



# DEM Environmental Roundtable Newsletter

October 9, 2002

## Mercury Update

Contributed by Beverly Migliore

 **DEM** has been very busy throughout the summer and into the early fall developing regulations for the implementation of the 2001 Mercury Education and Reduction Act. This new law aims to curb the amount of mercury added to consumer products sold in Rhode Island. The RI Mercury Advisory Working Group has met monthly to review and discuss draft regulations. DEM's goal is to complete the regulations by the first of the year.

To date, the draft regulations include requirements for:

- Product notification,
- Restrictions on mercury-added novelties,
- Mercury-added product phase outs and exemptions,
- A disposal ban on mercury added products, requirements for the collection of mercury-added products, and
- Limitations on the sale and use of elemental mercury.

Another group, composed of members of state and local agencies, non-governmental agencies, dental representatives and others has been working on non-regulatory outreach approaches to promote mercury reduction. This group has been arranging mercury product and elemental mercury collections from RI schools and homeowners, and is drafting a document on mercury reduction in homes. Additional funds are being sought to expand the education and outreach programs. This group has also been very actively working with the RI Dental Association to implement a voluntary Best Management Program for dental mercury.

The RI Chemical Safe Schools is working to provide ongoing training to RI School District personnel on the safe handling of chemicals in their workplace. This group is composed of members of DEM, DOH, Labor and Training, and Education and is working with representatives from area colleges and universities. In addition to training personnel in overall safe handling procedures, each workshop provides a specific section on elimination of mercury-added products. These training opportunities have been well attended and have already helped the DEM identify and mitigate some chemicals of immediate concern from local schools.

All of these efforts will make a measurable difference in the amount of mercury all Rhode Islanders will be exposed to on a daily basis. We invite your support of these activities and ask that you contact Bev Migliore in the Office of Technical and Customer Assistance (401-222-4700 x7503) for further information.

## DEM Recognized for Handicap-Accessible Boat Launch

Contributed by Gail Mastrati



The Department of Environmental Management has received the 2002 Outstanding Project Award from the States Organization for Boating Access (SOBA). The award recognizes DEM for outstanding accomplishments in the design, engineering, and construction of the handicap-accessible boat ramp at Haines Memorial State Park in East Providence.

Completed in June 2002, the boat launch improvement project at Haines Memorial State Park involved replacing the park's decades-old, 20-foot ramp with the new, larger handicap-accessible ramp and floating docks. Located on Bullocks Cove, the facility features a 60-foot wide concrete ramp. Two floating courtesy docks, one eight feet wide that is handicap-accessible and another measuring six feet wide, have been constructed on either side of the ramp. Adjacent to the boat ramp is a new paved parking area with 67 vehicle / trailer parking spaces and 12 vehicle-only parking spaces. The parking lot also includes a drainage and stormwater treatment unit that removes 80 percent of solids, such as sand and gravel, from stormwater entering Bullocks Cove from the lot. DEM's Division of Fish & Wildlife and the Department's Office of Planning & Development oversaw the design and development of the Haines Park project.

The SOBA award, which was presented to DEM in the mid-size access category, recognizes projects utilizing sound engineering principles; economy of design, materials and time; innovative design; ease and cost of maintenance and operation; and new or improved materials, methods, or construction practices. The organization is dedicated to encouraging and promoting federal, state and local programs that provide public boat access to inland and coastal waterways.

Since 1996, new handicap-accessible boat launch facilities have been built at Weaver Cove in Portsmouth, Oakland Beach in Warwick, Bold Point in East Providence, Colt State Park in Bristol, Main Street in Westerly, and Haines Memorial State Park in East Providence.

### Mediation Program Update

Contributed by Kathy Lanphear



DEM's Mediation Program, administered through the Administrative Adjudication Division for Environmental Matters, made significant progress in the last

fiscal year. The Program is a collaborative effort between the Office of Compliance and Inspection, the Office of Legal Services and the Adjudication Division to provide a non-adversarial means of resolving enforcement actions. The goal of the Program is to focus efforts on achieving an agreed end to a dispute, thereby saving each side time and money while channeling resources toward a mutually productive end.

Mediation activities in fiscal year 2002 centered on ISDS violations. Thirty-seven individuals and companies, with outstanding ISDS violations ripe for court action, were invited to participate in the mediation process as an alternative to court action. Twenty-four responses were received and ultimately half of those cases were resolved or closed. Mediation remains ongoing in eight matters and four matters remain under review. Two solid waste matters also entered mediation in 2002 and remain engaged in the process.

Mediation activities in the current fiscal year encompass freshwater wetlands and ISDS cases. Twenty cases have already been solicited for mediation with seven mediation sessions scheduled in the coming weeks. The target for fiscal year 2003 is to identify and involve eighty cases in the mediation process. For further information concerning the Department's mediation program contact the Administrative Adjudication Division at 222-1357 or visit our website at

<http://www.state.ri.us/DEM/programs/director/adminadj/index.htm>.

### Brownfields Funding Opportunities



DEM has federal funding available to assist communities or non-profit organizations interested in assessing potentially contaminated property. The two-page application form is posted at: <http://www.epa.gov/region01/brownfields/programs/targeted/tbaform.pdf>. For more information contact Kelly Owens at 222-2797 ext. 7108.

The New England Region of the US Environmental Protection Agency has also announced a new grant round for assessments, cleanups, loan capitalization, or job training. Workshops on the grants will be held October 23 and 28 in Worcester and Manchester respectively. The application deadline is November 27. See: [http://www.epa.gov/region1/brownfields/pdfs/grants\\_outreach.pdf](http://www.epa.gov/region1/brownfields/pdfs/grants_outreach.pdf) for specifics. General information about the grant programs can be viewed at: <http://www.epa.gov/ne/brownfields/>.

The information below is a quick synopsis of the major EPA grant programs. Additional information on the programs below can be found at the EPA website located at: [http://www.epa.gov/region1/brownfields/pdfs/grants\\_outreach.pdf](http://www.epa.gov/region1/brownfields/pdfs/grants_outreach.pdf)

- **Targeted Brownfields Assessment (TBA) Program**

One of EPA's non-grant programs is the Targeted Brownfields Assessments Program (TBA). EPA conducts TBAs on behalf of municipalities or non-profits. This is a "grant of services" where an EPA contractor performs the site assessment. The purpose of a TBA is to minimize the uncertainties associated with actual or perceived contamination that complicates the redevelopment of vacant or underutilized properties.

- **Assessment Grant Program**

Applicants may submit either community-wide or site-specific proposals. A site-specific proposal is one in which the funding will be used primarily for environmental assessments at specified sites, whereas a community-wide proposal is one in which funding will be used for environmental assessment and/or other activities, such as an inventory of Brownfields sites. Call Diane Kelley at (617) 918-1424 for more information.

- **Cleanup Grant Program**

The Cleanup Grant provides funding (up to \$200,000 per site) to carry out cleanup activities

at Brownfields sites. Applicants may apply for funding to address more than one site. Non-profit organizations may also apply to EPA for Cleanup Grants. Organizations applying for a Cleanup Grant must own the property.

- **Cleanup Revolving Loan Fund (CRLF) Grant Program**

The CRLF Program provides funding for an award recipient to capitalize a revolving loan fund and provide grants to clean up Brownfields sites. Funds must be used for cleanup, not for site improvements such as roads or new buildings.

The CRLF may be used to provide no-interest or low-interest loans for Brownfields cleanup to private parties, governmental entities and non-profits. It may also be used to provide Cleanup Grants to eligible entities and nonprofit organizations.

In addition, the new Brownfields law allows assessment and clean up of properties contaminated by petroleum. Applicants can use the funding at sites where the petroleum is commingled with other hazardous substances. Applicants can also apply separately for funding for sites where petroleum is the only contamination. In this latter case, properties must be of relatively low risk (decided on a site-specific basis) as compared with other petroleum-only sites in the state, and there must be no viable responsible party.

### DEM 25<sup>th</sup> Anniversary

Contributed by Gail Mastrati



The Department of Environmental Management was established twenty-five years ago on October 1, 1977. In order to commemorate this event, DEM has organized a few events to allow the public, our stakeholders and employees to reflect on the progress made in

this time-period. The calendar of events for the month is as follows:

- **October 9- Tour of the Great Swamp**

9 a.m. to 2 p.m. at the Division of Fish & Wildlife's Great Swamp Headquarters in West Kingston

The general public and school groups will learn about the many benefits of the Great Swamp wildlife management area and how DEM's biologists care for it. *Contact: Brian Tefft, 789-0281*

- **October 16 - Walk in the Forests**

9 a.m. to noon at Goddard Memorial State Park in Warwick

The general public and school groups will participate in walking tours of the forest at Goddard Park and learn about the benefits of healthy forests from foresters in DEM's Division of Forest Environment. *Contact: Paul Dolan, 647-3367*

- **October 24 - Governor's Reception Celebrating DEM's 25th Anniversary and the 30th Anniversary of the Clean Water Act**

3 to 5 p.m. in the Governor's State Room at the RI State House-

The celebration will feature a speaking program that includes anecdotes of how DEM was established, achievement awards, a photo exhibit, and refreshments with a Rhode Island flavor. *Contacts: Bob Ballou, 222-4700 ext. 4420 or Lisa McGreavey, 222-4700 ext. 7611*

- **October 24 - Panel Discussion with DEM Directors**

5 to 6:30 p.m. in the Department of Health Auditorium in the Cannon Building

Join Jan Reitsma and former DEM Directors Bill Harsch, Ed Wood, Bob Bendick, Louise Durfee, Mike Annarummo, Tim Keeney and Andy McLeod for a thought-provoking discussion on

the environmental challenges and opportunities facing Rhode Island in the 21st Century. *Contact: Bob Ballou, 222-4700 ext. 4420*

- **October 25 - 25th Anniversary Celebration**

6 p.m. social hour, 7 p.m. dinner at Valley Country Club in West Warwick

Join DEM's partners, current and former DEM colleagues for an enjoyable evening of mingling, merriment and memories at this dinner celebration. Tickets are \$25 and include a social hour from 6 to 7 p.m. and dinner and music. *Contacts: Rayna Santoro, 222-4700 ext. 2409 or Alicia Johnson, ext. 7014*

### Ozone Season Recap for 2002

Contributed by Steve Majkut & L. Guiliano



Rhode Islanders continued to suffer the adverse effects of high ozone levels in the summer of 2002, despite continued efforts by Rhode Island and neighboring states to reduce emissions of the precursor pollutants that cause ozone to form. Emissions that fuel the photochemical reactions that create ozone have declined over the years, thanks to tougher government regulations and industrial cooperation to curb automotive, industrial, and household pollution. But ozone levels will build in the right weather conditions, and that's what happened this summer. The season's important statistics compared to 2001 are:

| Year | Ozone Alert Days | 8-Hour Standard |      | 1-hour Standard |      |
|------|------------------|-----------------|------|-----------------|------|
|      |                  | exceedances     | days | exceedances     | days |
| 2001 | 10 <sup>1</sup>  | 27              | 11   | 8               | 4    |
| 2002 | 15               | 29              | 17   | 3               | 2    |

In 2002, there were 15 Ozone Alert Days, when DEM forecasted high ozone levels. On these days the media is asked to inform the public to limit

<sup>1</sup> There were also 5 Health Advisory Days before the start of the Ozone Alert Day program in 2001.

activities which might worsen the effects of ozone. RIPTA buses are free on Ozone Alert Days in order to bring the public's attention to the poor air quality situation and to encourage people to leave their cars at home.

The summer of 2002 can be described as having a cool start and a hot finish. Many areas of New England experienced the highest number of days over 90 degrees since 1983, one of the worst air quality years on record. This also led to an increase in unhealthy days for Rhode Island. We went through extended periods of very warm to hot weather, which helped produce exceedances of the ozone standards. The exceedances occurred during the periods of June 26-28, July 1-9, 13-18, July 29-August 5, and August 10-19. In Rhode Island, we typically experience 12-17 days of high ozone each summer.

To inform Rhode Islanders about ozone levels, DEM maintains a daily forecast of ground-level ozone levels. The daily ozone forecast is available from April through September along with other ozone information at <http://www.state.ri.us/dem/programs/benviron/air/ozone.htm>.

For additional information on the Ozone monitoring program, contact Leonard Giuliano at [lgiulian@dem.state.ri.us](mailto:lgiulian@dem.state.ri.us) or 222 2808 extension 7041.

### Motor Vehicle Testing Program Update

Contributed by S. Majkut & T. Barry

Rhode Island's motor vehicle Inspection / Maintenance (I/M) program is making a difference in the emission characteristics of the state's vehicle fleet. The table below shows the average emission reduction from failing vehicles after repairs. The data, in grams per mile from the first year of the program, are for vehicles that failed a dynamometer test and were re-tested after repairs. The higher percent reductions show that vehicles that fail, improve emissions substantially after they are repaired. These vehicles are failing rather lenient startup pass/fail standards, so only

the dirtiest vehicles fail, which are the easiest to repair and would be expected to show the greatest improvement. The final, more stringent pass/fail standards went into effect in January 2002.

|                              | Hydro-carbons | carbon monoxide | nitrogen oxides |
|------------------------------|---------------|-----------------|-----------------|
| Initial test                 | 4.19          | 72.76           | 5.35            |
| Ave Reductions After Repairs | 1.32          | 13.73           | 3.29            |
| Difference                   | 2.87          | 59.03           | 2.06            |
| Average reduction %          | 68.5%         | 81.1%           | 38.5%           |

Five hundred fifty thousand dollars from federal transportation program funds will be used in the fall of 2002 to implement a comprehensive repair technician-training program that will focus on On Board Diagnostic (OBD) training. OBD is a method of examining any failure codes stored in a vehicle's on-board computer. These funds were also used to purchase software development needed to implement a registration denial system. This system will be in place starting in 2003 and will require that vehicles have had an inspection before the vehicle's registration can be renewed.

At the beginning of 2002, in addition to the final pass/fail standards taking effect, the waiver repair cost limit increased from \$250 to \$450. This means motorists who experience continued inspection failure must now spend at least \$450 for emissions related repairs in order to obtain a waiver.

Finally, some of the inspection stations in outlying areas incur long distance telephone charges each time they conduct an inspection. A toll-free telephone number will be established before the end of 2002 for stations to use that will help cut their operating costs.

For additional information concerning the I/M Program contact Tom Barry at [tbarry@dem.state.ri.us](mailto:tbarry@dem.state.ri.us) or 222-2808 extension 7021.

## South County Greenspace Project

Contributed by Jeff Nield



**T**welve open space grant applications will be considered for funding this year to protect greenspaces identified through the South County Greenspace Protection Project. The proposed acquisitions represent the dedication of the nine participating communities – Charlestown, Exeter, Hopkinton, Narragansett, North Kingstown, Richmond, South Kingstown, West Greenwich and Westerly – to work together in a multi-year, regional greenspace protection planning that produced current inventories of their important natural, cultural and recreational resources. This spring, the project manager of RIDEM’s Sustainable Watershed Office delivered maps and digital GIS information to the towns to help them prepare for the latest open space grant round.

**T**he participating communities worked individually with nationally renowned land use planning consultant, Randall Arendt, to review and audit their local comprehensive land use plans. This review was undertaken to assist towns in protecting important resources and community character through the development process. These audits instructed the towns on how they might adopt new land use planning objectives and zoning ordinances in order to use more creative, conservation development techniques to direct new growth.

**S**everal towns, working through the Washington County Regional Planning Council, made a request for assistance to help them implement some of the Greenspace Project’s recommendations. Thanks to Grow Smart Rhode Island and the Doris Duke Foundation, these communities may receive the financial and technical assistance to create a conservation development zoning ordinance for their respective community, which will allow them to accommodate new development in a more environmentally-sensitive way. This new zoning technique empowers the towns to protect

greenspace and community character through the land development process. For more information, contact Jeff Nield at [jnield@dem.state.ri.us](mailto:jnield@dem.state.ri.us).

## Growth Centers Executive Order

Contributed by Peter Hanlon



**O**n October 2, 2002 Governor Almond signed Executive Order 02-05 which directs state agencies and departments to begin targeting their resources and investments towards municipally identified growth centers. Growth centers are defined in the order as "planned or existing dynamic and efficient centers for development that have a core of commercial, industrial, and community services, residential development, and natural and built landmarks and boundaries that provide a sense of place." By identifying their growth centers communities can plan and reduce their costs for building and maintaining the infrastructure needed to support residential, commercial, and industrial growth. At the same time, by directing future growth to specific areas the character of other parts of the community can be preserved, including historic areas and open space. A successful growth centers initiative can help prevent impacts to the environment from new development.

**O**ne of the key requirements of the order is that state departments and agencies report to the governor within 90 days with a preliminary inventory of funding resources that can be targeted to growth centers. The preliminary inventory is to include a description of any changes to rules, regulations, or statutes needed to give growth centers elevated priority in these programs. State departments and agencies will also identify any other statutory or regulatory changes which could be made to further encourage development in growth centers. The Statewide Planning Program will coordinate this effort and will be contacting state agencies soon.

**T**he DEM Sustainable Watersheds Office provided key staff support to the Governor's

Growth Planning Council over the past year, and the Council has produced a report detailing the concepts and strategies of the initiative that can be found at:

<http://www.state.ri.us/DEM/pubs/grow2inv.pdf>.

The full text of Executive Order 02-05 is available at:

<http://www.gov.state.ri.us/News%20Releases/Growth%20Center%20rel.htm>

For additional information on this order, contact Peter Hanlon at [phanlon@dem.state.ri.us](mailto:phanlon@dem.state.ri.us) or 222-3434 extension 7040.

### Rhode Island Drought Update



The Rhode Island Drought Steering Committee met on October 2<sup>nd</sup> to discuss the condition of state waters.

September was a wet month and the rainfall exceeded the average monthly rainfall statewide. The two-month, three-month and 12 month precipitation averages, however, are still below average statewide.

Surface water levels vary in the state. Stream flow levels are below normal for September in the Northern and Southern regions. Central Rhode Island stream-flows were normal in September, based on the flows of the Pawtuxet and Moshassuck Rivers.

Ground water levels are measured at 37 long-term wells and the story here is not encouraging. Twenty-eight wells were below normal and nine of the wells set new record monthly lows.

There are five phases in the state drought monitoring system, i.e., normal, advisory, watch, warning, and emergency. Based on the above factors, the committee has determined the North West, North East and Central East sections of the state be moved to a drought watch condition. Drought warning conditions remain in the Southern, Eastern and Central West area of the state. The group will reassess these determinations in two weeks.

Additional information concerning the drought can be found at the Water Resources Board's website located at:

<http://www.wrb.state.ri.us/drought.html>

### Phase II of Greenhouse Gas Project Underway

Contributed by Terri Bisson



The Greenhouse Gas Stakeholder Group kicked off Phase II of the project on September 25, 2002. In Phase II they will concentrate on

development and implementation of high priority options that can achieve almost half of the reductions to meet RI's target of 10% below 1990 levels by 2020. The options include:

#### Energy

- Renewable Portfolio Standards (RPS)
- Tax Credits For Energy Efficiency

#### Transportation

- Local Fuel Economy Improvements (Feebate) Initiative
- Transit and Transportation Infrastructure Planning

#### Buildings and Facilities

- Commercial/Industrial Fossil Fuel Retrofit Initiative
- Energy Efficiency Targeting Initiative (Industrial)

#### Solid Waste

- Resource Management (RM) Contracting Initiative
- Pay-As-You-Throw (PAYT) Initiative

The Group is still raising funds to pay for needed research and technical analysis of all eight options. Stakeholders decided to concentrate efforts on efforts on RPS, Feebate, and Buildings and Facility options until additional funding is secured. For up-to-date information on the project visit [www.righg.raabassociates.org](http://www.righg.raabassociates.org).

For additional information on this project, contact Terri Bisson at [tbisson@dem.state.ri.us](mailto:tbisson@dem.state.ri.us) or 222-3434 extension 4402.