



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

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**RHODE ISLAND WATER RESOURCES BOARD**

**MINUTES OF BOARD MEETING # #465**

November 13, 2007

**Members Present:**

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

**Staff Present:**

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

**Members Absent:**

William Penn

**Guests**

Michael Mitchell Esq.- DOA Legal  
John Paul Verducci-House Finance  
Heidi Green-Quonset Development Corporation  
Tim Brown - KCWA  
Ames Colt – RI Coard Team  
Alicia Good - RIDEM  
Eugenia Marks-Audubon Society  
Henry Meyer-KWD, RIWWA

**CALL TO ORDER AND APPROVAL OF MINUTES:**

Chairman Varin called the meeting to order at 12:10 p. m. noting that a quorum was present.

**Motion** by Dr. Sullivan, second by Mr. Perry to approve the minutes of the July 17 (Meeting #461), September 11 (Meeting 463) and October 9 (Meeting 464) all of 2007. The motion passed unanimously.

**REPORTS:**

**Chairman's Report**

Chairman Varin stated there is no report.

**General Manager's Report**

Mr. Mariscal reported that at a recent meeting the Board had a discussion regarding possible use of potable drinking water supplies by Ocean State Power (OSP) and whether this use was allowed under an Energy Facility Siting Board (EFSB) issued Order. He stated at that meeting he noted that he had received

copy of the Order that was issued, and noted that after reviewing the Order, he sent a letter to Douglas Hartley, Coordinator of the EFSB. Mr. Mariscal distributed copies of the Order to the Board. He summarized the letter noted that it outlined the licensing process and OSP's initial request to use 4.4 million gallons of water per day from the Scituate Reservoir for cooling purposes. OSP eventually withdrew that request and decided to withdraw water from the Blackstone River instead which is regulated by DEM. Mr. Mariscal stated his understanding was that because of OSP's decision not to use potable water at that time, no opinion was requested or necessary from the WRB since no public water supply would be used. He stated that due to potential environmental problems during periods of the 7Q10 low flow periods OSP was prohibited by DEM from making withdrawals from the Blackstone River during the 7Q10 low flow periods. Mr. Mariscal noted that his understanding was that the EFSB had discussions regarding this issue and requested that the OSP develop a backup water supply for these low flow periods but OSP declined to identify any alternatives. He stated that recently the low precipitation levels over the past few months have resulted in stream flow levels below the 7Q10 levels. He reported receiving phone calls from members of the public seeing tank trucks transporting water from fire hydrants in Providence and a public water supplier reporting that they were selling water that would be transported to the OSP power plant. Mr. Mariscal reported that, in his letter, he has asked the EFSB to look into this matter and to determine if the use of public water supplies by OSP is allowable and in conformance with the issued license and order. He stated he received a phone call from Mr. Hartley indicating that they were going to investigate this situation and will be sending a letter to him outlining their actions.

Mr. Mariscal then asked Ms. O'Keefe to report to the members what the WRB does regarding drought planning and drought management.

## **Drought Report**

Ms. O'Keefe distributed a four-page summary report on current hydrologic conditions. She reported monitoring weather conditions was a key component of water resource protection and is described in State Guide Plan Element 724 Drought Management Plan. She stated drought phases include normal, advisory, watch, warning, and emergency phases. She reported Rhode Island has moved to "drought advisory" condition on October 15, 2007 as recommended by the Drought Steering Committee meeting who review the current drought indicators. She reviewed the process, the indicators, and the conclusions of the Drought Steering Committee.

Staff has prepared a press release which was distributed broadly throughout Rhode Island. She referred to a Providence Journal editorial printed on November 9 which mentioned "our water rich" state and noted the state's 39-54" annual rainfall is similar to the amount of rainfall received in the city of Galveston which is located on the east coast of Texas. She stated the Drought Steering Committee is scheduled to meet on November 15, 2007 to continue the review of hydrologic conditions. She noted the lack of precipitation is a big concern at this time, especially in the South County area which is dependent on groundwater. Both groundwater wells and surface water stream gages are at new historical levels with 8 observation wells dry at this time. Finally, the drought packet includes a "drought fact" sheet which provides detailed information on drought definitions, water efficiency facts, and water conservation recommendations. She noted both Connecticut and Massachusetts are also in a "drought advisory" condition at this time. Massachusetts has implemented a small grant program for towns to initiated water conservation-drought management efforts while Governor Rell of Connecticut has issued a proclamation asking everyone to reduce water use by 10%.

Discussion: Members discussed the drought advisory condition and options to conserve water. Mr. Stamp stated the agricultural community does the best they can and hopefully everyone performs best conservation practices.

### **Chief Business Officer's Report – Ian Morrison, Acting Chair**

Mr. Morrison noted that there was no quorum present for a Finance Committee meeting. He stated the report was reviewed and found to be complete.

**Motion** by Mr. Stamp, second by Mr. Morrison to approve the October 2007 Chief Business Officer's Report as reviewed and approved by the Finance Committee. The motion passed unanimously. The motion carried.

## **COMMITTEE REPORTS AND ACTION ITEMS**

### **Committee Structure – Daniel Varin, Chair**

#### **Water Resources Board and WRB Corporate Agendas and Committee Assignments:**

Mr. Varin reported that at the last meeting a memorandum was distributed recommending some changes to the way the Board function in particular to our committee structure and proceedings. He asked the members to consider approving all or any part of the recommended changes. He stated that certain appropriate actions would end at the sub committee level and he would consider any other changes recommended by the members. Mr. Perry agreed with this approach giving routine actions to the sub committees. He asked that a certain level of repair items be restricted to the property committee. Mr. Mariscal stated a suggested dollar cut off would be proposed in a follow up memorandum. The committee suggested that the sub committee chairman would always have the discretion of bringing an item to the full Board regardless of the amount. Mr. Griffith stated that regarding eliminating the 30-Month Interim Reports submissions in favor of annual reports of critical data, he stated it would require a regulation change to be filed thus we cannot pre-emptively eliminate them. Mr. Varin stated this change is one of the recommendations being considered in our proposed legislation being developed. Ms. Swallow asked about handling of projects in the watershed protection program stating that the subcommittee has tended to be more conservative than the full Board. Mr. Mariscal stated we would revisit this item when a Phase IV begins to develop. Dr. Sullivan suggested findings regarding the WSSMP's can be made at the sub-committee level without coming to the full Board. The members agreed to this noting that appeals by the systems can still be made to the full Board.

**Motion** by Dr. Sullivan and second by Mr. Stamp to put these changes into effect including today's meeting discussion for a period not less than one year and to be revisited at that time by the full Board. The vote in favor was unanimous. The motion carried.

**Water Resources Protection & Use Committee - Robert Griffith, Chair**

**North Tiverton Fire District – Water Supply System Management Plan Five-Year Update**

**Motion** by Dr. Griffith second by Mr. Stamp to find the North Tiverton Fire District Water Supply System Management Plan Five-Year Update does not comply with the requirements of RIGL 46-15.3 and must resubmit the Update within one year of this finding. The vote in favor was unanimous. The motion carried.

Discussion Mr. Perry asked for clarification on approval of the Thirty-Month Interim Report. Ms. O’Keefe stated the North Tiverton Fire District was asked to prepare and submit a Five Year Update rather than resubmitting a Thirty-Month Interim Report. She stated the acquisition of Tiverton Water Authority required a complete plan update.

**Town of Cumberland Water Department – Water Supply System Management Plan Five-Year Update**

**Motion** by Dr. Griffith second by Mr. Morrison to find the Cumberland Water Department Water Supply System Management Plan Five-Year Update does not comply with the requirements of RIGL 46-15.3 and must resubmit this Update within one year of this finding. The vote in favor was unanimous. The motion carried.

**Property Committee - Chair Frank Perry**

The committee did not meet.

**Construction, Engineering and Operations Committee – Pamela Marchand, Chair**

The committee did not meet.

**Finance Committee – Acting Chair Ian Morrison.** No quorum was present for the meeting but the financial reports were reviewed.

**Legislative Committee - Chair Daniel W. Varin.**

Chairman Varin stated the Committee met twice and had good discussions. He added he does not have a report at this time on what legislation we want to pursue in the next session. He stated there is a package of material for member review and comment.

**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 and started the Board Corporate Meeting at 12:54 pm

**RETURN FROM BOARD CORPORATE BUSINESS AND EXECUTIVE SESSION**

The Board Corporate meeting ended at 1:06 pm and return to the board meeting Chairman Varin asked if there was any other business to come before the Board.

Chairman Varin entertained an open call for an executive session in accordance with RIGL Section 42-46-5(5) BRMA Property Leases.

**Motion** by Mr. Perry second by Mr. Stamp to go into executive session.

Roll call vote:

Mr. Perry	Yes
Ms. Swallow	Yes
Mr. Rodrigues, Jr.	Yes
Dr. Sullivan	Yes
Mr. Morrison	Yes
Mr. Mignanelli	Yes
Ms. Marchand	Yes
Dr. Ward	Yes
Mr. Stamp	Yes
Mr. Varin	Yes

The vote was unanimous.

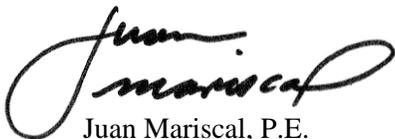
The Board returned from the executive session at 1:50 pm.

**Motion** by Dr. Sullivan second by Mr. Stamp to seal the executive session minutes until such time as the matter has been resolved and to adopt the consensus derived therein (i.e. Staff Recommendations to enter into new leases and conduct further research and seek advice from legal counsel.) The vote in favor was unanimous.

**ADJOURNMENT:**

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

Respectfully Submitted,



Juan Mariscal, P.E.  
General Manager