**RIDEM Environment Justice**

**Community Involvement Sub-Committee Meeting**

**Meeting Minutes from Wednesday 9-2-09 @ 2:30 pm**

**RI DEM, Conference Room A**

**Attendees:**

**Sandra Brownell, Terry Gray, Elizabeth Stone, Susan Forcier, Phil Brown, Steve Fischbach, Art Yatsko, Amelia Rose, and Chris Hannifan.**

**Began 2:35 pm**

**Welcome & Review of Meeting Minutes**

- **Terry Gray welcomes everyone back to the table for continued discussion.**
- **Reviewed meeting minutes from 7-28-09 subcommittee meeting. No changes recommended – adopted by consensus.**
- **It was explained that, contrary to comments made at the last meeting, information was not inadvertently left out of the DEM authored memo (dated July 13, 2009) "Internal Evaluation of Community Involvement Process During the Investigation and Remediation of Contaminated Sites." Rather, a small section concerning a 14-day public comment period provided by statute when DEM enters into a remedial agreement under IPRRA was mistakenly**

**deleted when amendments were adopted by the General Assembly in 2006. DEM noted that they will revisit this issue and can work to have the missing language reinstated into IPRRA. This will likely be viewed by the General Assembly as a housekeeping measure, not something controversial.**

**Discussion of "Presumptive Jurisdiction"**

- **Attendees continued discussion from last meeting about "presumptive jurisdiction" over certain types of sites in RI. For developers, this means reporting to DEM much earlier in redevelopment process. The specific process by which RI could adopt such a requirement was debated – DEM would likely need a statutory amendment to accomplish this, followed by rule making that would fill in the specifics.**
- **The types of sites considered for "presumptive jurisdiction" by the attendees included sites where the following activities have occurred: jewelry manufacturing, electroplating, use as a transfer station, use as a municipal dump, chemical manufacturing, tanneries. Also suggested are sites that were previously under jurisdiction by DEM and sites where DEM knew dumping/disposal was occurring.**
- **DEM will perform some additional research (including drafting a "straw man approach") on the topic of presumptive jurisdiction and how IPRRA can be amended to "put back in" the 14-day notice provision that was inadvertently deleted in 2006. DEM can ask for feedback from other state agency's waste programs via ASTSWMO**

**and/or NEWMOA. Maybe some Brown students could assist w/ some research on other state's laws/regulations on presumptive jurisdiction?**

- **Discussion on how DEM can best put together its historical files on sites the Department has investigated in the past that have known contamination; it's a "file" issue. Under today's regulatory model, these sites are clearly jurisdictional.**

**Discussion of Community Involvement Plans**

- **It was suggested that the group may want to look at and draw lessons from the MA Public Involvement Plan process. In MA the onus for developing the plan is with the Responsible party. However, residents in MA can petition MA DEP requesting that a PIP be developed for a specific site.**
- **2 MA DEP documents were discussed, and DEM indicated it would email the documents around to all the participants: 1) MA Contingency Plan Fact Sheet on Public Involvement in Site Clean Up (310 CMR 40.1400; and 2) 310 CMR 40.000 Subpart N on Public Involvement & Technical Assistance Grants (TAGs).**
- **Some voiced concerns about the expense this would place on future developers; it would be viewed as a roadblock to development and be another layer of bureaucracy. Participants discussed the MA PIP process and how it would be necessary to prevent people from "high jacking" the PIP discussion in order to prevent projects like shelters and low income housing. Steve Fischbach indicated he**

**would like to explore this issue more (especially the TAG grant process) in order to find out how the MA fund that supports these grants is capitalized. There are limitations here in RI on how we can use money from SEP's to support environmental projects.**

- **Discussion of signage requirements – it was suggested that signs be placed on all site remediation projects so as to not inflict a "black eye" on sites in EJ areas.**
- **Discussion of pros and cons of switching to the MA Licensed Site Professional (LSP) program. DEM will circulate to all participants the report DEM prepared on this very subject back around 2002. Some participants indicated they would like to explore this issue in further detail in the future, and others suggested that some specific elements or portions of the MA LSP program might be workable here in RI.**

**Closing Remarks & Next Steps**

- **Aim for a next meeting during the last week of September – 9/30/09 at 2:30 suggested. DEM will work on developing a strawman approach for reinserting language that was mistakenly deleted from IPRRA when amendments were adopted by the General Assembly in 2006 & tackling the presumptive jurisdiction issue. DEM will also being outlining regulatory elements of turning the EJ policy into regulations.**

**(Approved by Sub-Committee members on Wednesday, September**

**30, 2009).**