



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

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RHODE ISLAND WATER RESOURCES BOARD

MINUTES OF BOARD MEETING # #469

March 11, 2008

Members Present:

Daniel W. Varin, Chairman
William Penn
Pamela Marchand
William Parsons*
Jesse Rodrigues, Jr.
June Swallow*
Harold Ward
Robert Griffith*
Mike Sullivan
William Stamp, III
Frank Perry
Ian Morrison
Richard Mignanelli

Staff Present:

Juan Mariscal, General Manager
Kathleen Crawley
Romeo Mendes
Beverly O'Keefe
William Riveroso

*Member designee

Members Absent:

No members absent

Guests

Rob Breault - USGS
Emily Wild-USGS
John Masterson - USGS
Greg Granato - USGS
Elizabeth Scott - DEM
Alicia Good-DEM OWR
Alisa Richardson - DEM
Russ Chateaufneuf - DEM
Pasqual DeLise - BCWA
Matt Wojcik – Governor's Office
David Lynch – Rhody Rovers
Michael Clark – Brown University
Heidi Green - QDC
Ames Colt – RI Coordination Team

1. CALL TO ORDER

Chairman Varin called the meeting to order at 12:05 p.m. noting that a quorum was present.

2. APPROVAL OF MINUTES:

A. February 12, 2008 Board Meeting #468

A **Motion** was made by Mr. Sullivan, second by Mr. Penn to approve the minutes from Board Meeting #468, February 12, 2008. The vote in favor was unanimous. The motion carried.

3. CHAIRMAN'S REPORT

Chairman Varin reported we had a very important hearing before the Senate Finance Committee on our Budget on March 6th. He added there is another meeting coming up on March 13th. He stated he gave a brief presentation to the committee using a handout prepared by staff. The handout was distributed to the members. He reported he emphasized that duplication of efforts is not a problem and does not really happen. He listed the important activities the Board is involved in showing no real duplication of efforts.

4. GENERAL MANAGER'S REPORT

Mr. Mariscal noted that due to the number of discussion and action items on the agenda, he would not provide a normal report.

He reported that he received a call this past Sunday from ABC 6, wanting to know the status of the drought. He stated we are hopeful that all the rain is making things turn around as we have seen a major turn around in the reservoir systems in the state. He added there has been some recharge in the groundwater and if normal rain continues we may be able to go into the summer time with a normal situation, however, groundwater in South County was still an issue.

He reported the reasons why we are meeting at the 17 Gordon Street Providence building. It was for two reasons. The first is that it houses the offices of the RI Economic Policy Council and they recently issued new economic development strategy for RI which highlights and supports the need for new water supply in the State. In addition, this building is one of the first green buildings in the state which incorporated many interesting technologies including the reuse and recycling of water. He noted that the parking lot has porous pavement that reduces runoff and increases infiltration into the ground and that water is collected on a roof garden which is used for toilet and urinal flushing. There are many other energy efficient aspects of the building.

5. REPORTS: Chief Business Officer's Report – February 2008

Mr. Penn noted that there was a quorum present for a Finance Committee meeting. He stated the report was reviewed and found to be complete.

Motion by Mr. Penn, second by Mr. Rodrigues to approve the February 2008 Chief Business Officer's Report as reviewed and approved by the Finance Committee. The motion passed unanimously.

6. PRESENTATION – RHODE ISLAND ECONOMIC STRATEGY AND WATER SUPPLY:

A. Kip Bergstrom, Executive Director, RI Economic Policy Council

Mr. Mariscal reported the Mr. Bergstrom will not be able to make his presentation today and sends his regrets.

6. COMMITTEE REPORTS AND ACTION ITEMS:

A. WATER RESOURCES PROTECTION & USE COMMITTEE– Chair Robert Griffith

1) Water Supply Systems Management Plan Program

a) City of Pawtucket (CP) - 5 - Year Update Report / Request for Extension

Mr. Griffith reported this item for consideration is for an extension request by CP for their 5-year update and recommended approval.

Motion by Mr. Griffith second by Mr. Stamp to approve the extension request. The vote in favor was unanimous. The motion carried.

b) Proposal: USGS: South County Groundwater Well Real Time Monitoring System

Mr. Griffith reported this item was briefed by USGS at the subcommittee describing a proposal for real time monitoring of South County Groundwater. He stated at this time we have only one monitoring well in the area and this is an issue that comes up on a regular basis at the Drought Steering Committee. He added we believe we need more. He reviewed the proposal which included four possible locations for near real-time well monitoring with staff recommending a prudent approach for two existing wells to be converted to near real-time reporting and assured their was sufficient funds available in the budget to accommodate this. The initial estimate for the project for four real-time wells was about a one-time expense of \$7,500 with an annual cost of about \$1,500. The staff expects the costs to be about half that amount for the recommended two wells. He recommended approval.

Further discussion ensued on the merits of the expense.

Motion by Mr. Griffith second by Mr. Morrison to approve the extension request. The vote in favor was unanimous. The motion carried.

c) Big River Groundwater Project:

- i. USGS Project Proposal - Field Characterization and Numerical Simulation of Ground-Water and Surface-Water Interactions in RI Wetlands: Big River Watershed Case Study
- ii. DEM Alternative Approach and Costs

Mr. Griffith reported this proposal carries a \$595,000.00 cost with a WRB contribution of \$305,000.00 and a USGS match of \$290,000.00 and that staff recommendation is that we approve this as necessary information pursuant to the development of the well fields. He stated during the discussion at the WRPU sub-committee meeting representatives of DEM indicated they had developed an alternative approach and costs to this proposal and the committee concluded it would be appropriate to bring both sets of proposals and costs to the Board for further discussion and consideration.

Mr. Mariscal provided background information leading up to this proposal for the benefit of the new Board members. He related that as part of the Big River Development Project, we need to complete an assessment of the impacts of well pumping on wetlands and the USGS proposal is for this work.

Mr. Granato of USGS presented their proposal. He stated the project goals include improving our understanding of our groundwater/surface water interactions and to help develop the methodology and the tools necessary to assess potential effects of withdrawals on different types of wetlands.

Mr. Stamp stated the USGS study is another tool in gathering data to look at the cost of maintaining a standard for stream flow. The standards which are highly debated in the political arena have never been thoroughly studied as to whether they are needed and if so, who should bear the cost burden of maintaining them. The USGS study is attempting to thoroughly look at the science involved in the water withdrawal process and identifying better data to use in consideration of the various forms of water withdrawal.

Mr. Penn asked what are the taxpayers of RI going to benefit from this \$600,000.00 investment and secondly are there alternatives. Mr. Varin stated there are two objectives; one is to provide the information we need to proceed to develop this particular area for groundwater production. Second is to establish a method that can be used every where else where the same question arises. Mr. Mariscal stated the project has two points; one is the WRB has this greater mission to gather data and information, scientific data on the water resources of the State of RI, the interaction of the water resources. He added from a project viewpoint we have the added responsibility of trying to satisfy the question of determining the impact on the wetlands from the WRB proposed groundwater withdrawal water supply project. He stated that we have to spend money to answer these questions. He stated the proposal to the Board is an appropriate study for

trying to address the two missions of the Board and to get the Big River Groundwater Development Project moving as quickly as possible.

iii. DEM Alternative Approach and Costs

Mr. Sullivan stated his staff has a different perspective. He stated the body of work by USGS is essential, appropriate, thoughtful and well designed but he added it is not a priority right now to address. He related there are other watersheds that require attention in terms of being stressed in addition to the Big River Basin. He stated what will be presented today is a master flow sheet of information that DEM thinks is essential to any proposed withdrawal project across the RI landscape. He added if you looked at the flowchart you would see that the taxpayer's have already paid for a lot of information to date and we shouldn't waste the information in hand and we need to proceed forward with a prioritization and with a question – what is the return on the further investment. He stated right now we still do not know some critical information. He stated there is little difference between the parties agreement on what is the capacity of the Big River to provide water to somewhere else we need to proceed carefully – we need to see some additional data, including Ann Veeger's work. He stated his staff has looked hard at this and it is his contention that this study has some engineering questions that need to be addressed first and then some business infrastructure plan questions that need to be answered first.

Mr. Sullivan introduced Mr. Chateauneuf of DEM to provide an assessment and an alternative approach. He stated his biggest concern was that we do not want the general public and the water supply community to think that this kind of study proposed by USGS is really needed for every single permit application. He added it would help but is expensive. He presented an alternative approach. Discussion ensued and various issues were briefly debated.

Mr. Sullivan suggested that he believed the USGS proposal is premature to the priority in the resource strengths that we have at this point in time and thinks that a combination of the pumping tests and monitoring as suggested by Mr. Chateauneuf's letter to the Board Chairman is appropriate. In addition an infrastructure assessment is needed. He recommended simultaneously with the pump tests we consider a landscape assessment of the pipes as to where they go, their capacity and conditions and what would be the most cost effective manner of creating a conduit where we know we have water to where we know we don't. He stated DEM would share with the full Board where we are in terms of stream flow standards process and it is appropriate that you see it shortly.

Ms. Swallow stated we need to proceed as efficiently as possible as there is a request from the Governor to develop a water supply in the Big River Reservoir area.

Mr. Ward asked Mr. Chateauneuf how long it would take to go through the RFP process and commit the funds. Mr. Sullivan requested we have a special meeting in ten days to two weeks where we would present DEM's stream flow and groundwater withdrawals approach and what we can find working collaboratively with the General Manager on how might we package that into a RFP and to the best of our ability to Purchasing and get an estimate of what would be the turn around time.

Mr. Ward asked is the money going to be there. The USGS funding could be committed right away. Mr. Varin stated that in theory funding would be available until June 30th however the state would stop accepting new contracts about a month before and the money would not be carried over into the new fiscal year.

Discussion ensued. Mr. Varin stated we take a few days to look at this and have a special meeting in about ten days. Mr. Griffith agreed we should not rush to a decision today but given the urgency and the level of interest he asked that our staff and DEM staff meet and try to work out exactly what is necessary on the list outlined by Mr. Chateaufeuf with the studies already done to be pulled together by our staff and evaluated by his staff to constitute a full permit request so we can go forward concurrently with DEM evaluating the information that is already there but needs to be identified and focused more closely to finalize an RFP and get it out in a timely fashion.

Mr. Perry asked DEM if we decide to proceed ahead, in line with this recommendation, from the time we bring on a consultant and move forward, what is your best estimate as to the time it would take to get a permit. Mr. Sullivan responded it would depend on the conditions of the request as to the level of gallons per day and the needed infrastructure for those levels. Mr. Perry asked for a ballpark estimate, six months, one year. Mr. Sullivan stated no.

Mr. Penn stated there is a parallel question that needs to be addressed – what is the cost of the water at the faucet. He added we should be looking at that on a parallel basis and the BETA Study should be updated so we can make a business decision.

Mr. Varin reiterated that we meet again in ten days. Mr. Breault of USGS noted to the Board that for the USGS funding contribution to be committed to the project a decision needs to be made in relatively short order or the funds will be not be available.

Motion by Mr. Ward second by Mr. Penn that we have a special Board meeting on March 25th to take up this item including a presentation by DEM on the updated stream flow withdrawal standards. The vote in favor was unanimous. The motion carried.

Mr. Mariscal asked for clarification that by the meeting of the 25th, the expectation of the Board is that there will be a collaborative report by WRB, DEM and USGS staff. Mr. Sullivan said yes.

B. PROPERTY COMMITTEE - Chair Frank Perry

1. Big River Management Area:

a) Rhody Rovers – Land Use Request for Three Summer Events

Mr. Perry reported the committee met and recommends that we allow this but noted the single problem we did have last year with this event was there was more disruption than expected on a turn around route off trail. He stated this year it was agreed that the riders will stay on the trails.

Motion by Mr. Sullivan second by Mr. Stamp to approve the subcommittee recommendation approving the three events The vote in favor was unanimous. The motion carried.

- b) Greenwich Village School - Request for Reimbursement of Lead Mitigation Costs Totaling \$5,650.00.

Mr. Perry reported this request has to do with the Nursery school in the BRMA. He stated the Tenant paid for the lead mitigation to expedite the situation in the amount of \$5,650.00 and she used the contractor the staff was considering. He stated the question arose in committee whether this was a reimbursable item by the Board. Mr. Perry noted that typically a landlord would pay this type of cost to make a building safe for the use of a tenant. The committee approved the request. The Finance Committee concurred noting that as the owner of the building we are liable under RI state law to abate lead paint.

Motion by Mr. Perry second by Mr. Rodrigues to approve the payment request in the amount of \$5,650.00. The vote in favor was unanimous. The motion carried.

C. CONSTRUCTION, ENGINEERING AND OPERATIONS (CEO) – Chair Pamela Marchand

1. Bristol County Water Supply Program:

- a) BCWA Water System Improvements RFQ/P - Request for Approval

Ms. Marchand reported this RFP takes a look at the water treatment plant and any upgrades that would be necessary to meet the upcoming federal regulations. She stated staff also looked at the fact the water board is also responsible for the reservoirs, well sites and interconnections with the system. These were included in the RFP. She stated this was discussed with BCWA who responded they would like us to focus on the treatment plant because of the limited amount of funds. The committee discussed breaking the RFP into two separate items. One for the treatment plant and the second for an investigation of the wells, well sites and pipelines where then the Board would have the discretion of approving or disapproving either section.

Motion by Mr. Sullivan second by Ms. Swallow to approve the RFQ/P which includes a detailed evaluation of upgrades for the water treatment plant as well as the overall system needs reflecting the two part approach. The vote in favor was unanimous. The motion carried.

D. LEGISLATIVE & REGULATIONS COMMITTEE - Chair Daniel W. Varin

1. Update, Review and Action (Enclosure 9)

a) 2008 Legislation:

- i. H 7917 Relating to Cities & Towns – Water Conservation – For Discussion.
- ii. S 2632 – Relating to Waters and Navigation -- Public Drinking Water Supply System Protection - For Discussion.
- iii. S 2635 Relating to Waters and Navigation – For Discussion
- iv. S 2637 Relating to Waters and Navigation – Clean Water - For Discussion
- v. S 2798 Relating to Waters and Navigation – For Discussion
- vi. Bills received/status updates since distribution of agenda.

Motion by Mr. Sullivan second by Mr. Rodrigues to suspend discussion to the next available time. The vote in favor was unanimous. The motion carried.

Mr. Griffith noted that item S 2798 is a revised version of a bill submitted last year referred to as the Ken Payne bill. He encouraged members attention to this bill. Mr. Mariscal reported he passed around a two page summary for members to read.

E. NOMINATIONS COMMITTEE - Chair Michael Sullivan

1. Chair, RI WRB.
2. Vice Chair, RI WRB.
3. Secretary-Treasurer, RI WRB

Mr. Sullivan reported three of the four members met with input from various members and the general manager during the week and it is the unanimous recommendation of the three members who participated that the slate of officers for both the Board and Board Corporate be Mr. William Penn for Chairman, Pamela Marchand as Vice Chairman and Juan Mariscal as Secretary-Treasurer.

Motion by Mr. Sullivan second by Mr. Stamp to nominate Mr. William Penn for Chairman, Pamela Marchand as Vice Chairman and Juan Mariscal as Secretary-Treasurer. The vote in favor was unanimous. The motion carried.

6. CONSENT AGENDA

- a) RI State Department of Corrections – BRMA Spring Cleanup – Requested Amount: \$8,250.00; **Request for Approval.**
- b) RI DEM Division of Law enforcement – BRMA Security Patrols Fiscal 07 and 08 - Requested Amount: \$13, 600.00 - **Request for Approval**

- c) Allied Waste Services - Procurement of thirty yard roll-off dumpsters for BRMA Earth Day Debris Removal – Requested Amount: not to exceed \$2,500.00 - **Request for Approval**
- d) Town of Coventry – Payment in lieu of taxes, Coventry Pines Golf Course – Requested amount \$4,033.80 - **Request for Approval**
- e) Maguire Group Invoice #22 - Requested Payment \$18,984.05; Recommended Payment: \$18,984.05.00 - **Request for Approval.**
- f) Maguire Group Invoice #23 - Requested Payment \$2,131.60; Recommended Payment: \$2,131.60 - **Request for Approval.**
- g) Konica Office Products for copier service agreement (Monthly Service/Supply) rendered from 03/01/08 through 03/31/08. Requested payment from **Water Resources Board: \$211.20**; Requested payment from Water Resources Board Corporate: \$140.80; Recommended Payment: \$352.00. Invoice Total \$352.00 - **Request for Approval**

Motion by Mr. Sullivan second by Mr. Stamp to approve the items as presented. The vote in favor was unanimous. The motion carried.

7. NEW BUSINESS

No new business was discussed.

8. OTHER BUSINESS

No other business was discussed.

9. RECESS OF BOARD FOR BOARD CORPORATE BUSINESS

Without objection, Chairman Varin recessed the board meeting and started the Board Corporate Meeting at 12:07 pm.

10. RETURN FROM BOARD CORPORATE BUSINESS

The Board Corporate meeting ended at 2:22 pm and returned to the Board meeting.

Mr. Varin stated to the Members he has enjoyed working with all of them.

Motion by Mr. Penn second by Mr. Sullivan to honor Mr. Varin in a vote of appreciation for Mr. Varin's service over these years, leading us through many mine fields and profound appreciation for life commitment and accomplishment. The vote in favor was unanimous. The motion carried.

11. OPEN CALL FOR EXECUTIVE SESSION IN ACCORDANCE WITH RIGL SECTION 42-46-5 (2) & (5): BRMA Property Lease

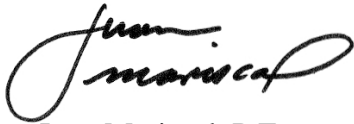
The Item was not taken up at this time.

12. RETURN FROM EXECUTIVE SESSION

13. ADJOURNMENT:

Motion by Mr. Perry second by Mr. Stamp to adjourn. The vote in favor was unanimous. The motion carried. The Board meeting ended at 2:24 pm

Respectfully Submitted,

A handwritten signature in black ink that reads "Juan Mariscal". The signature is written in a cursive, flowing style.

Juan Mariscal, P.E.
General Manager