

Environmental Roundtable Meeting Notes

Thursday, December 16, 2004

Attendees: Jane Austin, Matt Auten, Paul Beaudette, Jim Celenza, Sheila Dormody, Joan Garceau, Liberty Goodwin, Eugenia Marks, Emily Rochon, Karen Saucier, Barry Schiller
DEM Saff: Bob Ballou, Russ Chateaufneuf, 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.

2. September 2004 Meeting Minutes

Joan Garceau said Angelo Liberti's name is missing from the minutes. Regarding the status of the meeting that was scheduled for ECRI to speak with the Governor about the status of the DEM Acting Director, she asked if there had been any action and expressed her concern on the need to address TMDLs and the state's Land Use Plan.

3. DEM Report:

- **Budget** – Acting Director Fred Vincent reported that the Department had initially been considering 20 layoffs due to the 10% budget reduction, but that the Budget Office had restored funding for all but 1 or 2 positions. The Governor will submit the budget to the General Assembly on January 6. Approximately \$1 million of the \$3.1 reduction in DEM's budget will be made through eliminating a fee exemption for pollution prevention equipment, and the remaining amount may be made up through raising fees such as the commercial recycling fee.

Sheila Dormody asked about the commercial recycling fee. Terry Gray said that about 600,000 tons of commercial recycling material is taken to the Central Landfill each year and DEM is proposing a \$1 per ton fee to be used to rejuvenate the commercial recycling program.

Dormody said she is working with the Renewable Energy Collaborative on a presentation to the Assembly and offered to work with DEM on one to help with the DEM budget presentation. Vincent said in the past DEM has met with a subgroup from the Environmental Roundtable in January to prepare for budget talks.

- **Personnel** – DEM will have a lower FTE cap, partly due to some open positions and will need to keep positions filled closer to the cap. Despite the restriction on personnel, there seems to be more work to do. Several divisions are involved with the Narragansett Bay and Watershed Coordination Team work. There are about 40 strategies in progress and DEM will present a report on progress at a future meeting.

Eugenia Marks said she is concerned about enforcement and Fred Vincent said that the enforcement programs are high on the priority list for refilling vacancies, but that capacity is still an issue regarding enforcement. The Budget Office predicts a \$60

million deficit for FY2006 so we do not expect to have more positions approved. Joan Garceau said she is concerned about the lack of staff to conduct TMDL testing. Vincent said TMDLs are not as high on a priority with the General Assembly as issues such as enforcement, issuing permits and keeping parks open. Alicia Good said the Office of Water is filling some TMDL vacancies, but that even at full staffing not all waterbodies can be addressed at once and that causes of pollution need to be addressed when identified. Vincent said there is a 15-year schedule for TMDLs that DEM cannot meet, but that we will be working on it continuously.

Garceau asked what is being done about Champlin's Cove in Point Judith Pond. Angelo Liberti said Scott Millar is coordinating efforts to identify pollution causes in the Salt Ponds and Vincent said he will ask Scott to give a presentation on that work at the next meeting.

- Bond (plans/next steps) – The \$43 million land and water bond passed in November. Now that the money is available, DEM will have to develop new rules for projects such as nonpoint source pollution prevention grants.
- Boards and Commissions – Vincent said because of passage of the Separation of Powers Act the legislature will be looking at boards and commissions to see what positions can be eliminated or revised. There are potentially about 400 positions to be reviewed. DEM is concerned about two commissions, CRMC and RIRRC.

Vincent said that because of the Separation of Powers Act the Governor is interested in about 100 boards and commissions that may have executive functions to prioritize appointments. There are about a half dozen that stand out. He is looking for suggestions for appointments and Vincent encouraged roundtable members to offer suggestions to Andrew Hodgkins in the Governor's Office. One board of special concern is CRMC because the Assembly thinks that it has the authority to continue to participate on that board. Joan Garceau asked if the boards and commissions in question include the Rivers Council. Vincent said if a board is created by statute it is covered by the Separation of Powers Act.

- Regulatory Updates
- Steve Majkut reported that DEM has held a hearing on the draft regulations for the California Vehicle Emission Standards (aka. CA-LEV), to be adopted by the end of the year. The standards will lower emissions of VOCs, toxics and greenhouse gases. A stakeholder group that includes auto manufacturers has worked with DEM on the development of the regulations.

Joan Garceau asked why there is no universal standard for autos nationwide. Majkut said that is because when the Congress adopted national standards in 1970 California already had standards in place and the other states were allowed to adopt the national standard or the California standard. Paul Beaudette asked if Majkut is following the case regarding the states' ability to control the sale of wine from small wineries because the resolution may affect the states' authority in other areas, especially on environmental issues. Majkut said that a proposed amendment to the Clean Air Act that would remove California's authority (and therefore, the authority of other states) to impose its standards is a more direct threat to states' power to adopt vehicle standards.

4. ECRI Report

DEM Director - Paul Beaudette said the minutes for the last meeting noted that ECRI planned a meeting with the Governor regarding the appointment of a permanent director for DEM, but that they have not been able to schedule a meeting through the Governor's staff and asked if Vincent could help with setting up a meeting. Vincent said he has discussed the issue with the Governor. Governor Carcieri did not like the results of the last search (in January 2004) and plans to conduct another search. Vincent does not know any details but expects the Governor submit names for approval in January or February because there are acting directors at MHRH and HS also, and a new law prohibits long-term acting directors.

Road salt deicing policy/Scituate Reservoir – Beaudette said ECRI will meet with the Providence Water Supply Board January 4 to discuss the legislation introduced by PWSB last year that they intend to re-introduce this session to allow them to decrease their use of calcium chloride (CaCl) and asked that DEM also attend the meeting. The board says it will save approximately \$250,000 per year. Barry Schiller said the Sierra Club thinks PWSB is misstating the conclusions of a USGS report on salt in the Scituate Reservoir. Eugenia Marks said the fact that the sodium level in the reservoir had increased only slightly is used by the PWSB to argue that the use of CaCl is not effective. Schiller said the sodium level has actually decreased a bit but that it is very difficult to draw a conclusion on the effectiveness of the use of CaCl on that basis because there are so many variables. Vincent asked if DOT is measuring the rate of application of deicing materials and suggested that ECRI meet with DOT as well as the PWSB. Elizabeth Stone said DOH should be included as well. Bob Ballou said DEM has no standard for sodium in water other than drinking water supplies, but that groundwater regulations that are out to public notice now have provisions for road salt storage.

Hunting – Beaudette asked that DEM Fish and Wildlife give a presentation at the next roundtable meeting. He wants to know how difficult it is for DEM to control hunting and to support hunters as part of wildlife management. Vincent said that fragmentation of undeveloped land and sprawl makes it more difficult for hunters. DEM allows hunting on some properties, but cannot allow it where there is development close to its land. The Nature Conservancy (TNC) has a different perspective and does not allow hunting on its properties. Schiller said our neighboring states do not allow hunting on state lands on Sundays. Marks said the Audubon Society does not allow hunting on its lands but does not object to hunting per se. She suggested that DEM look into charity hunting and said she has sent web links on the subject to Lori Gibson. Beaudette said ECRI will meet with TNC after the holidays.

5. Presentations/Discussion

Solid Waste Plan – Terry Gray said the original draft (due early 2004) from RIRRC's consultant was not acceptable and RIRRC staff re-wrote it. He recently received a copy of the new draft but has not had a chance to review it. There is no detail on commercial recycling but RIRRC wants it to be self-sustaining as they have no staff to oversee the program.

Garceau asked if Gray had any feedback from commercial recyclers. He said there were three communities on the advisory committee for the plan and they said commercial recycling is a net loser for some communities. Glass is a problem to recycle because there is no end market and broken glass can contaminate other recyclables. Garceau asked if anyone had talked to Florida as it has a good recycling program. Marks said

everyone here is familiar with other states' practices and that there are communities in Rhode Island that do what is done in Florida. Gray said the pay-as-you-throw model works best, but switching from the current practice takes a lot of political will. Schiller urged Gray to use the subcommittee structure to review the plan as he is concerned that some subcommittee recommendations have not made it into the plan.

FY04 Progress Report/Development of Next Work Plan

Janet Keller reported on DEM progress toward meeting its goals in FY04. Highlights included legislation and other official actions to improve water quality in Narragansett Bay and to reduce energy use and greenhouse gas emissions. Some of the delay of planned work was due to the work that was accomplished on Narragansett Bay issues because of the fish kills and beach closings. She also said we are beginning to develop the FY2006-2007 Strategic Work Plan and will welcome input on that plan. Director Vincent said DEM is the only agency that prepares a two-year work plan and an annual progress report on the work plan and these are valuable in budget discussions.

Liberty Goodwin asked if there is no work going on with regard to pollution prevention and why pesticides were not mentioned. Gray said there is continuing work on pollution prevention but the program is not the same as it was when it focused on reducing chemical use in companies. DEM now acts as a consultant to many sectors rather than individual companies and we can no longer fund the Chemical Engineering program at URI to conduct chemical audits. Vincent said he will ask the Agriculture Division to give a presentation on pesticides.

Garceau asked if DEM is looking for land to purchase and what is the total number of acres protected. Vincent said DEM has a strategic plan for land acquisition that focuses mainly on the western portion of Rhode Island where our largely undeveloped land meets similar acreage in Connecticut, but that DEM has identified areas in the southwestern part of RI and in the southeastern and is working with communities that identify land they want to protect. Those who wish to know more about protected land may contact Blanche Higgins at Statewide Planning.

2005 Legislative Priorities

- Dem has not heard from the Governor's Office on the legislative package submitted in September. The package includes: cesspool phase out, dam safety, and mandatory sewer connections. DEM will post proposals on its website when we hear from the Governor.
- Climate Coalition – Emily Rochon said the Climate Coalition is working on legislation for a 25% tax cut for residential renewable energy; the Energy Efficiency Act (heavily used appliances); support for the greenhouse gas emissions reductions set by the New England Governor's and the Eastern Canadian Premiers; and low sulfur fuel and bio-diesel.
- Sierra Club – Schiller the Sierra Club is an intervenor in the Keyspan LNG case and asked if DEM has any legislation coming up that involves the LNG facilities. Vincent said DEM is also an intervenor. Keyspan has filed for all permits.
- Sheila Dormody said Clean Water Action supports the proposed legislation for a mercury free vehicle act; a ban on novelty items with mercury batteries; and electronic waste management.

- Goodwin asked what can be done to protect kids on playing fields from pesticides. Vincent said he will have Liz Duguay contact Goodwin.
- Terry Gray said many deadlines in the Mercury Act have been deferred to July 2005 and a report will be issued by the end of January.

Sale of DEM properties – Garceau asked if there are land restrictions that go with property that DEM sells. Vincent said that DEM sells very little land but the land for sale on Allens Avenue does have a land use restriction limiting it to commercial or industrial use. DEM has received two bids.

Garceau asked if there is had been any land sold near Fisherman’s Memorial Park in South Kingstown and objected that the house on the property and additional land had been acquired to expand camping. Vincent said DEM will advertise for the house to be used a bed and breakfast or residence for about five years to protect the building until DEM can use it. It is not suitable for use to expand camping as the property has a high water table and is close to a wetland.

5. Announcements

Marks said the Rhode Island Land Use Plan is out for public comment and the Rhode Island Forest Resources Management Plan will soon be available and urged members to review these plans and comment. She asked that DEM support her request that the greenhouse gas plan be specifically mentioned in these plans to connect State Guide Plan elements.

Schiller said the Sierra Club opposes the proposed RIPTA fare increases.

Rochon said regarding the clean energy act, Clean Water action is working to get the City of Providence to adopt an energy efficiency plan for Providence schools; to get the dam at the Scituate Reservoir used for hydropower; and to get microturbine technology adopted in the Scituate Reservoir water treatment plant.

6. Future Meeting Dates/Topics

- 2005 Meeting Dates approved:
 - February 17
 - May 19
 - September 22
 - December 15
- Potential meeting topics
 - Land use planning
 - Salt ponds TMDL work
 - Pesticides
 - Hunting
 - Fishing regulations (commercial and recreational) – possibly disseminate information on toxins through fishing licenses