



**State of Rhode Island and Providence Plantations
Water Resources Board**

Justice William E. Powers Building, Third Floor
One Capitol Hill
Providence, RI 02908
(401) 574-8400 ♦ FAX: (401) 574-8401

RHODE ISLAND WATER RESOURCES BOARD

MINUTES OF BOARD MEETING # #462

August 15, 2007

Members Present:

Daniel W. Varin, Chairman
William Penn
Ian Morrison
Jesse Rodrigues, Jr.
William Stamp, III
Harold Ward, Ph.D.
Frank Perry, P.E.
Pamela Marchand, P.E.
Richard Mignanelli
Michael Sullivan, Ph.D.
Robert Griffith, Ph.D.*
Mike Walker*

Members Absent:

William Parsons*
June Swallow*

Guests

Alicia Good*
Henry Meyer, Kingston Water District
Heidi Green, Quonset Development Corporation
Sharon Pelsler
Timothy Regan
Eugenia Marks, Audubon Society of RI

Staff Present:

Juan Mariscal, P.E.
Kathleen Crawley
Romeo Mendes, P.E.
Beverly O'Keefe
William Riverso
Regina Frisby

*Member designee

CALL TO ORDER:

Chairman Varin called the meeting to order noting that a quorum was present.

REPORTS

Motion by Mr. Penn, second by Mr. Griffith to approve the July 2007 Chief Business Officer's Report with one minor change having to do with the budget for salaries and benefits as reviewed and recommended by the Finance Committee. The vote in favor was unanimous. The motion carried.

Mr. Sullivan asked why the report was not distributed in advance of the meeting. Ms. Crawley stated the report was e-mailed in advance. Mr. Sullivan asked if the distributed report is the same as the report e-mailed. Ms. Crawley affirmed.

CHAIRMAN'S REPORT

Chairman Varin stated that the two legislative bills affecting the Water Resources Board are being looked at intensively and hope to come back to the Board in September with some recommendations. He distributed a list of the committees and members. He stated he believed the members were accommodated in their specific requests and asked to contact the General Manager by the end of August with any changes so the list could be finalized at the September meeting.

GENERAL MANAGER'S REPORT

Mr. Mariscal updated the board on the Big River Management Area tenant rents collection. Due to the efforts of Romeo Mendes and Gina Frisby, all tenant payments are up to date and all leases have been signed. He mentioned that one property has become vacant.

He introduced the summer student intern, Ms. Emily Cousineau, who will be entering her senior year at the University of New Hampshire and is majoring in Environmental Conservation. He noted that the Capital budget request is due July 16.

Mr. Mariscal introduced Ms. Beverly O'Keefe, Supervising Planner, who provided a status report on implementation of the Hunt River Aquifer Water Supplier Interim Management Report.

Ms. O'Keefe presented an update on the implementation of the Hunt River Interim Management Plan. She noted the proposed action plan includes action areas – public awareness, infrastructure management, financial incentives, conservation/reuse, and moratorium. Kent County Water Authority, North Kingstown Water Department, and the Quonset Development Corporation have all submitted a three-month progress report which is included as a handout in the Board packet. Ms. O'Keefe stated a second stream gage has been installed near Frenchtown Road and ongoing monitoring of the Hunt River stream-gage (USGS 01117000 East Greenwich) shows decreasing water levels that may soon mimic the lowest recorded level measured in August 2005. She reported the newly formed Hunt River Watershed Association has elected officers, is developing by-laws, a website, and conducting water quality testing after being trained by the URI Watershed Watch program. She concluded by stating several promotional brochures have been produced and distributed including one pamphlet recruiting members. This pamphlet has been distributed to 23,000 homes within the East Greenwich/North Kingstown area.

Discussion

Several members responded to Ms. O'Keefe's presentation. Dr. Sullivan requested examples of the marketing materials developed by the suppliers. Dr. Ward agreed. Dr. Sullivan expressed concern regarding the new well proposed by the Town of North Kingstown that is located in the Annaquatucket basin and proposed by the Town of North Kingstown. He stated the new well might impact the adjacent Chixpuxet basin. He referenced the work of University of Rhode Island faculty member Dr. Arthur Gold who he indicated that Dr. Gold has clearly documented the stress placed on the Chipuxet. Dr. Sullivan warned that shifting from one stressed basin to another is something that should not be encouraged by staff. The Chairman stated the Town of

North Kingstown proposal to locate a new well would have to come to the Board at some time in the future so at that time the Board will make a decision

Mr. Mariscal stated he recently attended a Town of North Kingstown Council meeting to support the water department proposal to change the current odd/even water ban program to once a week watering program. After lengthy discussion in which the council seemed supportive, the proposed change was opposed but the council requested additional information on changing the water ban. They were supportive of funding a study to evaluate the current rate structure. Mr. Mariscal stated his observation that Kent County Water Authority and Quonset Development Corporation are taking initiative in implementing increased demand management measures. He added that the staff would meet with the suppliers on an on-going basis to make certain progress is being made.

Dr. Sullivan stated it was his opinion the Hunt River basin is a highly stressed basin, and that it not logical for the Town to oppose a proposal to conserve water through outdoor residential water use. He also noted a philosophical conflict in not implementing a wastewater reuse program on the town golf course. He speculated the golf course is using at least one million gallons per day the golf course. He stated the time to talk about these issues is before problems happen not after in his humble opinion.

Dr. Ward stated water use is still stressing the Hunt River and he questioned if this was a state responsibility to enforce. Mr. Stamp questioned how many years has the stream been studied, and how many years it has fallen below 7Q10 flow levels? He wondered what the natural progression of that stream is. Mr. Mariscal stated the data has been collected since 1941 and that was part of a presentation he made to the Board April 2007. Dr. Sullivan felt streamflow has fallen below the 7Q10 measure with increasing frequency during the last two decades. Mr. Henry Meyer added the "7Q10" statistic is a moving figure based on the lowest mean discharge for 7 consecutive days once every 10 years. The "7Q10" statistic does not provide any substantive information. Ms. Heidi Green stated the partnership is looking at wastewater reuse and permitting, and desalination, and this information is provided in the Status Report. Mr. Mariscal agreed to make a presentation of the historical data at the next meeting of the Board. Chairman Varin stated there has been considerable residential development over the last twenty years. Mr. Stamp questioned whether the Board should accept Ms. O'Keefe's report, or take proactive actions. The Chairman responded by stating he was uncertain as to what type of response the Board could take over the short-term. He declined to make assignment at this time.

Dr. Sullivan moved the Board communicate with the Town of North Kingstown with an early acknowledgement of the concerns of investing heavily in the Annasquatucket and the Chipuxet given the stressful condition of the Hunt River and ask the Town to take demonstrative action on conservation to include reuse of wastewater to irrigate the golf course. Dr. Griffith questioned the authority of the Board to approve recommendations for state action to agencies the Board does not control and asked Dr. Sullivan to clarify his motion. Ms. Pam Marchand stated that, in her opinion, the three water suppliers have made a large effort to correct the problem. She thought a positive letter of support that includes an offer of assistance as they go forward would

be proactive. She questioned how the Board would think a water utility has the authority to restrict water use on the golf course and force them to put in infrastructure and do all the steps necessary to use the wastewater. If this is to be a policy it must apply to everyone and not single out one user.

After discussion, Dr. Sullivan clarified his motion to direct the General Manager to provide the Board with a long term history of stream-flow of the Hunt River with a comparative of the base flow, 7Q10 and ABF, and to issue a cautionary communication to the Town of North Kingstown with regard to investing time, energy, and funds in development of the Chipuxet basin well without consideration of demonstrable actions in rates, conservation program in the town, and also reference recycle/reuse of wastewater for the golf course. The Chairman stated the Board does not have the authority to do that.

The General Manager summarized by thanking the Board for their work and resulting motion. He pointed out this Board has taken significant actions on the issues of the Hunt River in both the April and June 2006 Board meetings. He thanked the U.S. Geological Survey for their scientific assistance. He stated the Interim Management Plan is a collaborative step forward in meeting the challenges to properly manage these water resources. Mr. Mariscal stated his hope is that the state agency - RI Economic Development Corporation - understands their challenges in regard to the property they own in the Hunt River basin. He concluded by stating more work needs to be done and it is his plan to return to the October Board meeting with a more detailed presentation on what needs to be done with proposed actions the Board can take to direct the staff and the suppliers.

COMMITTEE REPORTS AND ACTION ITEMS

Public Drinking Water Protection Committee - Robert Griffith, Chair

Motion by Dr. Griffith, seconded by Mr. Perry to approve the City of Warwick Water Supply System Management Plan Five-Year Update 90-day extension request. The vote in favor was unanimous and the motion carried.

Discussion

Dr. Griffith reported the 90-day extension request (WWD) was the second extension request by the City of Warwick Water Department who had requested and received a 60-day extension request previously. He noted the two extension requests were within the one year maximum time frame.

Dr. Ward requested the approval letter include a request for the City of Warwick Water Department to review current conservation issues. Mr. Ward stated the 2005 summer water use tripled from winter use and is the worst example seen in the various water supply systems.

Motion by Dr.Griffith seconded by Mr. Morrison, authorizing the General Manager to enter into the Environmental Protection Agency WaterSense Partnership. The vote in favor was unanimous and the motion carried.

Discussion:

Dr. Griffith reported staff has recommended forming a partnership with the EPA WaterSense Program, whose mission is to protect the nation's water supply by promoting water efficient products and services. He noted no funds are required but it is an opportunity to benefit from an exchange of ideas and opportunity and techniques from other parts of the country. He reported the Kent County Water Authority brochure mentioned during the General Manager's report is an item taken from the WaterSense program. After a brief discussion the motion was unanimously approved.

Motion by Dr. Griffith, second by Dr. Sullivan to direct staff to identify options for implementing a statewide water conservation program to be completed by spring 2008. The vote in favor was unanimous and the motion carried.

Discussion

Dr. Griffith reported the Public Drinking Water Protection Committee at its August 7, 2007 meeting discussed progress made on implementation of the Hunt River Interim Watershed Action Plan. The Plan, developed by the Kent County Water Authority, North Kingstown Water Department, and the Quonset Development Corporation, includes a section on recommended state actions. After discussion there was committee consensus to request staff be directed to identify options for implementing a statewide water conservation program that would include appropriate triggers by the water resources board and the water suppliers and that the staff work ll be completed by spring 2008 in time for summer implementation. Dr. Griffith prefaced there is some disagreement as to whether the Board has the authority to develop a statewide water conservation program but the motion is to develop the options for implementing a statewide water conservation program. Dr. Griffith is confident the State will have legislation next summer mandating a statewide water conservation program so the WRB should take this time to proactively be ready for it. He noted we have a lot of experience in the Board, staff, and agencies to do this so the time has come to do this.

Ms. Marchand stated the need for the Board to be proactive in this area. Chairman Varin agreed noting it will take some time to implement recommendations. Mr. Perry stated a water conservation program will include a spectrum of actions some of which can be implemented quickly others not but it will all take time. For example, seasonal rates don't just happen but there are steps that can happen. Dr. Griffith stated his preference to act now rather than waiting. Dr. Sullivan stated his staff will be available to work with staff to collaborate and develop a comprehensive water conservation plan.

Big River Groundwater Development Project Ad Hoc Committee-

The committee did not meet.

Finance Committee – William Penn, Chair

Capital Budget Fy 2009 - Fy 2013

Initial Motion by Mr. Penn second by Mr. Stamp to approval Capital Budget FY 2009 – FY 2013

Discussion

Mr. Walker questioned the Water Allocation Program Project and the description of funding why is it in the Capital Budget. Mr. Varin stated that for several years now that the Budget Office directed that is where it should be. Mr. Mariscal also stated that the funding for this project does not come from any funding from the Capital funds but it actually comes from General Revenues.

A Motion is to approve the Capital Budget and will be submitted to the Budget Office this week. The vote in favor was unanimous and the motion carried.

Payment Requests

A motion was made by Dr. Sullivan with a second by Mr. Penn. to make a Consent Agenda to place these two items on for approval of payments of \$211.20 for -Konica Minolta CPC Maintenance Contract and \$840.00 for the Groundwater Protection/Acquisition Program- Addendum to Summary Report for Proposed Project Property Well Sites (Hydrologist). The vote in favor was unanimous and the motion carried.

Property Committee - Chair Frank Perry

Initial Motion by Mr. Perry second by Dr. Ward to approve a request from the Exeter West Greenwich Sports for Kids Association to remove gravel and sand from an existing quarry site in the BRMA subject to details regarding the actual value of in-situ material, total amount to be removed and provision of in-kind services equal to 25% of the value in return for the material being worked out as well as forwarding the matter to the State Properties Committee as required by law.

Discussion

Dr. Griffith noted that as a member of the State Properties Committee he would feel uncomfortable taking action on the matter as all the details (i.e. the subject to items) had not been finalized. Additionally he would be concerned about the precedent the board may be setting by approving such a request. Mr. Griffith's recommendation would be to bring the matter before State Properties for conceptual approval and if such approval is obtained, complete work on the final details and bring the matter back to the Board at its next meeting. Mr. Perry replied that a more accurate value estimate was already available and the other details would be finalized between staff and the EWG for Kids Association over the next few days for consideration by the State Properties Committee however, he had no objection to the suggested modification to his motion.

Dr. Sullivan stated that he agreed with the conceptual approval approach having heard most of the preliminary details at the WRB properties committee meeting an hour earlier. He indicated that he was personally in favor of the proposal and that in his opinion the EWG for Kids Association had under valued the restorative activities detailed in the proposal. Dr. Sullivan recommended that said activities be described in greater detail for the State Properties Committee using existing USDA/NRCS standards on gravel bank restoration which provide among other things cost estimates per square foot of area restored. That is, there is a dollar value associated with conforming to the standard and it should be provided to the State Properties Committee in the accounting required under State law. In response to Ms. Eugenia Marks' concern that the material needed should not be disturbed as it provided protection for the groundwater below, Dr. Sullivan commented that sand in itself is of little value in terms of biological protection of groundwater but a healthy vegetative cover is substantive and so changing from a spent gravel bank to a planned vegetation with some sort of spatial separation between the material and groundwater being maintained during excavation is something the board could stand behind. Dr. Sullivan, Dr. Ward and Dr. Griffith agreed that the Exeter- West Greenwich School System needed to be an active supporter of the project if funds they normally receive for the education of students residing in the BRMA were no longer provided or they were required to provide in-kind services in exchange for the requested gravel material.

Revised Motion by Mr. Perry second by Dr. Ward to bring the matter before the State Properties Committee for conceptual approval and if such approval is obtained, complete work on the details and then bring the matter back to the Board at its next meeting for final approval. The motion passed with nine in favor and Mr. Varin opposed.

Motion by Mr. Perry second by Mr. Stamp to approve the replacement of the ISDS at the BRMA leased property located at 631BYard Pond Road in West Greenwich for the bid amount presented in the package. The vote in favor was unanimous and the motion carried.

Discussion

Ms. Marchand asked for clarification regarding the account that would provide the funds for such repairs specifically does the budgeted amount equal the income that is generated. Mr. Perry responded that although there is income generated, the WRB never sees it as it goes directly to the general treasury of the state. There is however an appropriation in the overall WRB budget for work that needs to be done on leased properties in the BRMA and the cost of this repair will not exceed what is budgeted.

Mr. Penn asked about the capacity of the system in relation to the number of occupants. Mr. Perry replied that this is a two bedroom residence with two full time occupants so the new system will not have to be expanded in anyway except for what is now required by code for a two bedroom dwelling. Mr. Perry indicated that the new system will require pumping from the tank to the disposal field due to the difference in elevation and the tenants will be responsible for maintaining the pump.

Motion by Mr. Perry second by Mr. Morrison to approve the replacement of the ISDS Galley system at the BRMA leased property located at 75A Division Road, West Greenwich. The vote in favor was unanimous and the motion carried.

Discussion

Mr. Penn asked if it would make sense to install a filter at the tank's outflow to prevent the plugging problem from reoccurring. Mr. Perry responded that if it was determined that such was necessary it would be installed.

Dr. Sullivan inquired as to an item detailed in the proposal provided for the board's review specifically the proposal mentioned that rough grading would be the last thing done. How will final grading and re-vegetation be accomplished? Is it expected that the tenant would do it or would it be left at rough grade and allowed to re-vegetate naturally? Mr. Mendes responded that final grading and re-vegetation would be accomplished either by the contractor or by the tenant under staff supervision.

Motion by Mr. Perry second by Mr. Morrison to approve a request from the Coventry Soccer Association to overlay the present gravel parking area with a 3/8 inch crushed stone surface that is packed. The vote in favor was unanimous and the motion carried.

Discussion

Dr. Sullivan relayed that it was his interpretation that the use of packed crushed stone precluded the use of any type of binder. Mr. Perry replied that only crushed stone would be used in the overlay. Nothing else would be allowed to be used.

Construction, Engineering and Operations Committee - June Swallow, Chair.
The committee did not meet.

Legislative Committee - Chair Daniel W. Varin
Chairman Varin briefly reviewed S 0996, H 6406 Relating to Public Utilities and S 1003, H 6414 Relating to Public Utilities & Carriers-Regulatory Powers of Administration noting that they were provided for information unless the board wished to further discuss them and/or take action. There was no discussion/action taken.

Strategic Committee - Daniel W. Varin, Chair.
The committee did not meet.

NEW BUSINESS/OTHER BUSINESS

There was no new business or other business to discuss.

RECESS OF BOARD FOR BOARD CORPORATE BUSINESS

Without objection, Chairman Varin recessed the board meeting.

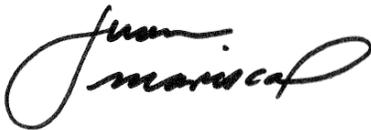
RETURN FROM BOARD CORPORATE BUSINESS and ADJOURNMENT

Upon return to the board meeting Chairman Varin asked if there was any other business to come before the Board.

Motion by Dr. Sullivan second by Mr. Stamp that all bills under \$1,000.00 be presented in one vote under a consent agenda for future meetings.

Motion by Dr. Sullivan second by Mr. Stamp to adjourn. The vote in favor was unanimous. The motion carried.

Respectfully Submitted,

A handwritten signature in black ink that reads "Juan Mariscal". The signature is written in a cursive style with a large, sweeping initial "J" and "M".

Juan Mariscal, P.E.
Secretary, Water Resources Board