



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

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**RHODE ISLAND WATER RESOURCES BOARD
MEETING #496**

Friday, February 26, 2010 @ 1:00 PM

MINUTES

Members Present

William Penn, Chairman
June Swallow*
William Stamp, III
Ronnie Gibson
Jesse Rodrigues
Harold Ward
Jon Schock
W. Michael Sullivan, PhD
Kevin Flynn

Staff Present

Kenneth J. Burke, General Manager
Kathleen Crawley, Staff Director
Romeo Mendes, Supervising Engineer
Peter Duhamel, Principal Planner
Emily J. Cousineau, Implementation Aide

*Member Designees

Members Absent

Pam Marchand, Vice Chair
Allan Klepper
William Parsons*/Michael Walker*
Samuel Kitchell

Guests Present

Henry Meyer, KWD
James DeCelles, Pawtucket Water
Elizabeth Scott, RI DEM
Eugenia Marks, Audubon Society

CALL TO ORDER

Chairman Penn called the meeting to order at 1:02pm, noting that a quorum was present.

APPROVAL OF MINUTES

Motion by Mr. Schock, second by Mr. Stamp to approve the minutes of the January 21, 2010 Board Meeting # 495, with the change noted by Mr. Meyer. The vote in favor was unanimous. The motion carried.

Discussion

Mr. Henry Meyer noted that he was misquoted in the January minutes. The reference to the University of New Hampshire should be changed to read the "University of North Carolina".

CHAIRMAN'S REPORT

Mr. Penn reported that several Board appointments would expire on March 1, 2010. He and the General Manager have met with Governor Carcieri's staff to recommend the following new appointees: Susan Licardi of North Kingston Water, engineer Michael DeFrancesco, and Dr. Thomas Boving of URI. Said appointees would represent new titles created under the 2009 Water Use and Efficiency Act. Mr. Penn noted that, under the Act, Mr. Allan Klepper's title of "Small Water User" no longer exists and a suitable, alternate position is not available. Mr. Klepper's term will also expire on March 1, 2010, having fulfilled the term of former Board Member Mr. Richard Mignanelli. Mr.

Penn stated that he would speak to Mr. Klepper about serving on one of the sub-committees of the Board.

FINANCIAL REPORT

Motion by Mr. Penn, second by Mr. Schock, to approve the Chief Business Officer's Report for January 2010. The vote in favor was unanimous. The motion carried.

GENERAL MANAGER'S REPORT

Motion by Mr. Stamp, second by Mr. Flynn to accept the General Manager's report. The vote in favor was unanimous. The motion carried.

Discussion

Mr. Burke stated that he would defer most of his report to the material to be discussed during the Finance Committee Report.

COMMITTEE REPORTS AND ACTION ITEMS:

Finance Committee

BRMA Disinvestment Plan – Request for Approval

Chairman Penn noted that the committee is not recommending that the plan be approved, rather that the Board hold an open discussion. The committee concluded its discussion with three suggestions:

- To prioritize relocating each structure or, failing that, recycling the demolition material.
- To develop a separate strategy for the original owners.
- To ask the staff for a budget regarding implementation.

Mr. Burke stated that he would like to go to the SPC and propose month-to-month tenancies for the remaining residents. He would then report back to Board and notify the tenants. An RFP would next be developed for the assessment of hazardous materials, demolition of buildings, and material removal. Tenants would be given a full year to vacate. Overall, the goal is to keep the land as a potential reservoir site, recognizing and acknowledging the sacrifices of the property owners.

Dr. Sullivan suggested using LEED standards when developing the RFP guidelines for material recycling.

Ms. Swallow asked about the commercial properties. Mr. Burke stated that the current plan is specifically for residential tenants. Dr. Sullivan requested that the plan specifically note that a later strategy would be developed to address commercial tenants.

Mr. Penn stated that he hoped to approve the disinvestment plan at the March 15th Board meeting.

Big River Wells Draft Business Plan – Status Update

Motion by Mr. Ward, second by Dr. Sullivan, to investigate the potential of intervening with the permitting of the Mishnock Wells. The vote was seven (7) for and two (2) opposed.

William Penn, Chairman - yes
June Swallow - yes
Ronnie Gibson - yes
Jesse Rodrigues - yes
Harold Ward - yes

W. Michael Sullivan, PhD - yes
Kevin Flynn - yes

William Stamp, III - no
Jon Schock - no

The motion carried.

Discussion

Mr. Penn noted that the distributed document was extremely preliminary. He explained that Weston & Sampson included a G.O. Bond as one source of funding, which would draw from the tax base, rather than the water users. He has requested that this funding option not be referenced in future drafts.

He further noted that Kent County Water is moving to rehabilitate their Mishnock Well Field. This would usurp the need for wells in Big River. However, the Mishnock wells have lower quality water.

The draft business plan highlights the uncertainty of the permitting process for Big River. Mr. Burke added that models still need to be run to assess hydraulic (with and without Mishnock) and mixing chemistries.

Dr. Sullivan stated that the Board could work with appropriate parties in DEM to rush the modeling project. Mr. Ward asked if QDC must also approve the Mishnock application. Mr. Penn confirmed this and added that the Board can intervene, since the Mishnock wells clearly impact the State's water resources.

Ms. Swallow expressed concerns over the lack of quality treatment data provided in the draft. Mr. Mendes noted that certain treatments, such as pH adjustment, are addressed. Ms. Swallow stated that any disinfection should include compliance with the present standard of four log inactivation for viruses and bacteria. Additionally, fluoridation should be provided no matter the quality. That would impact the cost, but the consultant did not include the calculation.

Mr. Stamp expressed concern that the Board was not aware of Kent County's application prior to the current meeting. Mr. Penn responded that this occurred only within the last month. Dr. Sullivan added that the Mishnock wells had not been maintained in the five years since the initial permit. Kent County did not express interest in supply development until now. Mr. Penn stated that the Board had a responsibility to make the case for the Big River source over that of the Mishnock source.

The Board concluded that more data would be needed concerning the financial viability and engineering requirements of bringing the Big River wells online before a credible argument could be presented. Until that time, the staff was requested to investigate the possible options for intervening in the permitting process of the Mishnock.

Motion by Mr. Ward to move forward with the preliminary permit requests. Mr. Schock amended the motion "to move forward with the preliminary permit requests for a 4.2mgd well field". Second by Ms. Swallow. The vote was eight (8) for and Dr. Sullivan abstained. The motion carried.

Discussion

Mr. Burke stated that he would meet with Ms. Swallow and her staff in the near future concerning water quality tests and treatments. Obtaining a completed document from Weston & Sampson has been emphasized to the consultant.

Motion by Dr. Sullivan, second by Mr. Stamp, to accept the Draft Business Plan as an interim, working document and to treat future drafts as confidential. The vote in favor was unanimous. The motion carried.

Allocation Committee

Allocation Program status update

Mr. Ward distributed a draft of Allocation Rules 8 through 10 in electronic format one day prior to the meeting.

Mr. Penn reminded the Board of the decision to develop a base document of draft rules before soliciting input from stakeholders. Mr. Ward reported that the committee had begun defining the allocation process.

Mr. Meyer stated that all 28 systems had the draft distributed and that comments were being solicited to the Board.

Ms. Swallow commented that the rules for potable water were too restrictive concerning acceptable uses. She also asked about language that had been in earlier drafts about sewage and flushing. Mr. Ward apologized for the accidental removal of that language, which would be reinserted.

Legislation and Policy Committee

Mr. Burke reported on the substance of the committee meeting. Of note, the rules concerning land use in the Big River Management Area need to be revised with DEM in order to comply with statute. The current policies revolve around the functional care of tenants and restricted activities. The committee would like to address the purpose of the Management Area, as well as its current uses. In addition, the Board's by-laws must be updated.

Mr. Penn also spoke on efforts to keep programmatic authority with Board Corporate once financial responsibility is turned over to the Clean Water Finance Agency. If the General Assembly does not agree, the Board will consider entering into an MOU with CWFA.

RECESS OF BOARD FOR BOARD CORPORATE BUSINESS

Motion by Dr. Sullivan, second by Mr. Stamp, to recess the Board meeting and start the Board Corporate meeting at 2:24pm. The vote in favor was unanimous. The motion carried.

RETURN FROM BOARD CORPORATE BUSINESS

Motion by Dr. Sullivan, second by Mr. Stamp to return from Board Corporate to the Board meeting at 2:25pm. The vote in favor was unanimous. The motion carried.

OTHER BUSINESS

Chairman Penn appointed Mr. Schock, Ms. Swallow, and Mr. Kitchell to the Nominating Committee. He requested that the committee report back at the March 15th meeting on the election of officers to the Board.

ADJOURNMENT

Motion by Dr. Sullivan, second by Mr. Schock, to adjourn the Board meeting. The vote in favor was unanimous. The motion carried and the meeting adjourned at 2:27pm.

Respectfully Submitted,



Emily J. Cousineau
Implementation Aide

The meeting place is accessible to the handicapped in conformance with RIGL 42-46-2. Individuals requesting interpreter services for the hearing impaired must notify the Board office at tel. 222-1450/TDD 2221454, at least 72 hours in advance of the meeting date. If requested, tapes of the meeting will be made available.