

Environmental Roundtable Meeting Notes
August 15, 2002

Present: B. deLeiris, S. Dormody, T. Hamblett, J. Hubbard, G. Lefebvre, B. Marston, D. Turin, K. Stuart, C. Karp, J. Dubis, E. Herron, D. Miller, H. Ward

DEM: J. Reitsma, A. Good, T. Gray, J. Keller, G. McAvoy, E. Scott, E. Stone, S. Majkut, T. Maguire, F. Vincent, A. Liberti, S. Millar, T. Getz

Old Business

The May meeting notes were accepted as written.

Budget

The Director provided a brief update on the budget. He said DEM's budget that was approved represented a cut of 9.5% from the previous year. In this year's proposed budget, DEM managed to avoid employee layoffs. DEM did this by enhancing revenues and shifting people from state budget sources to federal restrictive receipts accounts. DEM's budget will not fund all vacancies and consequently, about 35 positions will remain unfilled. There are problems in the TMDL program and with Bureau of Natural Resources environmental enforcement programs. Both programs have significant vacancies and unless they can be filled, there will be program impacts. The TMDL program was able to accomplish most of the work in the last year, but vacancies will prevent significant new work from being started. The loss of the Environmental Police Officers (EPO) positions will have an impact on public safety at the beaches and with fishery enforcement. DEM expects the problem to get worse later this year when a number of EPO retire.

Fred Vincent mentioned that additional information on the 2003 budget was included in the handout. He said that DEM's budget target was reduced by another 8% reduction from this year's budget. DEM's position cap has been reduced to 548 positions which represents a drop of 19 positions from last year.

The roundtable participants were concerned about the budget cuts and thought it was time the Environmental Council of Rhode Island to become more involved in the state budget process. They also thought DEM should determine the environmental impact of the proposed cuts and present the information in the manner the public would understand. Stating the UST program will loose a person in the program is factual, but says nothing of the environmental impact of losing this person.

Environmental enforcement is a concern. Fred Vincent mentioned the Office of Compliance and inspection has four vacancies out of forty-two people, but some of the vacancies are in the administrative staff. Current vacancies in this program will have an impact on DEM's ability to inspect air pollution, lead paint and ISDS overflows. On the positive side, Terry Gray said the Brownfields program is almost fully staffed and a number of projects are moving forward.

The director said DEM was trying to be creative to maintain environmental protection through approaches like self-certification or by using third parties to certify compliance. He mentioned that he

does not have a lot of flexibility to shift personnel resources around to fill in for some program gaps because of the existing union contract.

Legislation

The Director mentioned that the department was going to be active in five areas next year:

- Wetlands Penalty increases – Rhode Island existing penalties are not a deterrent to people who do not abide by the regulations and the maximum penalty needs to be raised.
- Diesel anti-idling – DEM along with the Departments of Health and Education are supporting this bill that will reduce the exposure of children to diesel emissions.
- Authority for a Park / Forest Trust Fund – This fund would allow the Trust to collect funding from sources that could be used a match for state and federal funds.
- Expansion of OSPAR – The Pascoag incident showed how vulnerable the state is to leaks of petroleum products into fresh water or drinking water sources. This source of funding should be made available to mitigate the impacts of other kinds of spills or leaks into freshwater sources.
- Cesspool phase out. – DEM is interested in supporting a bill that deals with a phase out of these systems.

A participant noted that there were no greenhouse gas initiatives on DEM's short list. The director said greenhouse gas legislation should be added to this list.

New Business

Stream-flow Allocation

This discussion began with the issue of using stream water for agricultural purposes. A concern was raised that a streambed was bulldozed to provide water to irrigate a turf farm. The director was aware of the issue and was waiting for a response from the Wetlands and the Agriculture Programs. In this instance, enforcement is a possibility.

DEM processes a number of requests for farm ponds. Those located next to streams need to be reviewed closely. There is a big difference between withdrawals from farm ponds and from streambeds. Dexter Miller mentioned that stream withdrawals are common at this time of the year, but he indicated that it is a practice to excavate a sump in the stream to extract water. Bulldozers are generally not used to do this task.

The director said this is a complex issue. Part of the problem is the inability of DEM to provide farmers with a timely response on wetlands issues. The farmers have a need that has to be expeditiously addressed and they can not afford delays in decision-making. He also mentioned that the Water Resources Board is trying to address this issue. One participant suggested that DEM should look at other states programs and model a Rhode Island regulation when this work is complete. The director said that before regulations are developed, there needs to be an understanding of how water is being withdrawn from streams and groundwater sources. A registration program should be developed first. Harold Ward suggested that withdrawals should have permit conditions that would push for the efficient use of water.

A question was raised if DEM has a process that sets minimum stream flow requirements. Alicia Good mentioned that minimum stream flows are determined, for the most part, on a case by case basis. She mentioned that DEM wetlands regulations assess water quality issues, and the Water Resources Board should regulate the allocation of water. Caroline Karp said there is an Oregon legal decision that allows states to regulate withdrawals through a discharge permit. Alicia Good did mention that the water quality regulations include statements allowing DEM to regulate the quantity of water withdrawn as it was necessary to ensure protection of aquatic habitat and the water quality of the receiving stream.

Guy Lefebvre briefly discussed the Kent County Water Authority (KCWA) request to take 5 million gallons per day year-round from Mishnock Swamp. He said their proposed management plan states they will only withdraw 2 million gallons per day, during the wetter half of the year. The Providence Water Supply Board has plenty of water to sell at the PUC regulated wholesale rate, \$1,017 per million gallons per day. The Director said there was an active permit before DEM on this issue. Since he could be the decision-maker in this matter, he did not want to discuss the particulars of the case. He did say that further discussion is needed on water withdrawals that impact wetlands.

Mercury

Sheila Dormody updated the group on their efforts to reduce mercury in the environment. She is a participant on the Attorney General's mercury working group. She is currently working with the RI Dental Association on a program to collect amalgam that is discharged from dentist offices. She mentioned the Narragansett Bay Commission (NBC) is developing Best Management Practices that will apply to dentists. She also said NBC would discuss this issue with other wastewater treatment facilities in an attempt to expand the program to other parts of the state. Sheila is also organizing two workshops this fall that will focus on steps dentists can take to reduce the discharge of mercury.

She said the thermometer exchange program is moving forward. Terry Gray said DEM is working on a source of funds from an enforcement case that could fund the take back program.

Energy / Greenhouse Gas Update

Janet Keller provided an update on the Greenhouse Gas project. She mentioned some of the priority issues that were being investigated include the following:

- Renewable Portfolio Standards – Encourages the production and sale of energy from renewable sources.
- Feebate – Provides lower fees for fuel-efficient vehicles.
- Pay as You Throw – Residences pay solid waste fees based on the amount of material disposed.
- Resource Management Contracting – A pollution prevention program that provides businesses with incentives to reduce solid waste.
- Energy efficiency strategies for commercial/industrial facilities.
- Energy Efficiency Tax Rebate.

Janet said DEM was discussing the report with editorial boards of a number of newspapers to broaden the discussion of this topic.

Sheila Dormody updated the group on the legislative initiative to require 20% of energy sold in RI to be from renewable sources. She mentioned that approximately 30 legislators have pledged their support for this concept.

Watershed Planning

Topher Hamblett said a lot of his concerns were focussed on budget issues that were previously discussed. He then turned his attention to the Brayton Point Permit. He was thankful for the hard work of DEM especially the director, Alicia Good, Angelo Liberti and Mark Gibson. He thought this permit was one of the most important permits that would help to resolve environmental problems in that part of the bay. A year ago he did not anticipate that a permit that required thermal discharges by 95%. He thought the science behind the permit was good and should stand up in court, if it should go in this direction. The director said additional work needs to be done before this permit is finalized.

State Comprehensive Outdoor Recreation Plan

Janet Keller briefed the group on the State Comprehensive Outdoor Recreation Plan (SCORP). The Office of Strategic Planning and Policy, with assistance from the Offices of the Office of Planning and Development and Statewide Planning is revising this document. The goal of the SCORP is to improve the availability, diversity and quality of the public's outdoor recreational opportunities. The SCORP will set outdoor recreation funding priorities for both state and local outdoor recreation facilities. Priorities set are based on an assessment of the supply and demand for outdoor recreation facilities.

She mentioned that DEM has developed maps of the state recreational facilities. DEM conducted an outdoor recreation needs survey of state and local recreation professionals in April 2002. The survey indicated there was a need for restroom facilities, skate parks, pools and additional funds.

DEM is also in the process of conducting a survey of park and beach users. The purpose of the survey is to identify high priority needs and issues of state park and beach visitors. This survey will try to reach about 1400 people.

Because of this effort, environmental equity concerns were raised that needs to be addressed. DEM requested comments on the plan be forwarded to the Office of Strategic Planning and Policy.

Solid Waste Planning Discussion

Terry Gray said the last discussion on solid waste planning occurred between 10-15 years ago. Phase IV of Central landfill is filling-up fast, and the Phase V cell has a six year design capacity. If Phase V is filled as fast as Phase IV, that cell will fill in three years. He thought the lack of a good commercial recycling effort contributed to an accelerated filling of the landfill. The issue of out of state waste also needs to be addressed and DEM was discussing this issue with the Resource Recovery Corporation.

The director indicated that we should be developing an integrated solid waste management plan. The plan needs to look at the issue of supply reduction before it considers an expansion of landfill capacity.

A number of communities use pay as you throw programs and this has reduced the amount of solid waste disposed.

The group then discussed tip fees and how they were a source of income for the state. Since this is a financial issue, and not just an environmental one, legislative leaders need to be involved in the process of developing this plan. One group member was concerned if the issue of solid waste disposal was not handled properly; there was a chance that the existing ban on incinerators would be lifted.

Future Meeting Agenda Topics

The following topics were suggested for future meetings:

- A discussion of fishery management issues, i.e., recreational fishing licensing, commercial licensing, and by-catch.
- Stream flow issues
- Solid waste planning
- Invasive species

Open Forum

Elizabeth Herron, from Watershed Watch mentioned that October 18th was National Monitoring Day and kit can be purchased for people or organizations that are interested in collecting water samples. These samples will be used to assess the quality of water on that day.

DEM was requested to move forward with the Snake Den Park facility. The director said that this project was delayed due to the budget.

DEM was requested to review the existing Ozone alert program. Other possible elements of an expanded program could include a ban or limited use of state vehicles, limiting or banning the use of non-essential vehicles like jet skies, parking incentives, and a ban of idling vehicles.

1. Next Meeting – October 9, 2002