

# RIDEM PPA Supplement for FY2003

This supplement and the accompanying revised Strategic Work Plan Progress Report summarize major changes to the FY 2002-2003 DEM Performance Partnership with EPA through the end of FY 2002 (June 30, 2002) unless otherwise noted.

## **CLEAN AIR**

1. Title V. Air staff from both agencies agreed to meet to determine how the report for the Title V Program will be adapted to include the level of effort spent in working with companies that elect to use voluntary emission caps (over 100 facilities).
2. Ozone - DEM is preparing an Ozone Attainment Demonstration for submittal in November 2002.
3. Air toxics – DEM has moved one of the four air toxics monitors to Olneyville and will continue to develop a strategy to monitor air toxics and develop reduction strategies under the terms and conditions of the PPA.
4. Diesel exhaust - DEM will:
  - re-introduce anti-idling legislation;
  - work with the Departments of Health and Education to encourage school departments to adopt no-idling policies, retrofit controls on buses and use cleaner fuels;
  - support RIPTA CMAQ proposal for bus retrofits;
  - work with the Asthma Regional Council to adapt experiences from other states in the region to reduce diesel emissions.
5. Staff from EPA and the Air Pollution Laboratory continue to work to resolve the problem with uploading air monitoring data into the AIRS database system which is related to the ability to get beyond the DOH computer system firewall. These data can be entered using a computer at OAR, although changes in AIRS have made it less user friendly.
6. GHG/Energy -- DEM and EPA are using various strategies to find additional resources to design and implement the GHG Action Plan including partnering with entities such as Brown University, the State Energy Office and Statewide Planning. DEM is also reprogramming carry-over funds from previous air pollution grants to help close the gap in GHG project funding. DEM will review possibilities for encouraging cleaner distributed generation including through implementation of the Ozone Transport Commission model rules for NOx emission reductions.

## **LIVABLE COMMUNITIES**

7. Watersheds –DEM will meet with EPA to follow up on EPA's offer of staff assistance for watershed work.
  - a. Smart Growth –EPA will assist in convening a meeting with federal partners to see if they can help in watersheds other than Woonasquatucket.
  - b. DEM is developing program-specific strategies to integrate Smart Growth principles into regulatory programs, such as ensuring that brownfield revitalization fosters community character and sustainable development.
8. Contaminated sites – DEM reassigned staff to address the backlog in state contaminated sites, and raised the target for state brownfields. However we reduced the target for UST inspections as a result of these reassignments. We also anticipate that both the number of uncontrolled LUST sites and the overall backlog in state sites may increase as discussed below.

- a. LUST - There are fewer leaking underground storage tanks than last year but we are getting more sites added to the list than cleaned up and removed from the list.
  - b. UST - The reassignment of one FTE from the UST program in Waste Management as a result of budget contractions will result in a downward adjustment of UST inspection targets from 40 inspections to 25.
  - c. State sites - The state site remediation backlog is the primary contributor to an overall widening gap between the number of known sites and the number of controlled sites state-wide. DEM filled two vacancies through involuntary reassignments to keep the backlog from continually growing.
  - d. Brownfields - DEM reset the state brownfields target from 60 acres for the 2002-2003 PPA to 200 acres for the same time period.
9. Persistent bioaccumulative toxics (PBTs) – DEM is developing a coordinated program for PBTs.
- a. **Mercury** –
    - Developed regulations
    - Assigned responsibility for mercury to OWM and OTCA
    - Will see resources to implement the new mercury legislation
  - b. Continue to participate in the state comprehensive strategic plan to reduce childhood *lead* poisoning
  - c. Change the arsenic standard to reflect background soil levels and conduct outreach re BMPS and handling *arsenic* contaminated materials.
10. Environmental Results Program – DEM plans to expand the Voluntary Certification and Environmental Results Program to the dry cleaner sector with Massachusetts model, then to USTs (contingent on funding)

12. Junk yards – DEM and EPA originally intended to work with the other New England states to assist in the development of a junkyard initiative involving multi-media assistance and enforcement efforts, depending upon staffing levels in FY2003. However, due to the involuntary reassignment of the person assigned to this effort due to a direct downsizing of the Office of Technical and Customer Assistance by the legislature, DEM does not anticipate being an active participant in any regional junkyard initiatives in the foreseeable future.

## **HEALTHY ECOSYSTEMS**

13. Water budgets – DEM will develop a streamflow standard by 2003.
14. Narragansett Bay – DEM will pursue funding for coastal restoration from the farm bill and take the following steps with the other New England Estuary Programs to address invasive species:
- a. Conduct a New England NEP Invasive Species Workshop in November in Boston.
  - b. Conduct a benthic survey for invasive species at selected sites in Spring 2003.

## **CLEAN WATER**

15. TMDL gaps – Progress on TMDLs continues to be delayed due to factors including ongoing discussion regarding TMDL technical and legal issues, time needed for review of draft documents, delays in model delivery from consultants, weather constraints and staff and budget shortages. DEM now expects to complete 16 of the 37 TMDLs that were planned for completion in 2003 during that time frame. Startups will also be delayed. Of the 24 TMDLs that had been planned to start in FY 2003, 10 will be delayed; 14 are now expected to be underway by June 30, 2003.

16. Monitoring – DEM is working with a consultant to produce a statewide monitoring strategy for water resources by September 2003 that will address water chemistry, biological monitoring and fish tissue sampling, at minimum. It will also outline actions needed to eliminate key data gaps. In response to

federal Consolidated Assessment and Listing Methodology (CALM) guidance, OWR will also document its assessment and listing method, cross reference it in the monitoring strategy and apply the method to the 2004 integrated report on water quality conditions. A contractor will be retained to prepare a strategy for the biological assessment of freshwater wetlands which will be integrated with the monitoring strategy.

17. Data management – DEM cannot support STORET. DEM, with input from other potential users, will complete a preliminary feasibility plan that identifies the actions needed to migrate to STORET as well as the advantages and disadvantages of using STORET.

18. Drinking water –

- a. DEM and DOH will identify actions needed to integrate the Wellhead Protection and the Source Water Protection programs including incorporating certain wellhead protection planning requirements into municipal comprehensive planning requirements.
- b. DEM will work with DOH to develop the DOH rules to coordinate agency activities such as well drilling and ISDS regulation under the new law authorizing DOH to set private well standards.
- c. DEM and DOH will continue to collaborate in the Governor's Task Force on issues related to small community water suppliers and their capacity to respond to MTBE contamination. DEM will assist DOH as appropriate to implement task force recommendations.

**OTHER** -- Enforcement/inspections

20. DEM and EPA agreed to develop a way to eliminate conflicts between methods of measuring enforcement performance and to focus on the effectiveness of the enforcement program by placing greater emphasis on the nature and seriousness of violations than on the number of enforcement inspections and actions.

21. As part of this PPA Supplement, the **Rhode Island Department of Environmental Management State Enforcement and Assistance Priorities for FY03** documents the changes agreed to by EPA and DEM for FY03 in enforcement and compliance monitoring, and compliance assistance. See Appendix A.