

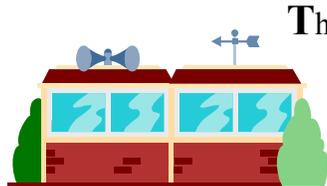


DEM Environmental Roundtable Newsletter

September 17, 2003

RI Chemical Safe Schools Committee

Submitted by: Jim Celenza, RICOSH



The Rhode Island Chemical Safe Schools Committee is a collaborative effort of state regulators, environmental consultants, chemists, educators and health advocates to look at environmental health risks in school settings and to help eliminate or minimize risks associated with hazardous chemicals in schools.

Participants include the following Rhode Island groups:

- ♦ Committee on Occupational Safety and Health (RICOSH)
- ♦ Department of Environmental Management (DEM)
- ♦ Department of Education
- ♦ Department of Health
- ♦ Department of Labor and Training
- ♦ Brown University Office of Environmental Health & Safety
- ♦ Community College of RI
- ♦ University of RI

The committee formed to provide some informal coordination of various projects that were dealing with environmental hazards in schools. The Department of Labor and Training has requirements for school districts to have updated chemical hygiene plans and designated chemical hygiene officers. DEM, in association with Stericycle, organized collection and disposal of mercury devices from several schools. The DEM Emergency

Response staff visited schools to help in removing a wider range of chemical hazards.

As knowledge of the types of chemical hazards in schools increased, the committee expanded its interests to address proper storage, handling and disposal of chemicals found in school laboratories. DOH tracks reported chemical accidents and schools often top their list.

The Department of Labor and Training, with the Department of Education and Brown University's Office of Environmental Health & Safety, developed a Lab Safety Workbook CD. Brown's Office of Environmental Health & Safety helped pilot dedicated lab safety training for school chemistry programs.

Through the cooperative efforts of this committee, workshops have been held on:

- ♦ Lab Safety and Hazardous Waste
- ♦ Mercury Elimination
- ♦ Toxics in Schools
- ♦ Indoor Air Quality
- ♦ Developing a Chemical Hygiene Plan
- ♦ Waste management in K-8 Science Programs

Demonstration projects and micro scaling experiments are techniques that reduce the use of dangerous chemicals in school science projects and teaching. Examples of science curriculum using alternative, non-hazardous products have been offered to science teachers

and have been incorporated into several school curriculum plans.

Currently the RI Department of Education is projecting rules that will ban many chemicals from schools. The committee is working to develop resources (especially regarding hazardous waste management) and training to assist schools as they work towards meeting these regulations.

Stormwater General Permit Updates

Submitted by: Eric Beck



The Department of Environmental Management has made significant progress towards the issuance of two general permits. These general permits control the discharge of stormwater from publicly owned stormwater systems and from construction activities.

The first general permit is intended to reduce pollution from stormwater systems in urban areas owned by local, state and federal governments in accordance with new federal Clean Water Act requirements. The draft general permit allows municipalities flexibility to develop cost-effective local programs for their municipal stormwater systems that use best management practices to address local water quality issues. The programs must include public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction site stormwater runoff control, post-construction stormwater management, and pollution prevention or "good housekeeping" for municipal operations.

DEM held a public hearing on the draft permit for publicly owned stormwater systems on March 13. Based on comments received during the public comment period, selected changes are proposed. DEM held a public workshop on July 24 to discuss the proposed

changes and solicit stakeholder comments. DEM is accepting public comments on the selected changes from August 21 to September 23 and will hold a public hearing on September 21 upon request. DEM will respond to all comments presented during the two comment periods at the time a final decision is made. For additional information, visit the DEM website at:

<http://www.state.ri.us/dem/programs/benviron/water/permits/ripdes/stwater/t2regula/pnfeb03.htm> or contact Margarita Chatterton at mchatter@dem.state.ri.us or at 222-4700, extension 7715.

DEM has issued a final general permit to cover storm water discharges associated with construction activity effective from September 9th 2003 to September 9th 2008. The permit requires operators to implement erosion and sediment controls best management practices to minimize sediment and pollutants from entering the storm water discharge. The new permit now covers all construction activity that disturbs greater than one acre. There were no significant comments received during the public comment period from June 11 to July 15; therefore DEM issued the final general permit. For additional information visit the DEM website at:

<http://www.state.ri.us/dem/programs/benviron/water/permits/ripdes/stwater/t2regula/pnmay03.htm> or contact Greg Goblick at ggoblick@dem.state.ri.us or at 222-4700, extension 7265.

Enforcement Update June-August 2003



DEM resolved 22 cases in the last three months for violations of environmental statutes. A total of \$979,754 was collected as a result of the case closures.

Month 2003	Penalties Assessed	Cases Opened	Penalties Collected	Cases Closed
June	\$69,128	8	\$30450	7
July	\$112,327	7	\$79,304	11
August	\$286,930	13	\$870,000	4
Total	\$468,385	28	\$979,754	22

Listed below are a few of the enforcement cases that have been recently settled. All of the DEM enforcement actions can be viewed on the DEM website located at:

<http://www.state.ri.us/dem/index.htm>

(Then click on Programs, then Compliance and Inspections, then Monthly Enforcement Action Summary.)

Metals Recycling, LLC, Izzo Group, Inc., and Metals Recycling, Inc. (Metals) in the Town of Johnston settled a case concerning violations of the state Clean Air Act. Metals failed to control emissions, failed to conduct emissions testing for the facility's generators, failed to apply for a Title V operating permit, failed to submit required operating permit fees and failed to submit emission inventory reports. In addition, the facility was not operating a solvent-cleaning machine in compliance with regulations. In the Consent Agreement, Metals agreed to comply with the air regulations, pay past due operating permit fees in the amount of \$54,000 and pay a penalty in the amount of \$700,872. Upon execution of the Consent Agreement, Metals paid DEM \$100,000. DEM agreed to offset \$450,872 of the penalty as a Supplemental Environmental Project ("SEP") in the event that Metals eliminates the two 3000 HP diesel generators and replaces them with electric motors no later than November 1, 2005. If Metals chooses to replace their diesel generators with electric motors, then they will pay the remaining penalty amount of \$150,000.00, before August 1, 2004.

Bristol Industrial Park, (BIP) Inc. in the Town of Bristol settled a NOV concerning violations of the Hazardous Waste Management Act and multiple sections of DEM's Rules and Regulations for Hazardous Waste. The

violations pertained to numerous sections of the state hazardous waste regulations and included the improper handling and storage of hazardous waste stored at the property. On April 14, 2003, BIP removed all remaining hazardous waste stored at the facility and agreed to an administrative penalty in the amount of \$120,000 plus interest at the rate of 12%. BIP is paying the penalty over a three-year period. The penalty is secured by a mortgage.

Superior Court Actions Settled or Resolved:

On August 26, 2003 John Moniz, Sr. and Olivia Moniz signed an administrative Consent Agreement with DEM to resolve three NOV's concerning violations of the wetlands, solid waste and water pollution statutes. The Consent Agreement was intended to settle violations that pertained to the disposal of thousands of cubic yards of clamshells with attached organic matter and the improper discharging agricultural waste water from holding ponds on site. In addition, freshwater wetlands were altered and failure to maintain agricultural waste holding. The penalties associated with the three NOV's totaled \$34,750.00. The Monizs agreed they would transfer the development rights of the property along with an additional abutting four acres to DEM instead of paying noncompliance penalties.

The Monizs removed all solid waste, restored all wetlands and corrected all discharges in compliance with the Consent Judgment. The Monizs transferred the development rights to the property to DEM but were unable to transfer the development rights to the additional four acres of abutting property due other ongoing Court proceedings. DEM accepted final settlement of its claims in the amount of \$39,274.89.

Proposed Arsenic Revisions

From the OWM website



DEM is proposing amendments to the "Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases, amended August 1996." A public hearing will be held if DEM receives appropriate requests from the public. If a public hearing is held, a public notice will be published announcing the date, time, and place of such hearing.

The proposed amendments to the rules and regulations include:

- Revised arsenic standards for residential, and industrial/commercial direct exposure - Table 1 in Section 8.0
- Special requirements for managing arsenic in soil - Section 12.0.

Copies of the proposed regulations can be obtained at the DEM website, <http://www.state.ri.us/dem>. (Click on [Publications](#) and go to the [proposed regulations section](#)), or at DEM's Office of Technical and Customer Assistance, [235 Promenade Street](#), Providence, RI 02908, or by calling DEM at 222-6822 weekdays, 8:30 AM - 4:00 PM.

Air Toxics Regulation Update

Submitted by: Barbara Morin



DEM will propose revised amendments to the Rhode Island Air Toxics regulation in September 2003. Amendments to that regulation were proposed last year, along with changes to the requirements for dry cleaning operations. At the request of commenters, DEM convened a stakeholders group that met several times earlier this year to discuss the proposed revisions to the Air Toxics regulation. The September 2003

proposal will incorporate many of the recommendations made by that group. The main changes from the amendments proposed in 2002 include:

- Regulatory requirements will be triggered by the amount of a toxic substance emitted from a facility rather than the amount used by the facility.
- Applicability thresholds in pounds per hour and pounds per day were dropped. Thresholds are now expressed only in pounds per year. This change results in simplified record keeping and reporting requirements.
- Fuel burning sources that are not major sources of air pollution will be exempted from the regulation. Major source fuel burning sources will be exempted from Air Toxics Operating Permit requirements for five years.
- Asbestos and lead abatement projects regulated by the Department of Health and other DEM rules will be exempted from the regulation, along with sodium hydroxide emissions from air pollution control equipment like caustic scrubbers.

A hearing on the proposed revisions has been tentatively scheduled for Friday, October 24, at 10:00. Note that the dry cleaning regulation proposed in 2002 will be promulgated this fall with modifications in response to comments. That regulation will not be included in the October 24th hearing. For more information, contact Barbara Morin at bmorin@dem.state.ri.us or 222-2808 extension 7012.

Revised DEM Regulatory Agenda

DEM has revised its 2003 Regulatory Agenda and has posted its mid year changes on the DEM website. The view this revised agenda visit the DEM website located at: <http://www.state.ri.us/dem/index.htm> then click on Publications / Regulations, then scroll down to Regulatory Agenda in Regulations.

2003 Legislative Update

Submitted by E. Stone



A number of bills were passed during the last legislative session that are of interest to the business community and include the following:

Solid Waste Management Pilot Projects

Allows DEM to approve solid waste management pilot projects proposed by municipalities as a means of encouraging the development of safe, alternative waste management techniques in Rhode Island. Such pilot projects would serve to promote waste reduction and the safe and effective management of solid waste

Assaults on DEM Inspectors

Makes it a felony to assault DEM inspectors while engaged in the performance of their duties, extending the existing provision that covers assaults against state and municipal police officers, DEM environmental police officers, RIPTA bus drivers, and other officials.

Funding for RIPDES Program

Amends the FY 04 budget to restore funding for the Rhode Island Pollution Discharge Elimination System (RIPDES) program as administered by DEM. The RIPDES Program is responsible for issuing permits, and for tracking compliance with permit requirements for discharges of pollutants from any point sources into waters of the state. Such discharges include municipal and industrial wastewater, storm water and combined sewer overflow. The program is the backbone of the state's water pollution control strategy. Also creates a six-member legislative commission to determine the merits of Rhode Island having the delegated responsibility of maintaining the program.

Tree Stumps

Authorizes the Town of Richmond to promulgate rules and regulations governing tree stump disposal in the town.

Mercury

Amends the 2001 Mercury Reduction and Education Act by pushing off, until 2005 and later, many of the key provisions of the law (e.g. phase-outs, labeling, disposal ban, collection plans, and disclosure for formulated mercury-added products). Creates a 14-member Commission on Oversight and Planning for Mercury Hazard Reduction and Elimination in Rhode Island. The Director of DEM, or a designee, shall serve as an ex-officio voting member of the commission. In addition, novelties incorporating one or more mercury-added button cell batteries as their only mercury-added component(s) are no longer subject to the ban on the sale, use, or distribution of mercury-added novelties.

For additional information about this legislative session, visit the DEM website at: <http://www.state.ri.us/dem/index.htm> then click on Pubs / Regs and scroll down to legislation.

Virtual Environmental Campus

From the MIT website



Among the biggest challenges facing colleges and universities is the sheer number of environmental regulations that govern their activities. This is also true for small businesses. This website, although dedicated to resolving issues in the academic arena, applies to many of the same problems faced by the small business community. Addressing these challenges requires innovative management strategies.

MIT has developed this "Environmental Virtual Campus" ("EVC"). This website provides assistance with environmental management practices, including both regulatory compliance and non-regulatory "green" environmental practices. The site is organized around nine typical areas that are normally subject to environmental regulations. These featured areas include:

- A laboratory
- A central hazardous waste storage area (for generators storing waste for less than ninety days)
- A power/heating plant
- An auto and grounds maintenance area
- A residential area
- A food service area
- A graphic arts/theatre department
- Drains and sewers
- A medical facility

Within each area, content is presented that discusses generally the federal environmental regulations that might commonly apply. In addition, "best practices" are included that cover additional (non-regulated) practices. In some cases the "best practices" and regulatory requirements overlap.

Additional information on this topic can be viewed at the following website: <http://www.c2e2.org/evc/about.html>

News from the Narragansett Bay National Estuarine Research Reserve

Contributed by Kim Botelho

Coastweeks 2003

Prudence Island Coastal Cleanup Saturday, September 20th



Once again the Narragansett Bay National Estuarine Research Reserve

on Prudence Island is participating in Rhode Island's Bag It! Campaign. Sign-up for beach areas begins at 10 a.m. and continues all morning. Following the cleanup will be our annual potluck lunch at 1 p.m. The Audubon Society of RI, DEM, The Washington Trust Company, and the Bank of Newport sponsor this year's cleanup. All participants will receive a tee shirt. To participate, call Kim Botelho at (401) 683-6780 or email: LadyLorax@msn.com. For ferry and parking information call the Prudence Island Ferry Company at (401) 253-9808.

Exploring Prudence Island

Wednesday October 1, 9:45 a.m. – 4:30 p.m.

Prudence Island is a world apart, but only a short ferryboat ride from Bristol. Located in the middle of Narragansett Bay, the island offers ample opportunities to study coastal habitats. After disembarking at Homestead wharf, we will drive south to the Narragansett Bay National Estuarine Research Reserve (NBNERR) where the exhibits at the Learning Center will prepare us for the plants and animals we can expect to find along the shoreline. After lunch, we will drive to the northern end of the island to visit the pristine salt marshes. Kim Botelho, NBNERR Education Coordinator and Anne Wagner, RI Wild Plant Society Naturalist, will guide this trip. Participants should bring a lunch, binoculars, plant field guide, and appropriate clothing. We will depart on the 10 am ferry from Bristol and return on the 4 p.m. ferry from Prudence. For ferry schedule and parking information please call the PI Ferry Company at (401) 253-9808. Fee: *\$30 members, \$35 nonmembers

Members of the Audubon Society of RI or RI Wild Plant Society are eligible. Cost includes tour, round trip ferry transportation, and island transportation. For additional information please call Kim at (401) 683-6780. To register, call RIWPS at (401) 783-5895.

National Estuaries Day Celebration Saturday, September 27th

Join the Narragansett Bay National Estuarine Research Reserve and Mystic Aquarium for our second annual celebration of National Estuaries Day. We will have interactive, educational activities, exhibits from local organizations, music, expert speakers, and much more. There will be fun for all ages! All activities included in general admission price.

For additional information please call Kim Botelho at (401) 683-6780. For more information about National Estuaries Day please visit www.estuaries.gov

Greenhouse Gas Update

Contributed by: Terri Bisson



The New England Climate Coalition recognized the Rhode Island Greenhouse Gas Stakeholder process as a “positive model of planning” that could be emulated in other states and/or the region. This recognition was announced in its September 2003 publication, *Global Warming and New England: Opportunities and Challenges after Two Years of the Regional Climate Change Action Plan*. The report examined the progress of New England states in developing climate action plans, a key component of the 2001 New England Governors/Eastern Canadian Premiers’ agreement to reduce greenhouse gas emission to 10% below 1990 levels by 2020. The report notes that Rhode Island is the only one of the six states to issue an action plan with sufficient detail and stakeholder investment to serve as true roadmap for meeting the state’s global warming emission reduction goals. The report is available at www.newenglandclimate.org.

The report comes as Greenhouse Gas Stakeholders move into Phase 3 of the project

this fall. In this phase, stakeholders will continue to work on design and implementation of high priority options in the *Greenhouse Gas Action Plan*, develop a public education program to promote greenhouse gas reduction and follow up on several initiatives from Phase II (See May 7 Environmental Roundtable Newsletter).

Three formal working groups and one ad hoc group are being formed:

- The Transportation Working Group will continue working on the vehicle efficiency incentive program, plus will work on a clean fuels/fleets initiative as part of a government action package. The group will also work with the Statewide Planning Program on its transit-oriented development project.
- The Buildings and Facilities Working Group is working on energy efficiency/clean buildings and green power purchases as part of a government action package and removing barriers to combined heat and power (CHP) projects. The State Energy Office is working through Energy Service Companies (ESCO’s) to identify energy efficient improvements in businesses. Narragansett Electric is taking the lead on appliance-related initiatives.
- The Education and Outreach Working Group will work on education regarding climate change and local impacts and will also work on targeted education activities surrounding individual options from Phase 2.
- An ad hoc group will explore enhancing forestry activities to increase greenhouse gas reduction benefits.

Anyone interested in participating on a working group should call or email Terri Bisson at tbisson@dem.state.ri.us or 222-3434, extension 4402.