



State of Rhode Island and Providence Plantations
Water Resources Board
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MINUTES OF BOARD MEETING # 448
March 14, 2006

Members Present:

Daniel W. Varin, Chairman
Timothy Brown
Frank Perry
Romeo Mendes*
William Parsons
Jon Schock
Robert Griffith
William Stamp, III
W. M. Sullivan

Members Absent:

William Penn, V. Chairman

*Member designee

Staff Present:

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

Guests:

Alicia Good
Anthony Mastrostefano, homeowner, Jamestown
Eugenia Marks, Audubon Society

1. CALL TO ORDER

With a quorum present, Chairman Varin called the meeting to order at 12:08 PM.

2. APPROVAL OF MINUTES:

Mr. Griffith moved approval of the minutes of the February meeting with a second by Mr. Stamp. This motion carried unanimously.

3. CHIEF BUSINESS OFFICER'S REPORT

Mr. Schock moved approval of the Chief Business Officer's Report. Mr. Griffith seconded and the Board unanimously approved the Chief Business Officer's Report dated February, 2006.

4. CHAIRMAN'S REMARKS

Chairman Varin reported that at the last meeting, positions on 3 legislative bills had been taken. He had reported the Board's action on the pair of bills regarding the separation of powers to the Governor's Office, and the leadership of both houses, including the minority leaders of both houses. The only response was from Senator Algieri who was not optimistic anything could be changed.

Chairman Varin reported the re-introduction of house and senate bills regarding the confidentiality of water supply plans. So far, only the house bill has been identified and there has been no response yet from Representative Ginaitt. The Chairman also noted that there had been a meeting with the House Finance subcommittee and there were no significant issues with the Board's budget. However, there was discussion of funding of stream gages, but no decision has been made yet.

5. GENERAL MANAGER'S REPORT

Mr. Mariscal reported that the annual report was completed (members received copies today). He was also pleased to announce that Romeo Mendes would be joining the Board as its supervising civil engineer effective April 2, 2006.

Mr. Mariscal added that it had been a busy month. Staff had attended all of the Kent County legislative commission meetings. There would be another public meeting tomorrow and a final public meeting on March 29, 2006. Staff had met with Kevin Flynn, DOA, regarding updates on policy and plans for water. It had been established that the Water Resources Board would be the lead agency on water plans and policies.

With respect to the Big River Management Area, lead inspections were being done—unfortunately, the inspections were finding lead. It was discussed that remediation would be expensive and may exceed the 25 percent of value cap set on repairs to Big River Management Area properties. Additionally, along with DEM, the Board was involved with a wildlife habitat improvement program. Evidence of the progress of this program can be seen in the reappearance of fields which can be seen from Route 95 across from G-Tech.

Mr. Mariscal also met with the RI Environmental Council which is part of the Bay Coordination Team, and funding was discussed at a House Finance Committee meeting.

He continued that he is working with the Department of Administration to find suitable office space for the Board. Board staff is working with The Rivers Council on web updates and plan updates. Mr. Mariscal, Ms. O'Keefe and Mr. Rivero attended The Rivers Council workshop on Saturday, March 11. He added that staff is working with the Audubon Society on a project. He had also met with Mr. Henry Meyer, President, RIWWA, and Professor Harold Ward, Coalition for Water Security to discuss issues. He continued that Earth Day was April 22 which is a big day for clean up within the Big River Management Area; the Department of Corrections, as always, will have a crew conducting its annual clean up of this area from April 10-28, 2006.

Mr. Mariscal also noted that he had made a presentation to the RIWWA last Thursday, and there had been considerable interest in what the Board is doing.

Mr. Perry commented on the habitat restoration across from G-Tech; it is noticeable and people are taking notice.

Mr. Mariscal mentioned the article regarding DEM's crackdown on illegal ATV use and had been informed that DEM was enforcing this restriction within the Big River Management Area as well, so Mr. Mariscal just wanted to thank Director Sullivan for that help.

Regarding the habitat restoration, Mr. Schock asked if this would require annual upkeep. Director Sullivan explained that once every 2 to 3 years would be sufficient to protect the habitat.

In response to the lead inspections, Mr. Stamp noted the clean up costs could be significant. Mr. Perry acknowledged this fact, but added that the residential leases were unique in that the interior of the home is the tenant's responsibility, but this is an issue Mr. Perry intends to have on the next property committee agenda. Mr. Mariscal explained that currently there are only 2 properties in which children reside; however, he has a concern with soil contamination. Chairman Varin again observed that the 25 percent of value or under for repairs rule would probably come into play on these residences.

6. RI RIVERS COUNCIL PRESENTATION, Meg Kerr—No report.

7. COMMITTEE REPORTS AND ACTION ITEMS RESULTING

A. Public Drinking Water Protection Committee—Chair Robert Griffith

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

a. Stone Bridge Fire District – 30-Month Interim Report - Request for Approval

Mr. Griffith noted that this committee had 2 action items today. The first item was the approval of Stone Bridge's 30-month report. It was noted that the 1 remaining condition to be met had been met today and staff, therefore, recommended approval. Mr. Griffith moved approval with a second by Mr. Stamp, and the motion carried unanimously

b. Smithfield Water Supply Board – 30-Month Interim Report - Request for Approval

Mr. Griffith explained that this was a request for approval of this 30-month interim report. Mr. Griffith moved approval; Mr. Stamp seconded. The motion carried unanimously.

B. Property Committee—Chair Frank Perry

Mr. Perry stated that this committee had not met.

C. Finance Committee—Chair William Penn

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

D. Construction, Engineering and Operations Committee—Chair Jon Schock

Mr. Schock explained that this committee had met only yesterday; it was now an expanded and ad hoc committee. What the committee decided yesterday involved the scope of the rfq/p to be developed. The big issue is funding. There has been a request made to the Governor's Office to provide the \$250,000, and the Governor's Office has committed to "exploring" ways to finance this project. It was determined that this would have to be done in phases and phase I would include: receipt of the required funding; obtaining outside counsel (other than Attorney General's Board counsel) because of the environmental and contractual issues expected to arise; an engineering business plan; financial analysis—who does what, when; and the hiring of an engineering consultant.

Mr. Schock explained that a very tentative schedule had been set. The development of the rfq/p would be done in-house by June; replies would be requested by July; Board action taken in October, and the consultant should be on board in November.

Mr. Schock explained that the next CEO committee meeting was tentatively scheduled for April 3, 2006. Mr. Griffith explained that the Chairman of the State Properties Committee did not believe this action would have to come before that entity for conceptual approval in hiring the consultant.

E. Legislative Committee—Chair Daniel W. Varin

Chairman Varin stated the following bills were under consideration by the membership:

S 2505, H 7699

Cesspool Phase-Out Act of 2006 – Governor Initiative

Recommendation – **Support**

Dr. Sullivan explained that waste water is now a priority which equates to funding for this project for those individuals who would require financial assistance. Mr. Stamp was concerned about the cost to these individuals. Dr. Sullivan added that this would be bringing those residences up to current code. Mr. Griffith moved approval with a second by Mr. Brown and the motion carried unanimously.

S 2510, H 7609

Relating to Waters and Navigation – Inspections of Dams and Reservoirs

Recommendation – **Support**

Director Sullivan explained that this incorporated the Governor's Executive Order from October 2005 after the floods. Mr. Stamp asked if there would be financial assistance to conduct these breach assessments. Dr. Sullivan responded in the negative. Dr. Sullivan moved approval with a second by Mr. Stamp and this motion carried unanimously

H 7504

Relating to Waters and Navigation – Public Drinking Water Supply
Recommendation – **Oppose**

This bill would prohibit public water supply authorities in this state from adding the chemical fluoride to the public drinking water supply. Mr. Brown explained that all but one study found the addition of fluoride to be a positive. Mr. Brown moved opposition with a second by Mr. Stamp. The motion carried unanimously.

S 2049

Relating to State Affairs and Government – Department of Environmental Management –
Elimination of MTBE as a Gasoline Additive

This act would require the elimination of MTBE as a gasoline additive as of July 1, 2007. This act would also require that the Department of Environmental Management establish an education campaign regarding the proper handling of gasoline.

Dr. Sullivan explained that part of this bill had passed last year “**42-17.1-46. Elimination of methyl tertiary butyl ether (MTBE) as a gasoline additive.** – (a) The director shall, in conjunction with the northeast regional fuels task force, develop and implement a plan for the phase-out of the use of MTBE in a manner that will eliminate MTBE as a gasoline additive in this state on and after July 1, 2007. Not later than July 7, 2006, and quarterly thereafter through July 1, 2007, the director shall report to the governor, the speaker of the house of representatives, the president of the senate, and the chairperson and vice-chairperson of the joint committee on environment and energy regarding how and when the elimination of MTBE will be achieved. Each report shall include a progress update on the status of the regional efforts to reduce MTBE levels in gasoline. The director shall seek a waiver from the United States Environmental Protection Agency for the purpose of discontinuing the use of MTBE, as a gasoline additive in this state.”

The added section would require the Director of DEM to conduct an educational campaign on the proper handling of gasoline.

Mr. Brown moved approval with a second by Mr. Stamp and this motion carried unanimously.

S 2681

Relating to Regulatory Powers of Administration – Kent County Water Authority
Recommendation – For Member Information

This act would require the Kent County Water Authority to provide water to qualified biotechnology manufacturing facilities located within the Kent County Water District. The act would also require the authority to develop and implement a water conservation plan and to report to the speaker of the house, senate president, and chairmen of the house and senate finance committees regarding compliance with these provisions on or before October 1, 2006. This act would take effect upon passage and would be repealed in its entirety on March 1, 2011.

Apparently Senator Lenihan had amended this bill on the floor; however, it had not yet reached the house. DEM has concerns, and it was noted that this flies in the face of water supply plans and the water allocation program. No action was taken on this bill; it was presented only for information.

F. Strategic Committee—Chair Daniel W. Varin

Chairman Varin noted that this committee had not met.

G. Nominations Committee—Chair Frank Perry

Mr. Perry explained that the committee had recommended that Daniel W. Varin, William Penn and Juan Mariscal for Chairman, Vice-Chairman and Secretary respectively. Mr. Schock moved approval and Mr. Stamp seconded. The motion carried unanimously.

H. Big River Management Area—There was no report.

8. NEW BUSINESS

9. OTHER BUSINESS

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

Chairman Varin explained that Mr. DeLise had called to explain that his consultant would be unable to make today's meeting. This presentation would be made next month.

10. RECESS OF BOARD FOR BOARD CORPORATE BUSINESS

With no objection, Chairman Varin recessed the Board for Board Corporate business at 12:55 p.m.

11. RETURN FROM BOARD CORPORATE BUSINESS

At 1:07 p.m., the Board returned from Board Corporate business.

12. ADJOURNMENT

On a motion by Dr. Sullivan, seconded by Mr. Griffith, the Board unanimously voted to adjourn at 1:08 p.m.

Respectfully Submitted,

Tracy Shields
Personnel Aide

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