

Environmental Roundtable Meeting Notes

Thursday, February 17, 2005

Attendees: Jane Austin, Matt Auten, Paul Beaudette, Jim Celenza, Claude Cote, Sheila Dormody, Liberty Goodwin, Jeff Hakanson, Steve Insana, Carolyn Karp, Gary Kaufman, Janice McLanahan, Emily Rochon, Barry Schiller, Jane Sherman, Jennifer West

DEM Staff: Bob Ballou, Ron Gagnon, Tom Getz, Alicia Good, Terry Gray, Janet Keller, Angelo Liberti, Steve Majkut, Gerald McAvoy, Beverly Migliore, Mickie Musselman (meeting notes), Elizabeth Stone, Fred Vincent

1. **Greetings and Introduction** - Chair Sheila Dormody welcomed participants and led introductions. She said Fred Vincent is retiring soon and thanked him for his many years of service. She said the meeting format has been changed to put presentations first, with reports and updates later in the meeting.

2. December 2004 Meeting Minutes

The minutes were approved as written.

3. Presentations/Discussion

Rhode Island Renewable Energy Fund

Emily Rochon said the Rhode Island Renewable Energy Fund had about \$9 million but the General Assembly has taken a substantial amount for other uses. There should have been \$1.5 million for projects this year, but \$400,000 was appropriated. There is concern that this fund may be used for affordable energy funding, although that is not its purpose. Clean Water Action and several other environmental groups are starting a public relations campaign to impress upon the legislature the importance of this fund to meet the renewable energy portfolio standards.

Janice McClanahan said this is ratepayers money and should go back to the ratepayers. Barry Schiller urged that top people at DEM meet with the Governor and business people to stress that the Rhode Island economy needs this fund to be used as intended.

Fred Vincent encouraged members to contact the Governor and also said that letters of endorsement from businesses and municipalities carry more weight with legislators than do state agencies.

TF Green Airport

Vincent said DEM is spending a lot of resources on the airport. The EIS is in the scoping phase.

Angelo Liberti said the stormwater discharge permit was issued in November and the Rhode Island Airport Corporation (RIAC) is appealing some of the permit requirements. Buckeye Brook, which receives stormwater runoff from the airport, is on the 303d list for biodiversity impacts. DEM cannot definitely say that the impacts are due to the airport, but has applied for an EPA grant to do an instream assessment to determine the source for the impairment. RIACs objections are that they do not believe DEM adequately supported permit restrictions,

neither DEM nor EPA has set criteria for glycol and that DEM went too far with BMP requirements. Liberti said glycol might not be the problem; it may be corrosion inhibitors that are in the deicing compound.

Carolyn Karp asked if DEM has required RIAC to monitor impacts in streams adjacent to the airport. Alicia Good said there is a requirement for instream sampling in the permit and DEM wants to get them to add monitoring for biodiversity impacts. She said DEM is moving to having more monitoring of receiving waters in permits.

Vincent said DEM is encouraging RIAC to do voluntary monitoring and that they have an EMS in place. Karp said EMS are focused on the front office on matters such as paper recycling, not necessarily on environmental impacts of processes and operations.

Liberti said DEM required RIAC to develop a snow management plan and that there is a long list of chemicals in the permit that they must monitor.

Steve Majkut said because of concern about air quality around the airport, DEM has obtained a \$500,000 grant to conduct air toxics in four neighborhoods around the airport and one other neighborhood in Warwick. The pollutants they are looking at are VOCs, benzene, toluene, 1,2,3 butadiene, carbones, polycyclic aromatic hydrocarbons, and fine particulates. It is a one year study. DEM's new optic monitoring system gives the ability to record pollutants at one-minute intervals. The study advisory group includes EPA, DOH and neighborhood representatives.

Jim Celenza asked in light of the fact that people can be wary of DOH, if DEM had asked any outside agency to interpret the data. He suggested that having ATSDR or CDC analyze the data might give people more confidence.

Schiller said because there is concern about the global effects of airports and asked what mitigation could be done to reduce greenhouse gas emissions. He said greenhouse gas emissions from airports are growing at a faster rate than from other sources such as power plants. Vincent suggested he raise that concern in the EIS process.

Ron Gagnon said the 2001 Master Plan for the airport expansion indicated that the 7,200' runway was to be lengthened by 300.' In 2002 the EIS began and in 2003 the EIS was postponed because of changes to the Master Plan. The plan now indicates a runway expansion to 9,500, an increase of 2,000' over the 2001 plan. A supplemental scoping meeting was held two weeks ago and the deadline to submit written comments is February 22.

Liter Task Force

Tom Getz said the topic of litter was brought up in this forum two years ago and since DEM no longer is dealing with litter it formed a Litter Task Force. The task force conducted a survey to determine the levels in communities, considered legislative changes and developed a strategic plan. The leader of the task force left and the group in 2004 and it is no longer meeting. Getz said DEM has very little in the way of resources for this issue and asked for suggestions from the roundtable members as to how to proceed. Schiller said there is a litter tax that is used mainly to pay for ACI litter crews and the rest goes to the General Fund. He said the Sierra Club and others want those who produce the products most often found in

litter to be more responsible for correcting the problem and said DEM has the legal responsibility, if not the money, to do something. He also said the group suggested minor changes to definitions in the legislation, and that the Solid Waste Management Plan in development should include litter as part of solid waste.

Dormody said RIRRC is interested in the plastic bag litter problem and may participate. Claude Cote said no one is enforcing the mandated plastic bag/paper bag alternative and when the plastic bag recycling bins at grocery stores fill up they can show up in the landfill.

Liberty Goodwin said it is difficult to get paper bags when she asks and suggested that since the topic of litter is so big it is hard to grasp, that we focus on plastic bags as one issue that could be managed. Rochon said San Francisco has started charging for plastic bags and it was noted that Ireland has imposed a charge for plastic bags nationwide. Schiller suggested convening one more meeting of the Task Force and to tie litter to the solid waste plan. Getz asked if there were any more people interested in working with the litter group. Karp volunteered. Liberti said the staff person for the Woonasquatucket TMDL had told him that some states have litter as TMDLs. He doesn't think it would be productive; he can't set an acceptable limit for litter. Jane Sherman said she sees an incredible amount of litter in rivers and she has a TMDL for litter that she will provide to Liberti.

4. Reports/Updates

DEM Budget

Vincent said the Governor's budget has been released and that most of the cuts DEM had proposed for the 10% reduction exercise had been restored. The Governor's budget for DEM has the highest level of general revenue in years with a \$3.5 million increase. Of that \$2.1 is slated for the Rose Hill Landfill and \$100,000 is for the new Bay, Rivers and Watersheds Coordination Team chair and assistant. Although these positions are funded from DEM's budget, they will not be DEM employees. The budget also includes \$935 for baseline water quality monitoring, which funds 7 new positions in the Office of Water. The FTE cp has increased by only one, but the turnover target has been reduced, allowing DEM to fill vacant positions sooner. The Budget Office did not accept DEM's plan to rescind the pollution prevention tax credit.

DEM reported to the legislature on February 16 on the Comprehensive Water Quality Monitoring Strategy. The main message is that we have a good strategy and need the resources to implement it.

The hearings on Governor's budget proposal will be March 15 in the House and April 7 in the Senate.

Dormody asked where DEM is going to cut. Vincent said we are giving the highest priority to enforcement and permitting. Karp asked about the assistance DEM is getting for the Bay Coordination Team chair and assistant. She said she wishes to see resources maximized and asked about the relationship between the Coordination Team, NBEP, and the Watersheds group.

Vincent said that the organization chart in the meeting handouts shows the proposed restructuring of the Department recommended by the Fiscal Fitness Team. Some of the

changes are: the Narragansett Bay Estuarine Research reserve will be split, the reserve itself will go to Parks and the research activity will be integrated into the Office of Water (OWR). There will no longer be a Planning Bureau. The Environmental Response team will move from reporting to the Director to the regulatory bureau. Implementation teams are getting ready to work out the changes over the next three months.

Sherman asked if an expanded organization chart could be provided, with names. Vincent said there is such a chart and he will have it sent to members. Karp asked if the planning functions of watersheds are moving to Natural Resources and what happened to the Narragansett Bay Estuary Program. Vincent said planning for watershed is moving to OWR and the NBEP was transferred to the Coastal Resource Center at URI about two years ago. He also said the Narragansett Bay Coordination Team will determine the work to be done and be the direct linkage to ensure coordination between agencies.

Regional Priorities

Vincent said the six New England states met for the first time to set priorities for the region that they want EPA to focus on. Teams for six issues will meet in March to adopt one-page strategic plans for each issue.

Beaudette said the Sierra Club has sent a letter to Senator Chafee urging him to stand firm on mercury and air issues. Vincent said the Department is working with Chafee's office and the Governor's Office on air issues. Dormody said Clean Water Action has sent a letter to Chafee regarding Clear Skies legislation.

Karp asked if anyone has used the LNG proposals to develop a regional approach for LNG. Vincent said Governor Carcieri has sent a letter to the other governors in the region asking them to join him in a regional approach. The LNG report, with a regional analysis of LNG needs, supplies, etc., will not be public until March. Sherman asked if they got into siting issues. Vincent said they analyzed onshore and offshore siting, but did not get into specific sites. He will provide a copy of Governor Carcieri's letter to the group to give them a sense of the regional approach.

Karp also asked about other crosscutting issues, such as using migratory fish as indicators of water quality. Good said the interstate organizations (e.g., NESCAUM, NEIWPC, NEWMOA) do get into regional issues and work with the states on what the region wants EPA to work on.

Legislative Initiatives

Liz Stone said DEM has five proposals this year. DEM will introduce a bill for dam financing as financing to restore dams is the biggest impediment to dam integrity. A second bill is to correct the sticker certification bill for the no-discharge law that passed last year exempting commercial vessels. Another bill increases the minimum damage threshold to correspond with the Coast Guard regulations. The Governor has introduced a bill to ban MTBE in a regional effort and reintroduced the cesspool phase-out bill. A bill has been introduced to finance the proper collection of mercury from automobiles, which is exempt from the Mercury Reduction and Education Act.

Jane Austen said she would like to see the cesspool phase-out bill strengthened – it has been weakened over the past four years. Vincent said the point-of-sale requirement was taken out because the Realtors adamantly opposed it.

Schiller said the Sierra Club is watching the increased tipping fees for communities. Many communities are not recycling enough. The club is also very interested in the boards and commissions reorganizing due to the Separation of Powers Act. Dormody said Representative Handy has proposed a study of tipping fees.

Auten said energy efficiency legislation sets minimum energy standards for seven common appliances.

Goodwin said the Toxics Information Project supports two pesticide bills. One gives municipalities the authority to set restrict the use of pesticides and the other bans the use of pesticides on lawns at schools and day care facilities.

Land Use Plan

Janet Keller said DEM is working with Statewide Planning on the Land Use Plan 2005. DEM's concerns are the defining the urban boundary based on water and sewer lines, determining where to develop and what to protect, and possibly altering the land protection goal. DEM has told Statewide Planning that among some additions to resources to protect are unfragmented forest and rare and endangered species.

Karp asked if DEM is using the RI Resource Protection Project report that was completed about seven years ago. She will send the website URL to Keller. She asked how much this influences the Governor's Office and Economic Development. She said the development sought by EDC is not consistent with the planning principles we have been discussing. One example she cited was the Amgen development in the woods and extension of sewers to the site. She also noted a Cambio development on the Exeter/West Greenwich line. She said water is used as a subsidy for development where it should not go. Amgen will take one million gallons per day out of the Big River basin and discharge it to the Warwick sewer system. She is concerned that the State is planning full buildout at Quonset/Davisville that the wells that serve North Kingstown may not be able to provide enough water for the industrial park and town residents. She said that this group is the environmental leadership of the state and suggested we devote one meeting to a discussion of crosscutting issues and invite Statewide Planning and DOT.

Keller said a forum for these issues is the Technical Committee of the State Planning Council and Vincent said this group should articulate the principles to the Governor's Growth Planning Council. Vincent also suggested a joint roundtable meeting with the Business Roundtable.

Narragansett Bay

Vincent said seven agencies presented their work in 12 areas to Senate and House committees on February 16. The Assembly is requiring reporting and integrated budgets and the agencies are doing better at working together. Coordinating work and budgets has not been done before.

He said the Nutrient Report was issued in February and the Comprehensive Water Quality Monitoring Report was issued in January.

Hunting

Beaudette said there is not enough time to discuss the issue, but he wants to know how difficult it is for DEM to allow hunting. The Nature Conservancy does not allow hunting on its land in RI, but does allow it on 50% of its land in Connecticut. Terri Bisson said Mike Lapisky is waiting to hear from Beaudette or Keller regarding the hunting questions.

Solid Waste Plan

Terry Gray said the Solid Waste Management Plan draft was distributed in early January. It is to be finalized by June. Two meetings have been held and a third is scheduled for March 1. There may be two more on unresolved issues. The plan is to be delivered to the Technical Committee in the spring.

Mercury

Dormody said meetings are ongoing. The report to the General Assembly and the Governor that was due in January is late partly because appointments to the committee were 14 months late. The chair of the mercury group is Marcella Thompson.

5. Other Announcements

Beaudette said the Greenways Alliance asked him to express their concern over the delay in completion of the northern end of the Blackstone Bikeway. He asked for a report on parks and management areas, including hunting, and on Snake Den state Park. Claude Cote said there is a four-mile segment in Woonsocket that is ready to go to bid to be constructed in the summer.

The Environment Council of RI will present the Chafee Awards on March 20th.

6. Future Meeting Dates/Topics

- Comprehensive Planning (coordinated energy, water use, greenhouse gas emissions, etc.)
Planning group for the meeting is Janet Keller, Caroline Karp, Jane Sherman, Scott Millar, Alicia Good, Emily Rochon
- Parks, management areas and hunting
- Reintroduction of migratory fish in the Blackstone