- Fisheries Management - Implementation of the Fisheries Management initiative will be difficult with existing resources. Fees on saltwater recreational fisheries could help with additional resources, but he indicated fishermen do not have confidence that any fees collected will benefit the program.

The director was asked whether a distinction is made when employees are paid by federal funds. The director said the administration was looking at this issue. They raised a concern about what happens to the position when the source of federal funds was no longer available. He did say the administration was considering excluding federally funded positions from the agency position cap.

At the end of the discussion, the director offered that Fred Vincent would meet with interested parties concerning the DEM budget once it becomes a public document.

3. DEM Updates

Solid Waste Plan – Terry Gray said DEM was co-leading the discussion with the RI Resource Recovery Corporation. This discussion needs to take place because landfill disposal capacity is less than 10 years. Discussions need to take place on the roles of DEM and RIRRC along with a review of the state’s progress on managing waste according to a hierarchy of source reduction, recycling, reuse and disposal. He said sub-committees would study source reduction, economics, municipal and commercial recycling, disposal/disposal capacity, and market development. It is anticipated each subcommittee would develop a report on the issue along with recommendations.

Harold Ward was concerned that not all topics of concern would be raised in this discussion. The director indicated that we should be looking at a comprehensive plan and not just a review of the specific topics outlined.

DEM was also questioned if it would host strategic sessions of the waste plan. A facilitated session might be helpful in moving the plan forward. Tipping fees; alternative-financing scenarios including Pay As You Throw were some of the issues that were mentioned for further discussion. The Director said DEM could host meetings if this would be useful.

Mike Rubin wanted to have tipping fees reviewed. Raising fees would have a short-term impact on municipalities, but we need to look at the long-term issues concerning waste disposal.

One member said that out of state waste was being disposed at the landfill and this had the effect of shortening the life of the landfill. He wanted to know who was responsible for enforcing out of state waste provisions of the law. The Director said this is the primary responsibility of the RIRRC, but DEM shares some of this responsibility.

Greenhouse Gasses

A lot of work has been accomplished on the RI Greenhouse Gas Plan. The committee work for the most part has been finalized and final recommendations are being developed. There is still some question on the target reduction for the renewable portfolio standards. The plan is considering a 15 or 20 percent goal of electricity being generated from renewable sources such as wind, solar or biomass. It was mentioned that the utilities were not supportive of these standards. The cost to meet the 20% standard by the year 2020 would increase the average residential electricity bill by about \$2 per month. The 15% goal would increase rates by about \$1.60 per month.

This discussion should result in model legislation. The next meeting of the group is in March.

Air Toxics

Barbara Morin provided a brief review of the changes to the air toxics regulations. She said the number of hazardous air pollutants that would be regulated would increase from 40 to about 250. DEM is beginning a stakeholder group to review the changes proposed by DEM. The first meeting will be February 20, 2003.

Barbara also mentioned that DEM would be holding a hearing on the RI ozone attainment plan on February 27, 2003. She mentioned that Rhode Island's ozone attainment demonstration showed that the state would meet the standard by 2007 if all emissions control programs were implemented as promulgated. She was concerned that if EPA allowed additional pollution to be generated because of the looser standards of their proposed New Source Review Regulations, our attainment could be in jeopardy. She also mentioned EPA policy concerning mobile source (cars and trucks and SUV's) emissions needs to be closely monitored for the same reason.

Mercury

Elizabeth Stone mentioned the regulations were heard in December. She said there were about a dozen comments that needed to be addressed before the regulations could be finalized. Bev Migliore mentioned the state procurement provisions are moving forward. In addition the Department of Education is developing regulations that will ban the use of mercury and other chemicals from schools. The Director mentioned the Senate is considering legislative changes to the law. DEM started with a regional model and tinkering with the legislation could cause Rhode Island companies to comply with two standards, i.e., a regional standard and a Rhode Island standard.

Arsenic

Terry Gray indicated the Arsenic standard would be changed in the near future. DEM is proposing to raise the regulatory standard for residential settings to 7PPM. He said natural background is close to 7PPM. The mean of arsenic concentrations found in Rhode Island is 1.7 PPM. 95% of all concentrations are below 7 PPM. Terry was asked if arsenic was mobile in water and he said it was not.

Airport Discussion

Russ Chateaufneuf provided a briefing on the environmental issues concerning the RI Airport Corporation (Corporation). He made the following points during the presentation:

- Wetland edges have been flagged on the property and DEM is in the process of verifying these edges,
- DEM will shortly issue a Notice of Violation to the Corporation based on work that disturbed Buckeye Brook.
- The Corporation has provided DEM with a Phase I Master Plan of its stormwater drainage system. DEM is in the process of reviewing this document.
- DEM is working on a draft RIPDES permit for the Corporation that will be used to minimize the pollutants that will be discharged into Buckeye Brook. Pollution reduction strategies include a glycol recovery system, oil water separators, and central washing facilities.
- DEM is investigating the cutting of trees on the property north of Airport Road to determine if there was a violation of the wetland regulations.

There was a discussion on public access to DEM's records. Citizens have said they were denied access to records because DEM has not finalized its enforcement case against the Corporation. It was noted that certain kinds of enforcement related documents are not public and are not released until the violation decision is finalized. A concern was raised that a solution to the violation will be worked out before the violation is issued. This could happen without the public ever having a chance to review the details of the case. Concerns were also raised on the time needed to issue the violation and a comment was made that it was unusual that mitigation is being discussed before the violation is issued.

Other issues discussed included:

- The wetlands are a buffer to Buckeye Brook.
- When DEM is evaluating the RIPDES permit; the anti-degradation provisions of the regulation need to be reviewed since this is an impaired waterway, and provisions for monitoring stormwater runoff should be included.
- There are 13 outfalls from the airport that discharge to Buckeye Brook. This brook sustains a herring run and the RIPDES permit needs to address this issue.

6. India Point Park

David Riley provided a brief update on this topic. He said the power lines that run between East Providence to Providence needs to be moved due to the relocation of I-195. He mentioned that the power lines should be buried to enhance the view of the waterfront. He said he has the support of the Providence Planning Department and mentioned that DOT would commit about 50% of the cost of the burial of the lines. Funding was in the highway project to move the lines and this cost could be applied to the burying of the lines if other sources of funding could be found.

The meeting was running late and the director suggested that we defer the litter discussion to the next meeting. Other topics suggested for the next meeting included sediment issues in the Pawtuxet River, and public access to the water-testing program of URI. The meeting was then adjourned.