

APPENDIX C

PUBLIC RESPONSE TO THE PPA/WORKPLAN

Public Meetings –

Public meetings were held on November 15, 1999 at South Kingstown High School; on November 17, 1999 at Portsmouth Town Hall; and on November 22, 1999 at North Providence Town Hall. Total public attendance was 78. The Director, ten other DEM staff members and three representatives of the U.S. EPA attended each meeting.

Questions/Comments/Responses

Question: How will the Department carry out the work in the plan when the budget is continually cut? Particularly, what will the Department do about the erosion on the shore at Goddard Park since nothing has been done to date?

Response: Citizen involvement is important and we would welcome the formation of Friends of the Parks groups to help with state parks and management areas, similar to the Watershed Watch groups that monitor local waterbodies. With particular regard to Goddard Park, DEM has done a major rehabilitation of the bathhouse and boardwalk, including rebuilding a retaining wall, but there are no current plans to reconstruct the horse trails where the erosion is occurring.

Question: I am concerned about marinas and the lack of oversight. (Citizen specifically mentioned six marinas.) For example, boats are sanded near the water with nothing done to stop the paint dust (paints with copper compounds) from getting into the water. Also, open containers of oil filled to the top are kept outside.

Response: Both of the above are covered in the Environmental Guide to Marinas: Controlling Nonpoint Source and Storm Water Pollution in Rhode Island published by Sea Grant and developed cooperatively by the Sea Grant, the RI Marine Trades Association, marina operators, DEM, CRMC, and EPA. If any instances of improperly stored hazardous waste (including oil) are noted they should be reported to DEM's hotline.

Question: Another concern about marinas is 2-stroke engines putting petroleum directly into the water column

Response: There are some boats now with 4-stroke engines and EPA regulations mandate a phase-out of 2-stroke engines.

Question: Another concern about marinas is dumping from marine sanitation devices (boat toilets).

Response: The Coast Guard is responsible for enforcing the No-Discharge Regulation in the Bay and Coastal waters. Within harbors the local harbormaster is responsible. DEM is working on a public outreach campaign and working with marinas to minimize dumping from boats and to encourage the use of pumpouts.

Question: Could I have a copy of the South County Watershed Plan?

Response: Copy sent November 17

Question: I am concerned about the Central Landfill and air and water pollution emanating from it; compliance assistance as a substitute for enforcement; the Department's enforcement capability; the impact of the proposed power plant on air quality when the air is moisture-laden, it is raining, or cloudy, and the effect on gases from the landfill; the possibility of methane gas from the landfill being used by the new power plant

Response: EPA and DEM are convening a stakeholders group to deal with landfill related impacts. (The individual was invited to participate.) Compliance is a priority but only as a complement to, not as a substitute for, enforcement.

Comment: Thanks and compliments to the staff of the Department for its work.

Question: Is DEM going to do something similar to the drought management plan in the EPA Work Plan?

Response: DEM has worked closely with farmers through the past summer and has built a good working relationship in addressing water supply to farmers and other water users. The focus has been on the Queen-Usquepaug River watershed. The DEM Work Plan for FFY2000-2001 includes the development of a drought response management plan by April 1, 2000.

Question: We appreciate DEM's efforts and the opportunity for public participation. What can you tell us about the air permit for the new gas-fired power plant near the landfill?

Response: DEM will hold a public hearing soon on this permit. (The individuals were invited to participate.)

Question: We at Watershed Watch appreciate DEM's support. It is important to educate citizens about these issues, but would it be possible to streamline processes so that attendance at fewer meetings would be necessary?

Response: The Department has committed to developing a communications strategy that will address meetings and the dissemination of information, among other issues. The Director recognized the importance of the work the Watershed Watch groups do and emphasized that the Department could not do this work alone and that citizen involvement in their environment is critical to environmental protection.

Question: I have concerns about the revision of the nonpoint source pollution grant program, anticipated changes to program, and about who will conduct field work in the state.

Response: We will start with a community-based approach, and collaborate with other agencies and local entities that may be devoting resources to conduct the field work. Typically, DEM conducts a public meeting with local stakeholders before we begin the monitoring process. As well as doing other phases of TMDL assessment studies. DEM will conduct TMDL's in various areas throughout the state as reflected in the work plan.

Question: Could DEM develop a process to bring in local authorities, i.e. a team approach, to evaluate permits and development projects? Local figures should be involved in the permitting process.

Response: Such an initiative would need to come from the municipalities. DEM is open and willing to set up a consultation process for interested cities and towns. It is preferable to have a pre-planning process and smart-growth strategies in place; this gets you ahead of the curve. Cities and towns can work together with the state in such a process. It is important to provide incentives for communities to work together with the state; more regional planning is needed.

Question: Does DEM have the resources to address local issues? Is there an appropriate team to serve local communities?

Response: Yes. We will have watershed coordinators available to assist individuals and municipalities with information needs and permitting issues. We are in the process of appointing watershed coordinators for the South County and Woonasquatucket watersheds.

Question: I have a problem with DEM telling me that "We found a problem and you have 10 days to correct." Could an enforcement officer sit down with me on my property to point out the violations so I would not have to travel to Providence to meet at DEM. How can I find out who called in the complaint?

Response: Regarding enforcement issues, the problem is that we get numerous complaints on a daily basis and that it takes time to issue NOVs. We have an obligation to respond to complaints; we hope to get notices out quickly, and will have to demonstrate how we can do things differently in the future. We cannot guarantee that a regulatory staff member can come out to your property to explain violations. Examining issues pertaining to a property may require reference to files that would be in the office. Also we have an obligation to increase the speed with which we respond to complaints and permit applications and our regulatory inspectors may not have time to make additional visits. We do accept anonymous complaints so you may not be able to find out who called in a complaint. We do not take any punitive action on a complaint unless our investigation does provide solid evidence that a violation has occurred.

Question: Has DEM been able to get necessary support and additional staff?

Response: DEM has received very strong support from Governor Almond regarding staffing and other issues.

Question: Several reorganization bills have surfaced in the General Assembly in the last few years. Can the DEM workplan proposal withstand another attempt at such an effort?

Response: One purpose of the workplan is to demonstrate that DEM is able to get the kind of work done that is expected of the agency. This approach has been well-received.

Question: In 1998 the Department received \$35 million from EPA. This document shows only \$3 million for 1999. What is the reason for the difference?

Response: This year's total is roughly the same. That is an error in the document.

Question: There was some open space acquired with an open space bond passed about 15-20 years ago and I have heard that some land was turned over to locals and that some may be sold by them. Also, if land is turned over to locals, can they set the restrictions on the use of the land?

Response: Once land has been acquired through the use of open space funds, it cannot be sold. It would take a legislative act to allow that. It is true that the Department cannot manage all the land it has acquired and that we work with local groups such as land trusts who can provide the stewardship for particular parcels. The restrictions are set prior to transfer of the land and the locals cannot change these.

Question: There was an agreement with RI Resource Recovery to stop the gases from the landfill by October 29. There has been no improvement in the odors coming from the landfill, and there has been nothing in the papers about fines from DEM, etc. We are considering a class action lawsuit. Kids are getting sick, throwing up, having seizures, and we blame the landfill. What is DEM doing about it?

Response: The October 29 deadline was not to stop the gases coming from the landfill. That would be impossible. The deadline was to submit a plan to for dealing with emissions. The landfill is generating far more emissions than ever was anticipated and it needs more capacity to process the emissions, such as more collection wells and flares. The Management Action Committee that was formed recently includes DEM, Resource Recovery, Town officials, and citizens, and will be working to improve this situation.

Question: I am a member of the committee so I know there are efforts but this past weekend was especially bad. I received a lot of phone calls from people whose kids were sick this weekend.

Response: DEM received a lot of complaints this past weekend so we are aware that recent weather conditions exacerbated the emissions.

Question: I have an odor complaint and a health concern with auto body finishing. There are over 400 auto body shops in the state and they release over 622 tons of volatile organic compounds into the air every year. There is only one facility in the state that uses low-VOC paint and the latest technology. We have read what your long-term solutions are, but we want to know what you plan in the short-term. The auto body shop near me is very objectionable. The RI method of determining what is an objectionable odor is not scientific.

Response: In the short-term we will meet with the facility to see what they can do to cut emissions. It is a clean facility and they are meeting air quality standards, but it does smell. The worst problem with auto body shops is the sanding dust on workers' clothes that gets taken home

and gets into the air there and into water when the clothes are washed. The dust contains heavy metals. DEM and URI experts will work with this facility.

Question: We congratulate the Department on the work plan and especially the Woonasquatucket plan as a good way of doing business, but we see a lack of aggression in the body shop program. The number of shops targeted in the Woonasquatucket Watershed Work Plan is a very small number (6) and it is a short-term work plan. We feel that the focus should be expanded from lead to other pollutants such as VOCs.

Response: The auto body program, working with six auto body shops, is similar to the Massachusetts pilot program with dry cleaners, which started with a small number of establishments to build an effective program. These six are among the first facilities that we hope to sign on to the Davies Career-Tech—Department of Health lead abatement project. It is anticipated that the number of establishments involved will increase as the project moves forward. While there are 380 auto-body shops in the state, at this time we do not have the list broken down by watershed. DEM does plan to have its data organized within the two pilot watershed in the near future. All work in the autobody facilities is multi-media in nature and therefore seek reductions in the use of all potentially toxic materials, including oil, paint solvents, methylene chloride and isocyanates. The work plan is for a two-year period, but that does not mean that the auto body program will end in two years. It will continue beyond that time.

Question: There are also problems with auto junkyards on the Johnston reach of the river, such as Assapumpset Brook, which feeds into Lymansville Pond, with old cars leaking fluids into the brook.

Response: The following has been added to the Woonasquatucket River Watershed work plan: Determine whether all auto junkyards located in the Woonasquatucket River watershed have obtained RIPDES stormwater permits. Inspect at least two of these junkyards for compliance with their RIPDES stormwater permit.

Question: I'm concerned about fish-tissue sampling, both the plan for catching fish, which should involve the Division of Fish and Wildlife, and in identifying the species to be tested, as well as the pollutants to test for. I would suggest using historical sources, such as the 208 Basin Plan, to identify old pollution sources and the types of pollution they generated.

Response: The Division of Fish and Wildlife is committed to collecting fish for tissue sampling. The EPA is working with a group to design a testing program that will identify species to target and pollutants to look for.

Question: What is the timetable for removing the tires remaining in the Davis Dump? Can you tell what is under them?

Response: About two million tires have been removed and there are now very wide fire lanes within the dump. An emergency response plan has been developed so a team can get in with the right equipment in case a fire should break out in the tires. It will take many more years to remove the rest of the tires. Thousands of drums have been uncovered as the tires were removed and those have been removed. The soil was removed, treated on-site, returned to the ground, and encapsulated.

Question: I am frustrated with the permitting process. It is too time consuming and too focused on minutia. Also, I have called DEM staff and not had my calls returned.

Response: We are working to make the permitting process more "user friendly." All staff are on notice that not returning phone calls promptly (within two hours) is unacceptable.

Question: What happens to the tires that are taken out of the Davis pile?

Response: One place the tires that have been removed have been sent to is Maine, where they are shredded and used for the covering on closed landfills. They are also chipped and used for fuel in a power plant. No taxpayer money is being spent on this site. The responsible parties, such as United Technologies, are paying for the remediation.

Question: Why are the Compliance and Inspection and Office of Technical and Customer Assistance sections under the Bureau of Environmental Protection and the Enforcement section under Natural Resources, and what is the rationale for a stakeholders group in enforcement?

Response: The Enforcement Division deals with violations on the water, in state parks, and management areas, and deals with different types of violations than the Office of Compliance and Inspection. There have been complaints about the behavior of enforcement officers. The aim of a stakeholders group for Enforcement is better enforcement, not to weaken enforcement. It would be composed of homeowners, the regulated community, and environmental groups and will help the Department to better respond to situations where enforcement is necessary.

Question: The cost of the Blackstone River fish ladders is \$2.4 million. The power companies with FERC permits that are using the river are supposed to be setting aside money for the restoration of wildlife. Is anyone ensuring that they are putting money aside for that use?

Response: These are small facilities and are not making much money. They have not been putting money aside for this purpose, but we want to work with them to seek funding.

Question: What is the cost of the work plan with the raises for the next year?

Response: The cost to implement the work plan with raises will be the total approved budget for DEM for next year.

Question: What is the employee evaluation program? Have you worked with the Union on this, and have any other state agencies signed on?

Response: The evaluation program is a professional development program, not a disciplinary tool. It is to be used to determine training needs and other actions that will make employees more effective. The Department has reached out to the Union from the very beginning and continues the dialog with the Union. As for other state agencies, no other agency has committed to using such a tool yet, but we expect this will be a model.

Question: With a multi-media grant, how do you resolve competition for funds within the Department? Also, how does the public know you are making progress?

Response: The old funding from EPA was in the form of 4 separate grants which were quite prescriptive as to the use of the funds. The instructions to the divisions for this workplan were to develop realistic plans for work that could be accomplished with the existing level of funding. But, a little competition is not a bad thing. There are performance measures within each division's work plan and these are to be used to measure progress. These are evolving and if you have alternative performance measures to propose, please do. The EPA also supports giving one grant, but wants performance measures to be able to see progress. There will be a "report card" in January to evaluate progress in the first quarter of the federal fiscal year.

Question: As the turnout is relatively light tonight, perhaps a six-column ad should be placed for the next meeting to get more citizens involved in the process.

Response: The cost of such an advertisement is not justifiable within our budget in terms of the few additional people who might come. We issued a press release to the media, mailed announcements to environmental groups, community officials, etc. and called elected representatives, town planners, etc. Unless there is a hot topic at the moment, meetings such as this for general comment are sparsely attended.

Question: The plan is pro-active and the measures, restoration activities, and best management practices developed for the Woonasquatucket River could be applied to other rivers. Cleaning the river will draw increased use, and may spur economic development in the area. Will the Department be able to maintain the greenways that are developed?

Response: The maintenance of the greenways is an issue that has been considered. It is anticipated that local help will be needed and private funding may be available.

Question: The tire problem is not confined to the Davis site. I'm also concerned about the problem of tires that are found in any cleanup effort in any part of the state. We need a much better strategy for dealing with tires.

Response: The Department agrees that a better strategy to reduce illegal dumping of tires is needed and is something the Department is interested in working on. The Department's priority, at present, is to eliminate tire pile at the Davis site.

Question: Will this effort at seeking input from the public be extended to the Fish and Wildlife Division? In other states there are better relationships between hunters and the state.

Response: This approach applies to all divisions, including Fish and Wildlife.

Question: I would like a description of the EPA grants for environmental education. I would note that there are three institutions in RI with environmental education staffs.

Response: The grants are described in the EPA Rhode Island Resource Directory.

Question: Could two more columns be added to the work plan to show the cost of the project and the responsible persons within DEM.

Response: Having the budget detail in the work plan is not practical at this time, but the budget is a public document.

Question: Are there any items in the work plan that require legislation?

Response: The proposed regulations for diesel emissions require legislation, as does the \$50 million open space bond.

Question: Will the re-organization bill be re-introduced this year?

Response: A re-organization bill may be introduced again in this coming legislative session, but DEM will not take the initiative.

Question: The urban forestry plan was adopted by Statewide Planning earlier this year. Shouldn't it be part of the DEM work plan?

Response: Urban forestry appears under the revised Livable Communities goal. Adding further details from the urban forestry plan can be considered in the re-opening of the work plan for its second year.

Question: Could DEM offer a training program for personal watercraft similar to the one in Connecticut?

Response: DEM has been soliciting public comment on the problem of jet skis and will have a decision within 6 months as to what regulatory or program changes are needed.

Question: Couldn't DEM use the GIS system to generate more accurate maps of conservation lands?

Response: "Maintain GIS mapping of conservation lands" added as strategy under Abundant and Accessible Open Space Objective to protect 35,000 more acres of open space.

Question: Couldn't DEM work with the Economic Development Corporation to promote use of Rhode Island's natural recreation areas?

Response: "Coordinate with EDC to promote RI natural areas added as performance measure under Viable Natural Resource-Based Industries objective to provide facilities and activities that promote tourism.

Question: Urban populations need greater access to outdoor recreation areas. Couldn't DEM work on that?

Response: "Increased access to recreational areas for urban populations" added as objective under Livable Communities goal.

Question: The plan calls for assessment of water quality in the South County watersheds. Shouldn't quantity also be assessed?

Response: Water quality assessment strategy under South County Watersheds revised to include assessment of quantity.

Question: Can DEM assure that there will be adequate staff support and funding for the South County Watersheds initiative?

Response: “Regular meetings, staff support and funding assured” added as performance measure under South County Watersheds.

Question: Can fish passage construction be included in dam restoration projects?

Response: As dam restoration projects are developed, the inclusion of fish passage construction is strongly considered. The cost benefit of combining the two projects is favorable to installing fish passages after restoration.

Question: What pollutants will be assessed in the TMDL analysis?

Response: The pollutants to be assessed are different for each waterbody, depending on the identified cause of impairment.

Question: Can DEM ensure that the Smithfield Sewage Treatment Plant will comply with effluent limits in its permit?

Response: The following revised strategy will appear in the Woonasquatucket River Watershed work plan: Inspect the Smithfield WWTF and five of the minor RIPDES facilities discharging to the river.

Question: I suggest a review of 1975 “208” maps for historic sources of pollutants be reviewed for current effluent and for sediment sources of pollution. Also, a list of former industrial uses along the river should be compiled to indicate possible sediment or floodplain sources of contaminants.

Response: DEM's contractor can follow up on the suggestion of identifying historic sources of pollutants utilizing the 1975 "208" maps. A more thorough review of historic sources of pollution along the river is not possible at this time though would be ideally suited to an intern project - should the opportunity arise.

Question: Other pollutants entering the river from streets that deadend at the river or from parking lots which drain into the river should be evaluated for their contribution to oils, sediments, and other pollutants.

Response: DEM believes that the most appropriate means by which the water quality impacts of dead end streets may be addressed is through the Phase II RIPDES stormwater permits. EPA has recently finalized the Phase II NPDES Stormwater regulations. Under these regulations, communities along the river will be required to evaluate stormwater impacts and develop management plans. Relative to septic systems, the Office of Water Resources will be awarding a grant to the Town of Gloucester for town-wide wastewater management planning including portions of the Woonasquatucket River watershed. To date, the Towns of North Smithfield and Smithfield have not applied for the wastewater management planning grant funds.

Question: The program to ameliorate the nutrient impacts of problem septic systems should include incentives for homeowners to repair systems.

Response: The Department will work with the towns to get them into the Clean Water Finance Agency Septic System Repair Loan Program.

Question: Although I understand that there is a consent decree with the NBC regarding the wet weather CSO problem, I ask that DEM list a standard for reductions in the bacterial and nutrient levels that result from the CSO system, perhaps by assuring a continuing monitoring program at the end of the pipes.

Response: The CSO plan provides for the elimination of all overflows except for those associated with larger storms that would occur at the predicted frequency of four or less times per year. DEM's Consent Agreement requires that NBC submit a supplemental CSO monitoring plan along with the final design for each phase of the CSO project. The monitoring plan will be utilized to ensure compliance with the CSO plan. Relative to the comment regarding the Smithfield Wastewater Treatment Facility, DEM intends to inspect the facility to ensure that it is properly operating will revise the work plan accordingly.

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