

# **Bureau of Environmental Protection**

**Edward Szymanski, Associate Director**

## **Work Plan for Fiscal Year 2000**

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
FY2000 WORK PLAN - BUREAU OF ENVIRONMENTAL PROTECTION**

**I. Bureau Name and Description:**

The Bureau of Environmental Protection consists of:

- ◆ The Office of Air Resources
- ◆ The Office of Water Resources
- ◆ The Office of Waste Management
- ◆ The Office of Compliance and Inspection
- ◆ The Office of Technical and Customer Assistance

The management team for the Bureau is led by the Associate Director and includes the Assistant Director for Water Resources, the Assistant Director for Air, Waste and Compliance, and an Office Manager.

**II. Mission:**

The mission of the Bureau of Environmental Protection, and the Offices included in the Bureau, is to work in an effective and coordinated manner to support the Department's mission of:

1. Enhancing the high quality of life for this and future generations by protecting, managing, and restoring the Environmental Protection of the state, enhancing outdoor recreation opportunities, protecting public health, and preventing environmental degradation.
2. Guiding utilization of the state's Environmental Protection to provide for sustainable economic opportunity while sustaining our natural environment.
3. Motivating the citizens of the state to practice an environmental ethic based on an understanding of their environment, their own dependence on it, and the ways in which their actions affect it. (Strategic Assessment, 1996)

The Bureau regulates activities that impact the environment. Effective regulation protects public health, prevents further degradation, and supports the restoration of the environment where it has been adversely impacted by past activities. Effective regulation includes a Bureau-wide ethic of customer assistance and emphasis on minimizing and preventing pollution at the source wherever possible.

### **III. Office Highlights:**

1. **Pollution Prevention:** Our experience has clearly shown that preventing pollution at the source is a much more effective method of environmental protection, both in an environmental and economic perspective, than pursuing restoration and remediation activities after contamination has occurred. As mentioned earlier, the Bureau of Environmental Protection includes the non-regulatory Office of Technical and Customer Assistance. That Office contains the Department's dedicated Pollution Prevention program, which focuses on conducting non-regulatory audits searching for opportunities to minimize and eliminate toxics from industrial processes. OTCA also conducts specialized efforts focused on eliminating specific priority pollutants from industry sectors, such as removing lead from the auto body refinishing industry sector.

However, pollution prevention efforts in the Bureau go well beyond the efforts of this one program. Every permit issued by the Bureau includes requirements and conditions that the discharge of pollutants be limited to accepted standards in order to minimize the environmental impacts from these operations. Over the next year, we will be working with the Northeast Waste Management Officials Association (NEWMOA) to further incorporate pollution prevention into the many permitting programs throughout the Bureau. We will also be incorporating elements of the commercial recycling program into the Bureau over the next year to get more operational efficiency within the Department. Clearly, an important component of this effort will be to develop clear measures that show our effectiveness at preventing pollution on a program, Office and Bureau-wide basis.

2. **Effective, Timely and Consistent Enforcement:** As part of the Departmental reorganization of 1996, DEM sought to improve the effectiveness, timeliness and consistency of enforcement actions by consolidating the responsibility for formal enforcement actions in a centralized Office of Compliance and Inspection. Since its formation, this Office has overcome the challenges of integrating many disparate program elements into a central coordinated unit and has taken great strides in developing Bureau-wide policies on formal enforcement actions. All the other Offices within the Bureau will be working with the Office of Compliance and Inspection to develop clear protocols for determining the level of response appropriate for problems found. We expect to clearly see the fruits of these efforts in the next year as the frequency of both informal and formal enforcement actions increases while maintaining a fair, proportionate response to violations, the timelines for responding to environmental violations shortens, and our response to those violations is consistent, fair and well articulated through policies.

Related to effective enforcement is the consistent, professional appearance and conduct of our staff. Over the next year, the Bureau will be working with the Office of Legal Services and the Bureau of Natural Resources to develop an inspection protocol for field staff. This protocol will clearly outline a consistent and professional set of guidelines for staff representing the Department in the field. The Bureau will also seek to reinforce the professional appearance of field staff by providing shirts emblazoned with the DEM logo and actively participating in Department-wide efforts to provide cleaner, safer, and more modern vehicles for field activities.

- 3. Permit Streamlining:** The Department is currently investing significant resources, including capital investments and staff time, in developing a comprehensive computer system to track permit applications. The Offices of Air Resources, Water Resources and Waste Management are all deeply involved in the development of this system and this effort will continue into the implementation phase over the next year. At the Bureau level, we anticipate several policy issues arising from the permit streamlining evaluation and system development. Those issues will be evaluated and resolved to lead to more cross-program consistencies and easier inter-Office communication.

The Offices within the Bureau also continue to implement the Phase I permit streamlining recommendations by KPMG Peat Marwick. Within the next few months, the Bureau will conduct a formal evaluation to check on the progress of these improvements and assess what remains to be done. In the case of the freshwater wetlands program in the Office of Water resources, many of the improvements identified by KPMG Peat Marwick were included in proposed legislation in 1999 which unfortunately did not pass. The Bureau will evaluate which of those improvements can be implemented through regulatory, policy or administrative change and move forward with those, as well as clarify which changes require legislation.

- 4. Community Based Environmental Protection:** Over the past three years, the Office of Water Resources has provided the leadership in the discussion, evaluation and development of a state-wide framework for watershed-based environmental protection. In 1999, the Department took that initial program development foundation to the next level and designated the South County Watersheds and the Woonasquatucket River watershed as pilots to begin developing a working model for the watershed approach. Over the next few years the Bureau will be deeply involved in implementing the watershed approach in these two pilots and subsequent watersheds. We anticipate continuing our core program activities and targeting our discretionary activities to these areas in conjunction with the goals, plans and needs of the community groups within the watersheds. In addition, we plan to aggressively support the development of local capacity to conduct long-term strategic planning, and annual program planning, for these watershed areas. The Offices of Air Resources, Waste Management and

Water Resources all have stakeholder groups that have been consulted on various program issues and plans in the past. We intend to continue those efforts, and incorporate the watershed emphasis where appropriate, into the future.

The Bureau will also be considering the issue of environmental equity and disproportionately impacted communities over the next year. Several urban communities in particular are subject to multi-media environmental degradation that may not be completely addressed through traditional avenues of environmental regulation. Over the next two years, the Bureau intends to conduct an evaluation of the issue of environmental equity and identify and meet with stakeholder groups with the ultimate goal of setting a clear policy ensuring that all communities throughout the state are subject to equitable levels of environmental protection.

5. **Comprehensive Assessments of Environmental Conditions:** Throughout Rhode Island, there are several areas where we need to collect more information about current environmental conditions in order to make accurate, fair and informed decisions about the protective measures necessary. Within the Bureau, the Office of Water Resources is undertaking one of the most comprehensive evaluations of the State's waters ever. These evaluations are designed to determine the Total Maximum Daily Load (TMDL) of contaminants that can be permitted while still maintaining the targeted quality of the water body. Each TMDL determination requires a comprehensive assessment of the water body and a public discussion of the results of the evaluation and recommendations.

In addition, the Office of Waste Management will continue the evaluation and prioritization of contaminated properties throughout the State and direct resources to address those sites that present the greatest risk to human health or the environment. The Office of Air Resources will be evaluating certain urban areas to identify areas where the concentrations of air toxic compounds are elevated. In the Woonasquatucket River watershed, the Bureau will evaluate, in conjunction with the Department of Health, the need for further fish tissue and sediment sampling and will search for the funding to undertake any recommended further investigations.

6. **Measuring and Communicating Effectiveness and Success:** Throughout the Bureau, each of the programs will be implementing specific management strategies and related activities as outlined in their individual work plans and in this Bureau work plan. However, all of the Offices within the Bureau have struggled to develop clear, meaningful performance measures and environmental indicators that measure the effectiveness of their activities. This is a challenge common to environmental organizations across the country. Over the next two years, the Bureau will continue to develop meaningful indicators that show our effectiveness and progress in protecting and restoring the environment. We will be active participants with various interstate groups, both regionally and nationally, to develop these measures and will seek to incorporate them into future work plans, performance evaluations, budget submissions, reports to other government

officials (including elected officials and EPA), and, perhaps most importantly, reports to the public on the state of Rhode Island's environment.

#### IV. Strategic Priorities and Targets:

1. **Pollution Prevention:** As mentioned earlier, preventing pollution at the source is a much more effective method of environmental protection, both in an environmental and economic perspective, than pursuing restoration and remediation activities after contamination has occurred. In order to further emphasize pollution prevention and improve the Bureau's effectiveness in this area, we will undertake the following management strategy over the next year:

Management Strategy: Integrate Source Reduction and Pollution Prevention in all Regulatory Programs

- Establish training on incorporation of P2 principles in enforcement and permitting decisions
- Integrate appropriate portions of Solid Waste Recycling Programs into the Bureau of Environmental Protection (with RIRRC)

2. **Public Health Risk Prevention:** One of the main goals of the Bureau is to protect the public from hazards in the environment, primarily through exposure to various chemical contaminants and contaminated air, water or soil. In addition to the many efforts proposed by the Office in the Bureau over the next two years, we are proposing multi-program efforts on the several priority threats to human health.

Management Strategy: Establish Clear, Consistent and Protective Policies on the Management of Priority Pollutants

- MTBE: The Offices of Air Resources, Water Resources and Waste Management will be conducting an ongoing evaluation of MTBE in the environment. Impacts of the use of reformulated gasoline and the threats posed by the release of MTBE into groundwater, primarily from underground storage tanks and gas station facilities, will be considered.
- Lead: The Offices of Air, Resources, Compliance and Inspection and Waste Management will be working with the RI Department of Health to develop more effective methods of preventing releases of lead and management of lead-contaminated materials.
- Arsenic: The Office of Waste Management will be working with the RI Department of Health to evaluate the threats posed by arsenic in the environment and develop appropriate clean up standards.

- Contaminated Sediment: The Offices of Water Resources and Waste Management will be working together and with the RI Resource Recovery Corporation and Coastal Resources Management Council to evaluate disposal options for contaminated dredge materials.

3. **Smart Growth:** Effective environmental protection goes beyond simply regulating the parties who propose various activities. It involves promoting and assisting basic community planning processes that can reduce or even prevent environmental impacts. The Bureau will continue to support Smart Growth concepts by strongly advocating and effectively implementing the Brownfields program. Additionally, all Offices, led by the Office of Water Resources, will continue to be very active participants in the Watershed Approach. We will be particularly active in the two Watershed pilot areas of South County and the Woonasquatucket River.

The Bureau will make available, on an as needed basis, technical assistance to municipalities, watershed groups and land trusts interacting with our various programs. Existing relationships with our stakeholders will be strengthened to include community planning elements, where applicable. Additionally, we will be ready to provide environmental information and support to community based planning organizations undertaking Smart Growth initiatives. To the degree possible, we will support efforts to build local capacity for proactive planning with respect to environmental issues.

4. **Fair and Effective Regulation and Enforcement/ Regulatory Streamlining:** As one would expect, the efforts within the Bureau to ensure fair and effective regulation and enforcement amount to a continuous improvement program. Program highlights outlined earlier in this work plan emphasize the Bureau-wide efforts at permit streamlining and explain the Bureau's planned efforts to improve the timeliness, effectiveness and consistency of our enforcement actions. The following management strategies and planned activities provide more detail into the specific actions planned over the next two years:

Management Strategy: Design a Community-Based Approach to Environmental Permitting and Compliance

- Watershed Approach- All programs within the Bureau will participate in the watershed approach
- TMDL Process-The Office of Water Resources will conduct assessments of selected water bodies and set permit conditions and restoration plans based on the TMDLs calculated from those assessments.

Management Strategy: Streamline Permitting, Enforcement Actions, and DEM support of projects intended to enhance environmental quality in RI neighborhoods and communities

- Conduct a program-by-program analysis to determine whether and how (categories of) permit applications can be treated differently so as to increase timeliness, effectiveness, protectiveness and customer satisfaction without compromising fairness to all applicants
- Conduct an analysis to determine where enforcement actions can be prioritized and how prioritizing can increase timeliness, effectiveness and protectiveness
- Conduct an analysis to determine where site assessment and remediation can be prioritized and how prioritizing can increase timeliness, effectiveness and protectiveness
- Conduct an analysis to determine how environmentally beneficial projects can be prioritized and supported

Management Strategy: Streamline the Permitting Process

- Evaluate Progress Implementing Phase I (KPMG) Recommendations
- Participate in Phase II (Kyran)
- Analyze Permit Fee Assessments

Management Strategy: Establish Clear, Consistent Enforcement Protocols

- Develop a comprehensive Enforcement Response Policy that provides guidelines as to what level of enforcement response is appropriate for certain situations and the accepted policies and protocols for taking enforcement actions.
- Amend Penalty Regulations to ensure clear and consistent assessment of penalties
- Establish Inspection Protocols clearly outlining consistent and professional guidelines for staff representing the Department in the field
- Establish Case Screening Guidelines for Potential Criminal Violations
- Consider establishing a Supplemental Environmental Project Bank of environmentally beneficial projects that may be undertaken as a supplement to, or an offset for, environmental penalties.
- Conduct a multi-program evaluation of the RI Audit Act to encourage legitimate independent evaluations of environmental conditions and compliance status and, more importantly, support corrective measures that may be undertaken on a voluntary basis to correct those problems.

5. **Promote Partnerships:** Providing the level of environmental protection and restoration that Rhode Islanders expect requires that DEM, including the Bureau of Environmental Protection, reach out to various stakeholders to work together towards a common goal. The Offices of Air Resources, Technical and Customer Assistance, Water Resources and Waste Management have all worked closely with their respective stakeholder groups in the past to discuss program plans and proposed activities. Those Offices intend to maintain those valuable relationships with stakeholder groups into the future and incorporate more global discussions on moving towards the watershed approach and supporting proactive planning and



Smart Growth efforts in the context of overall Department efforts and their respective programs. Furthermore, in developing and proposing improvements in the enforcement process and developing a policy to ensure environmental equity, the Bureau anticipates developing more partnerships, at the Bureau-level rather than the Office-level, to discuss these multi-media and multi-program issues. These efforts are reflected in the management strategy and activities listed below:

Management Strategy: Develop partnerships with organizations and individuals outside DEM to communicate plans and accomplishments, and evaluate, and seek concurrence and support for, our programs

- Actively participate in the Business and Environmental Roundtables
- Develop a stakeholder group to discuss improvements in the enforcement process
- Develop a stakeholder group to discuss issues of environmental equity and the development of a Bureau-wide policy

6. **Setting an Example:** The Bureau of Environmental Protection will provide leadership in addressing two specific areas where we should be setting an example to other governmental and environmental organizations. The Bureau will set an example for responsible and proactive management of areas of concern by developing a set of clear inspection protocols for our field staff and addressing the issue of ensuring equitable environmental protection and restoration throughout the State. Our efforts are reflected in the management strategy and activities listed below:

- Establish Inspection Protocols clearly outlining consistent and professional guidelines for staff representing the Department in the field

Management Strategy: Establish a process to evaluate whether disparate environmental impacts occur in communities in RI and respond to those potential inequities

- Develop a Bureau-wide policy ensuring equitable environmental protection and restoration throughout the State

7. **Exploring Operational Efficiencies:** The Bureau will conduct a self-assessment to evaluate the structure and funding levels of the various programs within the Office and determine if efficiencies can be gained through organizational changes. Through the development of a Bureau-wide Quality Management Plan, we will also increase operational efficiency by developing and implementing a system to ensure that decisions are based on good, scientific information. The explorations and evaluations are outlined in further detail below:

Management Strategy: Ensure sufficient infrastructure to support effective, efficient and professional performance throughout the Bureau

- Establish relative priority of Bureau programs, and focus effort and resources on high priority programs
- Ensure the Budget for the Bureau supports effective, efficient and professional performance
- Assess compliance status of Bureau programs with various audit requirements and recommendations identified in the past three years

Management Strategy: Ensure that the structure of the Bureau is efficient and promotes effective, streamlined program performance

- Conduct a four-year review on the Bureau structure and evaluate any organizational changes that may increase efficiency and effectiveness

Management Strategy: Establish Clear, Consistent Data Quality Standards and Data Management Systems

- In partnership with EPA, develop and institute a Bureau-wide Quality Management Plan
- Develop and implement an environmental data monitoring module for the Permit Streamlining computer system
- Develop and implement a computer system to track the receipt and response to citizen complaints on environmental issues.

**8. Improving communications, Public Education and Outreach:** The Offices of Air Resources, Water Resources, Waste Management and Customer and Technical Assistance all have stakeholder groups, which have historically been valuable sounding boards for planning sessions, new initiatives and program improvements. Those Offices will continue to interact with their respective stakeholder groups in the future. In addition, the Bureau will participate actively in the Business and Environmental Roundtable meetings for purposes of public outreach and education as well as feedback. The Office of Technical and Customer Assistance will continue its outreach efforts, including the publication of various fact sheets, case studies and guidance documents for our customers, and enhancing the use of the DEM web site.