



**State of Rhode Island and Providence Plantations**  
**Water Resources Board**  
100 North Main Street, 5<sup>th</sup> Floor  
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**MINUTES OF BOARD MEETING # 446**  
January 10, 2006

**Members Present:**

Daniel W. Varin, Chairman  
William McKenna\*  
Frank Perry  
June Swallow  
Alicia Good\*  
William Parsons  
Jon Schock

**Members Absent:**

Timothy Brown  
William Penn, V. Chairman  
Robert Griffith  
William Stamp, III

\*Member designee

**Staff Present:**

Juan Mariscal  
Kathleen Crawley  
Brian Riggs  
Beverly O'Keefe  
William Rivero  
Elaine Maguire  
Tracy Shields

**Guests:**

Pasquale DeLise, BCWA

**1. CALL TO ORDER**

With a quorum present, Chairman Varin called the meeting to order at 12:05 PM.

**2. APPROVAL OF MINUTES:**

Mr. Parsons moved approval of the minutes of the December meeting with a second by Ms. Good. With Mr. Schock and Mr. McKenna abstaining, the motion carried.

**3. CHIEF BUSINESS OFFICER'S REPORT**

Mr. Schock moved approval of the Chief Business Officer's Report. Mr. Parsons seconded and the Board unanimously approved the Chief Business Officer's Report dated December 2005.

**4. CHAIRMAN'S REMARKS**

Chairman Varin noted that the Budget Office has approved filling the position of staff engineer. The position was advertised in Sunday's *Providence Journal* and posted throughout the state. The Chairman continued that he, Mr. Mariscal, Ms. Crawley and Ms. O'Keefe met with a new group called, The Water Security Coalition. This is a program of and funded by the RI Foundation, which is where the meeting was held. Key sections of the legislation and the 4-page priorities paper on water supply in Rhode Island were distributed. There was a good discussion and some questions. The Chairman stated that it was unknown what this group's objective is, but they now know what this Board's priorities are. As the membership was aware, there is a Special Legislative Commission on the Kent County Water Authority, and we are going to meet with that commission on January 25.

In response to questions about the Water Security Coalition from Ms. Swallow and Ms. Good, Chairman Varin stated that it's a large group of about 30 people, but they had not offered any information about themselves.

**5. GENERAL MANAGER'S REPORT**

Mr. Mariscal wished all a happy new year. He was starting this year by becoming a member of the Technical Committee of the State Planning Council. He and Ms. Crawley had attended the first meeting a week or so ago and one of the major items on the Technical Committee's agenda was the state's land use plan. He noted staff has been working with Statewide Planning, DEM, and others to revise the land use plan to incorporate appropriate references to water and water supply and the need to plan development based on the availability of water. The technical committee did vote to take the land use plan to workshops and public hearings in the spring, and they will be bringing that before the State Planning Council this Thursday.

Mr. Mariscal noted that staff is working on a number of projects and today's agenda contains a report with regard to property acquisitions for future groundwater wells and we are moving forward on this program. With regard to the Big River Management Area, a meeting was held with DEM. Ms. Good was present at that meeting along with Director Sullivan and Mr. Chateaufneuf. The meeting was about ground water development in the Big River Management Area. This was the first of what Mr. Mariscal considered would be a series of meetings with DEM to refine what we will be doing as we move forward on this project. URI continues its work on updating our land use plan for the Big River Management Area. Staff will be meeting with URI to review their progress. There also was a meeting with engineers regarding property at the corner of New London Turnpike and Division Road, which was a former junkyard and abuts the management area. The development proposal is for a mobile home trailer sales and service facility. The property is about 20 acres. Discussions of the general issues with the engineers have begun, and they do have a number of permitting processes they must go through especially with DEM. Staff has also had some preliminary discussions with DEM staff about this.

A formal request from Amgen regarding guidance on use of materials for restoration of the fields has been received. There is an agenda item referencing the restoration of the fields, but this is for the proper restoration of the fields with the proper materials this time. Guidance as to what is acceptable will be given to Amgen as requested.

Ms. O'Keefe found a grant program from the Environmental Protection Agency in the smart growth category and she has made an application for funding that would involve us, North Kingstown, Kent County Water Authority and Quonset Development Corporation and use water conservation efforts in the Hunt River area. It is a preliminary grant proposal and the Board will be kept posted on further developments.

Staff is in the process of finalizing the annual report. Staff has also been working with USGS on the optimization study for the Pawcatuck. There is much activity, and it is reflected in today's agenda.

Chairman Varin asked if the EPA grant proposal stated that the Hunt is already stressed and further development of Quonset will only aggravate this condition, and Mr. Mariscal noted that Ms. O'Keefe had outlined this as one element of the need for action in this area. Letters of support were received from North Kingstown and Quonset Development Corporation and this past spring, Kent County Water Authority requested the Board assist them in their water conservation efforts. Mr. Mariscal noted that these grants could be up to \$40,000 and that this effort requests their technical assistance in a one-day program to define what options are available.

**6. COMMITTEE REPORTS AND ACTION ITEMS RESULTING**

**A. Public Drinking Water Protection Committee—Chair Robert Griffith**

(1) Water Supply Systems Management Plans (WSSMP):

- a. Quonset Development Corporation, WSSMP 5-Year Update. Request for Approval

Mr. Perry explained that this was a request from Quonset Development Corporation for an extension of the due date for their 5-year update. Mr. Perry noted they had difficulty in the procurement process for hiring a consultant; they now have one on staff and expect this work to be completed within 7 months from the original 5-year update due date. Mr. Perry moved approval with a second from Mr. Schock. The motion carried with Mr. Parsons abstaining.

(2) Big River Management Area (BRMA):

- a. Warwick Compost Material Testing—Contract with VHB, Inc. Requested Amount: \$6,890.00;  
Recommended Payment: \$6,890.00

Mr. Perry explained that this was a request for approval of a contract for testing of material within the former Amgen parking lot. However, this section was not done by Amgen; this material came from Warwick's Compost Yard Waste Program. During the inspection of material that Amgen had used, the DEM inspectors raised questions regarding this material, and requested that this material also be analyzed. This is a contract under the state procurement system. We have a proposal from the vendor for \$6,890, and this is a request for approval of the contract.

The Chairman noted that there was a staff memo included in the package that stated the Board might get the information from the Warwick Public Works Department. Mr. Mariscal noted that he had received that today and he would be forwarding this to DEM and asking if this would meet their requirements. Therefore, if DEM were to advise that this would not meet their requirements, then staff would have to go forward in executing this contract.

Ms. Swallow asked if there would be any actions taken against the provider of the so-called compost. Mr. Perry explained that would be an enforcement action by DEM and they are taking those steps, but it did not directly involve this Board. Mr. McKenna asked who owned this land. It was explained that this was state owned land in the Big River Management Area. Mr. Perry explained that the area being discussed had previously been gravel bank. Amgen leased the land from the state as a 1400 car parking lot, which they had constructed, and were to restore to its original condition. What their subcontractor used as compost is the material which has now been removed. Ms. Maguire noted that 48-52 loads a day of material had been taken out, and she had received all the documentation for this work, which she had provided to DEM.

Chairman Varin asked about the section of this land that used the Warwick compost. Mr. Perry and Ms. Maguire explained this area was smaller and in the back, and these plantings had been done at an earlier time with grant money received from the Department of Agriculture, Natural Resources Conservation Service.

Chairman Varin noted that the former Amgen parking lot site had received the so-called compost from Richmond Sand and Gravel, which Mr. Perry and Ms. Maguire confirmed. Mr. Schock asked if any more material had come from Richmond Sand and Gravel which would need to be removed, and Ms. Maguire stated no. Mr. Perry clarified that there was other material received from Warwick, which had been stock piled and that is the material which is now being tested. The difference between the two areas is that grass is growing in the area which had received the material from Warwick, but there was no growth in the material provided from Richmond Sand and Gravel.

In response to a question from Mr. Schock, Mr. Mariscal explained that DEM had made a determination that the material from Richmond Sand and Gravel was solid waste, and that prompted the removal order. While DEM was inspecting that material, they also viewed the material from Warwick, which was much different from the materials used by Richmond Sand and Gravel, but in that Warwick material there was some trash, i.e., plastic bags, etc. Mr. Schock asked if that material had been in the compost originally, and both Mr. Mariscal and Mr. Perry explained that was unknown. Mr. Mariscal explained that the process in Warwick was for the material to go through 3 screens and get it down to a ¾ inch size as a final compost product, but that is not what was seen in the area. There was some debris mixed in, but it is not believed to have come from Warwick. So, DEM requested that we have that material tested to determine if it contains anything else. Mr. Mariscal continued that DEM regulations for compost have specific parameters that must be met to have the material classified as compost. Mr. Schock stated that this was visual trash as opposed to an analytical test, therefore, before any analytical testing is done, could we get an answer from DEM that says it is either acceptable depending on the analytical results—he would hate to have the Board

spend the \$6,800.00 if there are pieces of Styrofoam and other materials that are not acceptable. Mr. Mariscal explained that the difference between the Richmond Sand and Gravel material and the Warwick material was night and day. The Richmond Sand and Gravel material was virtually large chunks of wood—3 or 4 inches in diameter—with trash of varying size mixed in. The Warwick material is a fine granular material with plastic shopping bags deposited randomly in the mix. Mr. Perry explained that the question on the Warwick material is whether it is acceptable compost; it is not solid waste. Chairman Varin noted that if the information from Warwick DPW is satisfactory to DEM, then there will be no need to spend the \$6,800.00 on the analytical testing. Mr. Mariscal stated that it was his understanding that Warwick does this testing as required by DEM, so he is uncertain as to why we would be required to re-test. However, staff has received the proposal and will use it if need be. Ms. Good explained that while she was not familiar with yard composting with sludge composting there are requirements that the municipality would have to follow and do sampling of their material to insure it meets compost standards. She added that Mr. Schock brought up a good point with respect to the trash and that it wouldn't come out of any analytical testing, so where did it come from? She asked if anyone had an explanation. Mr. Mariscal explained that he had made several unsuccessful attempts to find an answer. Mr. Mariscal explained that the Warwick material had been stockpiled for some time and it was possible some dumping had occurred as it does in the Big River Management Area which got mixed in somehow with the composted material.

Mr. Perry moved approval with a second from Ms. Swallow, and the motion carried unanimously.

(3) Groundwater Protection/Acquisition Program—Update

Mr. Perry explained that Mr. Riverso would be explaining this item. Mr. Riverso explained that this program began with 20 sites to be investigated. One site was found to be owned by The Nature Conservancy. Of the remaining 19 sites, 12 sites were brought before this Board and the State Properties Committee.

Mr. Riverso stated that there are five sites in the vicinity of Tuckahoe Turf. Of those, Mr. Riverso was pursuing five sites which, in the memo attachment are numbered as sites 10, 12, 16, 17 and 18. Mr. Riverso noted that the appraisal process for the Tuckahoe Turf sites was scheduled for completion either this month or next. These sites could be sold as a unit, which would require a rather lengthy negotiation process. He continued that site No. 5-RIW405 is near the Richmond Airport and Route 138; this owner had agreed to sell and the appraisal process is in progress, with an estimated cost of \$150,000.

Site No. 6 is in Charlestown and progress is being made here as well. For site No. 9, an appraisal is in progress. Mr. Riverso noted that Ms. Primiano believed this would be a viable site, and should close within this fiscal year.

Mr. Riverso noted site Nos. 19 and 20 were in the Chipuxet and that Mr. Meyer was excited about this site since it was so close to his supply. Mr. Perry responded to a question by Mr. Schock that these sites were between Liberty Lane and Route 2.

Mr. Riverso stated that there were perhaps two or three projects that could close within this fiscal year. He added that he believed Tuckahoe Turf would take longer.

Mr. Mariscal explained that one thing which might cause some delays is that Ms. Swallow has raised the issue of water quality testing for some of these sites. He noted that additional testing may be appropriate.

Chairman Varin then asked about site No. 13. Mr. Riverso explained that the prior owner had not been cooperative, but that he had been recently informed that there was now a new owner. He was told by the Town that they would like this site to be pursued as it is near the Richmond Water Supply lines. Mr. Riverso added that this needs to be re-investigated.

Chairman Varin noted that he would like to see some of these sites closed by June 30, 2006.

This was an information only report with no action to be taken by the membership.

**B. Finance Committee—Chair William Penn**

Mr. Schock explained that there was nothing under this item for the Board.

**C. Construction, Engineering and Operations Committee—Chair June Swallow**

Ms. Swallow noted that this committee had not met.

**D. Legislative Committee—Chair Daniel W. Varin**

Chairman Varin noted that this committee had not met.

**E. Strategic Committee—Chair Daniel W. Varin**

Chairman Varin noted that this committee had not met.

**7. NEW BUSINESS**

**8. OTHER BUSINESS**

(1) Shad Factory Briefing—Pasquale DeLise, Executive Direct, Bristol County Water Authority

Mr. DeLise noted that work is progressing well for the design of the Shad. Next month, Dewberry will make a presentation to this Board. He stated that the plant is operating and has been since December. The existing Shad pipeline is closed. Next month there would be at least one presentation and possibly two. The second might be on some additional improvements the Authority wants made.

Chairman Varin noted that in December Mr. DeLise had stated that there were a few stanchions in the Shad Factory line needing repair, and the Chairman wanted to know if those repairs had been made yet. Mr. DeLise answered no, and that they estimated the work costing about \$60,000. The work has not been begun mostly due to winter weather. The pipeline is operational, they fixed 30 – 50 supports (he didn't have the numbers with him), but it was part of a report originally submitted to Mr. Walker and subsequently to Mr. Mariscal. He explained that there were supports which were identified as being in danger of imminent collapse, so it would be prudent to repair them. His staff knows how to do this work now and repairs should begin in March. However, he noted that the pipeline is in operation and has been since September. In response to Chairman Varin's question of whether the water coming through this pipe was being distributed, Mr. DeLise stated it is being treated.

**9. RECESS OF BOARD FOR BOARD CORPORATE BUSINESS**

With no objection, Chairman Varin recessed the Board for Board Corporate business at 12:57 p.m.

**10. RETURN FROM BOARD CORPORATE BUSINESS**

At 1:13 p.m., the Board returned from Board Corporate business.

**11. ADJOURNMENT**

On a motion by Mr. Schock, seconded by Ms. Swallow, the Board unanimously voted to adjourn at 1:14 p.m.

Respectfully Submitted,

Tracy Shields  
Personnel Aide

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