



Citizens Advisory Committee
Minutes of the Meeting Held
Wednesday, March 2, 2005
The Narragansett Bay Commission
One Service Road Providence, Rhode Island 02905
5:00 p.m.

CAC Members Present

Harold Gadon
Andy Bessette
Ted Bragger
Tony Ferri
George Redman
Armand Oliver
Jane Sherman
Chris Hannifan
Ames Colt
Howard Schacter

Staff & Guests Present

Ray Marshall, P.E., NBC
Warren Towne, RIDEM
Tim Baker
Jamie Samons

A. Call to Order

Chairman Gadon called the meeting to order at 5:01 p.m. Copies of the following documents were made available:

- News clippings relevant to the NBC
- Minutes of the January 19, 2005 meeting
- Engineering Report for January 2004

B. Approval of Minutes

The minutes of the January 19, 2005 meeting were unanimously approved.

C. Staff Reports

Ray Marshall, PE, Deputy Director, reported on the following issues:

Pending permit limits for Nitrogen

- The NBC currently does not have a final permit for Nitrogen (N) at either of its WWTFs; the RIDEM is currently establishing N permit limits for all RI WWTFs.
- N reduction at RI WWTFs became a prominent media issue after the 2003 fish kill in Greenwich Bay. In the 2004 session, the General Assembly passed legislation to effect a 50% reduction in N from all RI WWTFs by 12/31/2008. Currently the Field's Point WWTF (FP) averages 13.6 mg/l N discharge and Bucklin Point (BP) averages 15.6 mg/l.
- DEM has proposed a 5 mg/l limit for both FP and BP
- Federal law identifies the completion of a Total Maximum Daily Load (TMDL) study as a necessary step before the establishment of permit limits. The TMDL determines the maximum amount of a pollutant that a waterbody can absorb *from all sources* (keeping in mind that 60% of the Narragansett Bay watershed is in MA).
- DEM has been unable to complete a TMDL, in part because Narragansett Bay is such a dynamic waterbody. The 5 mg/l limit is based on a laboratory scale study conducted by URI's Marine Ecosystem Research Lab

(MERL) between 1981-1984; however, the study's authors have stated that it was never meant to be used for setting permit limits.

- In the meantime, the NBC has proactively worked with DEM to build N reduction into the BP upgrade. BP will move to 8 mg/l N in advance of the permit issuance, and on year ahead of the original construction schedule.
- Also, in 2000 the NBC spent \$200K on a facility plan at FP to determine the costs of achieving a variety of N reduction levels. The study looked at 18 alternatives, costing from \$13 M - \$90 M in capital costs and \$1.1 – 2.9 M in annual operating costs.
- The NBC has no issue with reducing N at FP & BP by 50% as legislated, however, 5 mg/l is considerably more difficult to achieve than a 50% reduction, and the marginal cost (both operating and capital) of the extra removal can be substantial. Before the NBC undertakes additional infrastructure study, we would like to see additional scientifically sound data that going to 5 mg/l will achieve the desired water quality improvements.
- No TMDL studies are currently in progress or planned by DEM. A potential alternative to the TMDL proposed by the NBC is an updated and expanded MERL study. NBC has received a quote from the researchers at URI and it will cost approximately \$1 - \$2 M to conduct a new MERL study.
- In addition, the NBC has funded modeling and monitoring studies with Drs. Kincaid & Nixon at URI-GSO. Dr. Nixon has concluded that N loadings to the bay have not increased in the past 20 years.

Questions from CAC members to Ray Marshall regarding nitrogen:

Jane Sherman: How will plans for removing active CSOs in the rivers affect N?

RM: Not substantially on an annual basis. CSOs contribute primarily fecal coliform and floatable pollution to the rivers and bay. While there is some N load associated with CSO, testing has shown they do not impact N to a significant degree.

Ted Bragger: How can one determine an appropriate N number if you can't determine MA input?

RM: It's important to conduct a study to determine all sources. Then we may have a compelling argument to use with MA and get a higher level of participation.

Harold Gadon: What is the position of EPA on this?

RM: DEM is the delegated authority of the EPA in RI so for now the EPA has left it in DEM's hands.

Ames Colt: Is there good data that CSOs are not a major source? New studies indicate that deposition from auto sources on roadways are a new concern. NOx may be deposited on roadways and flushed into receiving waters during storms.

RM: Our data indicates that CSOs are not a major N concern; however, we will follow up.

AC: Nixon's study reports that riverine input is 1.5x that of WWTFs. What are permit limits in MA?

RM: I'm not certain of all the limits because there are several WWTFs, but I believe the Upper Blackstone WWTF limit is 10 mg/l.

AC: Are there ongoing efforts to develop a TMDL?

Warren Towne: N modeling has been halted. DEM determined that the modeling was too difficult, the variables are too great. This is the reason they went to the MERL study. After the fish kill, the General Assembly required DEM to develop a plan to reduce N.

RM: The model developed by ASA was not equipped to handle Narragansett Bay. There has been discussion that the ROMS model may be better.

Jane Sherman: If the TMDL is too complicated, what are the plans for the Seekonk, Pawtuxet, Woonasquatucket?

Warren Towne: Not sure with regard to Seekonk & Woonasquatucket. Believe Pawtuxet is completed.

AC: The DEM website shows which TMDLs are ongoing/completed.

Harold Gadon (to Warren Towne): What is DEM's position?

WT: Nutrient loadings have increased. They need to decrease to avoid future fish kills.

HG: What about septic systems?

WT: Warwick is sewerage the area contiguous to Greenwich Cove (mandatory sewer tie-in policy in development).

HG (to RM): What is NBC's position?

RM: We need proper scientific documentation to enforce the 5 mg/l level, either in the form of a TMDL or an updated MERL study.

Harold Gadon then polls CAC members to determine support for NBC position. All but Jane Sherman agree to support additional scientific study. Jane Sherman notes that she is on record with the Rivers Council as supporting DEM's position.

CSO Tunnel:

- The tunnel boring machine (TBM) has progressed 8500 ft (area of Point Street). Currently working on adits (which connect drop shafts to tunnel) on Allens Ave. & MRI (India St.)

Hybrid Pension Plan:

- The hybrid (defined contribution component + defined benefit component) pension plan for NBC's non-union staff (went into effect 2/1/05) costs the same to the NBC as the previous defined contribution plan. It allows participants to achieve a maximum of 30% of their salary in retirement (requires 30 years of NBC service, and employee must wait until age 65 to receive full benefit). In contrast the State of RI plan allows for up to 80% of salary or retirement after 28 years of service at any age with 60% of pay.
- PUC Commissioner Robert Holbrook wanted additional actuarial studies on the plan (the original NBC studies only looked at the plan in "worst case scenario"---in which it was still very affordable).
- PUC is hiring its own actuary and pension advisor to review the plan.
- The NBC Board can adjust the plan---or completely dissolve it---in the future. Currently the plan uses a 6% rate of return for planning purposes.
- Commissioner Holbrook has made it clear that this will be an issue for the NBC in future rate filings. However, PUC Chairman Germani agrees with the NBC that implementation of the plan is within the management prerogative of the NBC. The NBC Board supports the plan 100%.

Jamie Samons reported on the following

- Treatment at both plants was good throughout January.
- Harold St.: On 2/2 a dry weather overflow occurred as a result of a blockage in a sewer line at Harold Street. Prior to the February 2 blockage, the NBC had identified the Harold Street regulator for replacement, and at the time of the blockage, the NBC was in the process of receiving bids for the replacement work. Upon discovery of the blockage on February 2, the NBC immediately dispatched crews to attempt to clear it. When this proved unsuccessful, bypass pumps were put in place so that a temporary repair could be made to the line. This repair was made and the street was repaved by February 8 at a cost of approx \$48K.

Bids were opened for the permanent repair on February 16. The NBC plans to replace the existing 12-inch connector pipe at Harold St. with a new 24-inch line. This work is expected to begin in April of this year and be completed by the summer at a cost of \$223K.

Chairman's Report

- The Chairman nominated Tim Baker of Bilray Demolition in Johnston as a new CAC member.

CAC Subcommittee Reports

No report

New Business

No new business

Other Business

- Warren Tone indicated that he would invite Angelo Liberti, Chief of Water Resources, to a future meeting to discuss DEM's position on nitrogen loadings in Narragansett Bay attributable WWTFs.

Adjournment

The meeting adjourned at 6:00 p.m.

Respectfully submitted,
Jamie Samons
Public Affairs Manager