

# Environmental Roundtable Meeting Notes

Thursday, September 22, 2005

**Attendees:** Jane Austin, Jim Celenza, Kathleen Crawley, Sheila Dormody, James Dunlap, Jeff Fornaro, Cynthia Giles, Liberty Goodwin, Garrie Mar, Juan Mariscal, Eugenia Marks, Hilary Noll, Mike Rubin, Paul Ryan, Barry Schiller, Caroly Schumay, Jane Sherman, Jennifer Tuttle, Wendy Waller, Harold Ward, Chris Wilhite

**DEM Staff:** Bob Ballou, Russ Chateaufeuf, Liz Lopes-Duguay, Alicia Good, Tom Getz, Terry Gray, Janet Keller, Ann Langlais, Gerald McAvoy, Bev Migliore, Mickie Musselman (meeting notes), Elizabeth Stone, William Sullivan, Jennifer West

**1. Greetings and Introduction** - Chair Sheila Dormody welcomed participants and led introductions.

**Thank yous** –

- Eugenia Marks thanked DEM for its support with the Coastal Cleanup and presented the Director with Coastal Cleanup t-shirts
- Cynthia Giles thanked DEM for issuing the Multi-Sector General Permit

**2. May 2005 Meeting Minutes** - The meeting minutes were accepted as written.

**3. Presentations/Discussions:**

- **Cesspool Phase Out Legislation**

Elizabeth Stone gave a PowerPoint presentation on the cesspool phase out legislation (see handout). The legislation is critical to the health of the Bay and has been introduced each year since 2002. The Department hopes to reintroduce the legislation this session.

Roundtable members asked about how the end date was determined, expressed appreciation for the early effort on this, and concern for the cost to individuals. Members also said using GIS to show the locations of the cesspools and proximity to coastal areas and other waters is helpful. Director Sullivan said that census data can be used to estimate the number of systems, the socio-economic level of who owns them, and to target communities for financial assistance, such as Community Development Block Grants. One pointed out that targeting systems within 200' of the coast and inland water bodies with public beaches ignores the many inner-city kids who play in whatever water they can get to, regardless of whether it is a designated public beach.

- **Legislative Agenda**

Sheila Dormody gave the legislative initiatives that ECRI is most interested in:

- Cesspools
  - Transportation – diesel pollution, support for RIPTA
  - Solid waste – electronic waste producer responsibility act
  - pay as you throw (PAYT). Mike Rubin said the Attorney General's Office is very interested in the Pay as You Throw bill stipulation that calls on RIRRC to set TIP fees to maximize landfill longevity.
  - Implementation of the Separation of Powers Act
  - Bond for water quality and open space on 2006 ballot
- Liberty Goodwin added that 2 lawn pesticide bills will be re-introduced.

- **Leaking Lawn Chemical Bags in Retail Establishments**

Liberty Goodwin said that in working with a national group to encourage more organic lawn products and surveying what is available, the Toxics Information Project has become involved with leaking bags of lawn

chemicals (see handout). They suggest that the state address handling of pesticides and that packaging be addressed at the federal level. Liz Lopes-Duguay said revised pesticide regulations will be out to public hearing soon. These regulations address regulation of sales entities, storage of pesticides and licensing of pesticide applicators. DEM inspects 40-50 establishments. DEM has the authority to assess fines, but has not done so, and believes that more enforcement and education would suffice. Large retailers do have training programs for handling pesticides, but they have a high rate of turnover. The public is encouraged to report leaking bags to the Division of Agriculture.

- **Dowling Village Project**

Dr. Caroly Shumay presented the environmental concerns of the Valley Alliance for Smart Growth regarding a very large retail development that would straddle the Woonsocket/Smithfield line (see handout with map). She said it would certainly affect groundwater quality in time, as well as bringing a huge increase in traffic. A public hearing is scheduled for September 26 and Dr. Shumay agreed to send information on any future events to ECRI. DEM has received only one wetlands application for a piece of Phase 1 of the project and estimates that it will involve a million square feet of development. DEM will do a site-specific stormwater permit.

#### **4. Reports/Updates**

- **Commercial Recycling**

- Terry Gray gave an update on commercial recycling. DEM's amendment to the Solid Waste Regulations that will be effective November 1 propose a \$1 per ton fee from solid waste facilities that will be used to revive the commercial recycling program. DEM expects to receive about \$650 thousand per year. DEM is discussing a new approach to recycling that looks at sectors and priority waste streams. Examples are:
  - Large offices and electronic waste
  - Restaurants and the hospitality industry and containers
  - Retail businesses and cardboard
  - Construction and demolition and landscaping waste to increase recycling
- Other issues
  - Haulers and transfer stations – check regulations for barriers
  - Look to NERC and NEWMOA to learn from neighbors

In the discussion Jane Austin asked if DEM could move the Solid Waste plan forward. Dem is monitoring the progress of the plan. It is not final. One unresolved issue is that DEM wants higher rates for communities and commercial entities that do not separate recyclables.

- **Mercury in Auto Switches**

Terry Gray said the state changed last year to an innovative approach. The Alliance of Automobile Manufacturers submitted a plan to DEM for mercury switches that is under review. DEM expects to about 43 pounds of mercury to be recovered per year. DEM is starting rulemaking with a workshop on October 6. Details are on the DEM website.

- **RGGI**

Chris Wilhite reported that 9 states are working on reductions in emissions from power plants (see handouts). Each state would create its own legislation based on the model legislation drawn up by RGGI. Four issues related to achieving reductions are:

- Setting a tight reduction goal (e.g., 25% by 2020)
- The cost of capping should not fall on consumers
- Offsets – must be real, cuts in CO<sub>2</sub>, not planting trees
- Leakage – dirty energy consumed in RI but generated outside the state from sources that increase CO<sub>2</sub> emissions.

In the ensuing discussion Director Sullivan said proposals have progressed several iterations from what was presented and cautioned against saying planting trees is not a solution because it could lead to the argument that cutting trees is not a problem. Cynthia Files said determining the baseline is critical to documenting real reductions and that the suggested baseline of 150 tons seems inflated. She said 143 tons is more realistic.

- **Regulations**

- Used Oil: Legal issues regarding the regulations have been resolved. The regulations are designed to provide better management framework for used oil. . DEM is submitting a final draft to EPA. The regs reflect stakeholder discussions and should be out to notice in October.
- Expedited Permitting: (See handout) Draft regulations are in-house and the Department hopes to promulgate the regulations by December. The pilot process would allow applicants for ISDS and wetlands permits that are not complex to request an expedited permit process for an additional fee. An expedited decision does not mean approval is certain. The fee would be used to pay staff overtime for work on the expedited permits. If the permit is not processed by the expedited deadline, the applicant would get a refund. The major obstacle to the program has been that the Department has not been able to get a restricted receipt account to keep the expedited permit fees separate from general fund receipts. The ability to pay overtime may also be essential to the success of the cesspool phaseout as the program will generate many ISDS applications.
- Wetlands: DEM developed draft wetland rules with the Wetlands Task Force, to be final by the end of the year. DEM received federal money for wetlands grants in a national competition and attributes its success to the rigorous wetland regulatory and enforcement programs and wetland acquisitions (see newsletter).
- Multi-sector General Permit: Rules are out to notice now and workshops are scheduled for November 11th and 19th.
- ISDS - fines are to be increased

## 5. Other – Announcements

- Barry Schiller asked if the Director is aware that DEM is responsible for litter. Director Sullivan said about \$1.2 million in fees goes to the General Fund each year and DEM gets none of that money. The Litter Task Force is being revived and will meet next week.
- Sheila Dormody said ECRI now has someone working on endangered species and someone working with the Toxics Action Center. Both were present.
- Director Sullivan said DEM is facing the usual 10% budget cut and it would mean cutting 25-30 staff. Nonetheless, he is pushing for two additional litigators.
- Director Sullivan said he is trying to improve the DEM website and welcomes suggestions.
- The Director also said for the Governor's Bay Day 2006 he would like to get volunteers to take 1,001 samples at one time on the Bay and get corporate sponsors to pay for the analysis.
- He also said that he would like to get an estimate of how much solid waste comes from Massachusetts to Narragansett Bay per day and to put a comparable pile on a barge and take it back to Massachusetts.
- Bev Migliore said the mercury regulations may be completed by December.
- Liberty Goodwin asked for information on landscaping services that use less toxic supplies.

## 6. Next Meeting Date: December 15, 2005 (later postponed to 2/16/06)