

**Draft**  
**Environmental Roundtable Meeting Notes**  
**May 20, 2004**

Attendees: Kendra Beaver, Jim Celenza, Kathleen Crawley, Paul Caccia, Shannon Daigle, Geoff DiCenso, Sheila Dormody, John Fornaro, Liberty Goodwin, Caroline Karp, Eugenia Marks, David Riley, Emily Rochon, Barry Schiller, Jane Sherman, Michelle Smith

DEM Staff: Dean Albro, Terri Bisson, Russ Chateaufneuf, Tom Getz, Alicia Good, Terry Gray, Janet Keller, Angelo Liberti, Gerry McAvoy, Mickie Musselman (Meeting Notes), E. Stone, Fred Vincent

**I. Old Business**

**a. February Minutes**

The February minutes were accepted with no changes.

**b. Budget and Fiscal Fitness Update**

Director Vincent presented a budget update. The budget hearing went well, as did the hearing on the [bond proposals](#) (handout). DEM has had \$1 million of the proposed \$3.2 million cut restored, which averted 16 layoffs. He estimates that we will be right on budget at the end of the fiscal year, with a small amount leftover (between \$5 and \$30 thousand). The turnover rate has been further lowered for the next year. The Governor expects to save over \$180 million per year over the next 5 years with implementation of his fiscal fitness program.

Under the Fiscal Fitness recommendations, DEM will have an increase in fees of \$300,000 for the next year. The other impact on the budget will be the internal reorganization. Vincent has had input from the chiefs and is analyzing these recommendations to finalize a plan to forward to the Fiscal Fitness Team. The plan for consolidation of water programs, including some from CRMC, Health Department and the Water Resources Board is not final.

Eugenia asked that DEM report on programs that have been lost at the next quarterly meeting. She noted the well drilling program as an example and is concerned that the private wells should be included in water withdrawal planning. Director Vincent said several programs have been cut or dramatically reduced. Alicia Good said the staff who were logging the well drilling information has been lost, that the information is submitted, but is not entered into the database. She said that water withdrawal that affects a waterbody or wetland should be getting a permit so these should be incorporated into the water allocation planning. She is trying to get the information housed with DOH or the Well Drilling Board.

Director Vincent said the biggest action regarding the budget is that the Governor will announce in the next couple of weeks his acceptance of the report of the Governor's Narragansett Bay and Watershed Planning Commission with its recommendations for a substantial increase in investment in the Bay, in both nonpoint source and point source funding. The \$15 million bond issue for Narragansett Bay and Watershed Restoration Program will be significantly increased.

He also said the cesspool phaseout bill is stalled, due to concerns about the financial impact on homeowners. There is \$2 million available in the CWFA for loans for septic systems at two

percent interest over ten years to make replacement of failed systems as easy as possible. Sheila Dormody said Clean Water Action and other groups are sending letters to the Legislature encouraging passage of the cesspool phaseout bill.

Barry Schiller asked how the Separation of Powers will affect the reorganization of CRMC and DEM. What is the benefit other than saving money? Will there be better permitting? Kendra Beaver commented that the processes are different – that in DEM professional staff make recommendations to professional administrators who make the decisions. At CRMC professional staff make recommendations to a politically-appointed council. Save The Bay is concerned about the authority given to CRMC to plan for marine resources where DEM may comment but will not have the authority to make final decisions.

### c. **Legislative Update**

Liz Stone gave updates on pending bills. The commercial fishing statute has been amended to allow for a 90 day grace period (reduced to 60 days beginning in 2005) for commercial fishermen to renew licenses. The bill increasing the civil penalty for unlawful alteration of wetlands from \$1,000 per violation to \$5,000 per violation (and up to \$10,000 per violation if the Department can show the violator knowingly or recklessly altered a wetland area in violation of the wetlands statute, regulations or permit conditions) is still up in the air and needs support. Ken Payne is reportedly working on changes to the dam management district bill. Lastly, the bill clarifying the existing credit on pollution control equipment may not see action until the end of the session.

Barry Schiller asked for an explanation of why the Department did not oppose the Providence Water Supply Board's request to decrease use of calcium chloride in favor of sodium chloride for road deicing in the Scituate Reservoir area. Alicia Good said the Office of Water reviewed the data and had no objection. Barry said the measurement of salt in the reservoir is determined by an indirect method and is not definitive. Eugenia said there appears to have been more salt damage to roadside landscaping this past winter and this may indicate that more salt is getting into water supplies.

Director Vincent said DOT controls how much salt it applies to state roads and there are not many in the Scituate Reservoir area. DEM is working with DOT on covering salt piles. Caroline Karp said there are seriously elevated levels of arsenic at the NBC salt pile. Jeff Fornaro said one Science Fair winner's project was about grasses that concentrate salt. That may be something to pursue around water supplies or roadways. Members expressed interest in discussing this issue more in depth at the next environmental roundtable meeting.

#### *Legislation of concern:*

Director Vincent said the Farm Bureau has introduced legislation to exempt farmers from any legislation proposed to control water withdrawals, but we do not expect it to pass.

Eugenia said Senator Breene is considering sponsoring a bill to have reviews of Clean Water Act regulations to reduce nutrients from agricultural operations done through the Division of Agriculture, not the Office of Water Resources.

David Riley said Narragansett Electric is proposing to install power lines overhead at India Point "temporarily" and to bury them if funding is obtained. See [handout](#).

Emily Rochon - the Renewable Energy Bill and the Energy Efficient Appliance Standard bill are expected to be heard next Tuesday in the House and Wednesday in the Senate. Janet Keller said this bill was not getting anywhere, but has been given new life because Connecticut recently passed a similar bill. The actions of our neighbors are helping Rhode Island.

### **III. New Business**

#### **a. Mercury**

##### **1. Statewide Mercury Program**

Sheila asked what progress has been made in getting other POTWs to adopt a dental amalgam waste program similar to NBC's since the last meeting. Terry Gray said the way to approach this is through the newly-constituted Mercury Commission. There are two ways to achieve the goal – the first way is heavy-handed - to amend the pretreatment regulations to require mercury elimination prior to discharge into a sewer system, and the other is through pollution prevention, but there are serious challenges in DEM's Pollution Prevention Program. NBC is the only WWTF with a discharge limit for mercury in its permit. Angelo Liberti said the calculation for an allowable discharge limit is based on the water quality standard and the mixing zone for each facility. Caroline Karp said DEM should have a no-discharge policy for mercury based on the detection limit. Angelo said DEM could establish a technology-based standard. Terry Gray said DEM is establishing a bank of SEP projects and eliminating mercury from discharges would be a good candidate for SEPs.

##### **2. Mercury Commission Update**

The Governor has made all the appointments to the Commission, with Marcy Thompson as chair, and it had its first meeting last week. The next meeting will be June 18. The Commission has a website that will have meeting information and minutes. There is a link on DEM's website.

#### **b. Solid Waste Planning**

The draft Solid Waste Management Plan will be ready to be distributed June 7. It is part of the State Guide Plan and will go through the public review process. Terry Gray said that commercial recycling is a void in the states' solid waste management. DEM is looking at Massachusetts' Environmental Results Program as a model. DEM unsuccessfully submitted proposal to RIRRC to develop a program. Caroline asked what RIRRC is doing regarding commercial recycling. Paul Caccia mentioned a couple of RIRRC initiatives.

#### **c. Less Toxic Landscaping**

The Toxics Information Project (TIP) is sponsoring a campaign to reduce the use of lawn chemicals that includes a draft resolution submitted to the Governor and a contest with three categories: examples of healthy landscapes (photographs, plans, or models); articles on less toxic gardening methods; and promotional materials (posters, cartoons, etc.). Kathleen Crawley suggested including encouraging water conservation into development planning. See [handout](#) and [flyer](#) for more information.

#### **d. 2003 Office of Compliance and Inspection Report**

The 2003 Compliance and Enforcement Accomplishment Summary is on the DEM website with reports from prior years so results can be compared. Kendra Beaver said she is concerned that there is a backlog building up in all programs, but especially in water, because DEM does not have the resources to do the enforcement it should be doing. Dean Albro said his office used to

issue several informal enforcement orders and now is only issuing formal orders. They now have field forms that allow inspectors to complete reports in the field. Terry Gay said the new computer tracking system to begin next year should allow better follow-up. In the wetlands program this year they will look at the environmental effects of triaging complaints to see what may be lost.

Barry seconded Kendra's comments on the need for environmental organizations to support DEM getting more enforcement capability. Caroline suggested getting a couple of agencies involved. Her students who reviewed compliance records found that over 40 companies with violations were not re-inspected for about two years. Sheila Dormody suggested scheduling meetings to discuss this topic in depth.

#### **e. Groundwater Regulations**

Russ Chateaufneuf said the Groundwater Regulations amendments will be sent out to public notice prior to the next meeting. They include prohibiting new facilities for storage or disposal of hazardous waste in GA and GAA areas. New salt piles are also prohibited in GA and GAA and existing salt piles must be covered.

#### **f. ISDS Regulations**

ISDS Regulations include changes in the design standards in the Salt Pond region. If the cesspool phaseout bill passes, the regulations will have to be amended to incorporate new regulations for cesspools. Russ believes DEM has the authority to phase out cesspools and can do it through regulations.

#### **g. Wetlands Regulations**

Wetlands Phase II Regulations amendments include reduced fees; improving quality of applications – now only about 50% of applications can be acted on; and in early summer a public hotline will be available. Kendra asked why the ISDS rules will go back to the stakeholder group before they are finalized for public notice and not the wetland rules. Russ said the ISDS stakeholder group had not met for about two years and were not as familiar with the changes as the wetlands group that has had more meetings. Adding meetings would delay the process.

#### **h. Litter Task Force Update**

Jeff DiCenso said there are two pieces of legislation on litter in the House and Senate. The Senate bill has been revised to include cigarette butts and cigar stubs and will probably be passed but the House bill will probably not be passed this year. The Eye on Litter Hotline that DEM has in the past has been revived by RIRRC. People can report littering on the highways by calling 1-888-cleanri and leaving the license number, time, place and date on the automated system. The next litter meeting will be next Thursday, May 27. Caroline said abandoned fishing gear is an increasing problem, that legislation is being considered at the federal level and that Rhode Island should have derelict fishing gear legislation. Director Vincent agreed that it is a problem for the Department.

#### **i. Water Quality Regulations**

Alicia Good said the Water Quality Regulations should go to public notice this summer and will include enterococci as a water quality indicator. Caroline Karp said WWTFs should be compelled to put permits for major dischargers out to public notice. Angelo said WWTFs must public notice changes to regulations but not individual permits.

## **Announcements**

There will be a Forestry Greenhouse Gas Workshop on June 1 at the George Washington Management Area.

## **IV. Roundtable Meeting Evaluation and Feedback**

Terri Bisson asked members to fill out the [questionnaire](#) in the meeting materials. Jeff asked why the meetings start at 3:30 and not 3, since it seems we are always trying to cram too much into the hour and a half. Caroline agreed saying there is only time for reports and not for discussion. Members agreed that meetings will start at 3 pm.

## **V. Future Meeting Topics**

Public hearings on certain major WWTF permits (Caroline Karp)  
Ozone (Paul Beaudette)  
Derelict fishing gear (Caroline Karp)  
Solid Waste Plan  
Mercury Report

- commission
- amalgam

## **VI. Next Meeting Dates:**

September 16, 2004  
December 16, 2004

**Note meetings will start at 3:00 PM.**