



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

Foundry Office Building, 3rd Floor, suite 394  
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**RHODE ISLAND WATER RESOURCES BOARD MEETING #501**  
**Monday, July 19, 2010 @ 1:00 PM**

**University of Rhode Island**  
**Memorial Union, Atrium Two**  
**50 Lower College Road**  
**Kingston, RI 02881**

**MINUTES**

**Members Present**

William Penn, Chairman  
Pamela Marchand, Vice-chair  
Thomas Boving  
Michael P. DeFrancesco  
Kevin Flynn  
Ronnie Gibson  
Susan Licardi (1:05 arrival)  
June Swallow  
William Parsons\*  
Jon Schock  
Elizabeth Scott\* (1:05 arrival)  
William Stamp, III  
Harold Ward

**Members Absent**

Jesse Rodrigues  
Samuel Kitchell

**Guests Present**

Charles J. Donovan, House Policy Committee  
Bill Harritos, Quonset Development Corporation  
Jo-Ann Lemaire  
Eugenia Marks, RI Audubon Society  
Jessica L. Pagan, Brown University student  
Peter J. Pallozzi, Providence Water  
Maura Sayre, Washington County Regional Planning  
Michael Walker, RI Economic Development

**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

**CALL TO ORDER**

Chairman Penn called the meeting to order at 1:01 pm, noting that a quorum was present.

**APPROVAL OF MINUTES**

Motion by Mr. Schock, second by Mr. DeFrancesco to approve the Board minutes dated June 21, 2010. The vote in favor was unanimous. The motion carried.

**CHAIRMAN'S REPORT**

Chairman Penn reported that he had met with a small group on July 15<sup>th</sup> to discuss the Allocation program. The meeting included Senator Sosnowki's staff member, Ms. Kelly Mahoney; the Executive Director of the RI League of Cities and Towns, Dan Beardsley; water suppliers Susan Licardi and Henry Meyer; committee chairman, Harold Ward; and Planning Director, Kevin Flynn. The meeting was noticed publicly. The group decided that the staff would arrange stakeholder meetings to educate the

public about the proposed regulations and to obtain feedback. The RI EDC would help to identify stakeholder groups. Mr. Penn noted that the Board will face an educational challenge in explaining what the goals of the regulations are and how the current draft was developed. Mr. Penn added that the meeting had been productive.

(1:05 pm – Ms. Licardi and Ms. Scott enter)

## **PUBLIC COMMENT**

The Chair recognized Ms. Jo-Anne Lemaire, a tenant of the Big River Management Area.

- Ms. Lemaire asked the Board to allow her to continue renting in the management area, although she is not an original owner. Ms. Lemaire noted that she is in ill health. She submitted a more detailed letter to the Chairman. Mr. Penn assured her that the Board would take her letter under advisement.

## **FINANCIAL REPORTS**

### Chief Business Officer's Report

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

## **GENERAL MANAGER'S REPORT**

- Mr. Burke reported that consultant Weston & Sampson has asked for a change order to their scope of work as Project Manager. A revised project memo will be presented to the Board next month with a request for less monies allocated for this consultant.

(1:09 pm – Ms. Marchand enters)

Mr. Penn explained that Weston & Sampson has requested \$80,000 to fund a computer model. Mr. Burke added that, although USGS has an updated model, it is not yet available for public use. USGS goes through a vetting process, in which consultants run their models. However, Weston & Sampson wants to create a model that runs on a different operating system. The model proposed by Weston & Sampson does not meet the requirements asked for by staff.

Mr. Boving questioned the need for further modeling. He noted that this would only confirm data that is already known. He did support additional coring. Mr. Burke replied that he would like to speak with DEM on that matter.

Mr. DeFrancesco stated that the funds should pay for actual wells, not additional models. Mr. Burke replied that the Board needed to establish what the one-foot drawdown point would be on the Flat River. However, he agreed that it did not make sense to redo a model that already exists.

- Mr. Burke deferred his report on the Congdon Mill Bridge to the Finance Committee report.
- Mr. Burke reported that three water suppliers had not yet responded to requests for comment concerning the Water Supply System Management Plan rules and regulations. Mr. Burke added that he and Mr. Duhamel are formulating how to engage stakeholders before going out to a committee.

## **COMMITTEE REPORTS AND ACTION ITEMS:**

### Finance Committee

#### A. Capital Plan Project Addition – BRMA Flood Mitigation

Motion by Mr. Penn, second by Mr. Schock to amend the Capital Budget request to reflect a request for FEMA-matching-state-funds in FY 2011 to repair damage in the BRMA caused by the spring flood events. The vote in favor was unanimous. The motion carried.

Discussion:

Mr. Penn reported that the Finance Committee agreed that the Board should request state match funds for FEMA aid in the 2011 fiscal year. The purpose of the request is to fix the Congdon Mill Bridge within the next 18 months. The adjustment would shift funds from FY 2012 to 2011 and from FY 2013 to 2012. The Board would be asking the state for \$135,000. Mr. Burke added that he and Kevin Breene, Town Administrator for West Greenwich, had discussed ideas for lower cost replacements. Ideally, the project will cost less than the total aid granted and the extra funding could be used for other BRMA repairs. Mr. Penn noted that the project is also a matter of public safety. Emergency response is being managed by mutual aid between the towns of Exeter and West Greenwich.

Allocation Committee

A. Allocation Program Status Update

- Mr. Ward reported on the content of the July 15, 2010 meeting, as referenced in the Chairman's report. He emphasized the need to educate stakeholders on the intent of the regulations and the overall benefits to water efficiency. Mr. Ward noted that the outreach effort is ambitious and will be a burden to the staff. Hence, he asked the Board to decide if the regulations will be based only on targets and methods, or if water availability and allocation would be included, as well. Mr. Ward suggested that stakeholders see everything the committee has worked on and how the "pieces fit together".
- Mr. Penn added that Senator Sosnowki's office had expressed concern that the Board was going beyond the legislative intent of the Water Use & Efficiency Act (WUEA). The Board must decide if it should focus solely on the WUEA by developing targets and suggested methods; or if the Board wants to also include its long-standing obligation to develop an interim statewide allocation program, as adopted in the business plan. Mr. Penn suggested using the legislation as a "stepping stone" towards a larger allocation program. Mr. Ward noted that the senator focused on the WUEA, but not the Board's other statutory duty to allocate water. Ms. Scott offered that, while the Board should allocate, certain parts of the program are not ready; such as efficiency reporting. She added that by excluding the agricultural community and assuming their water needs/usage, it will be difficult to regulate new, non-agricultural users that might draw from agricultural water sources. Mr. Penn stated that costs to towns is also uncertain, which was an issue Mr. Beardsley had raised.
- Mr. DeFranseco suggested that the Board is doing too much at once. The statutory deadline referred to "goals, targets, methods", not "allocation". He stated that the current draft does too much to meet the requirements. He suggested that the WRB act as a "helper" by providing towns with efficiency targets and methods on ways in which to reach those targets.
- Ms. Swallow noted that, while the Board is not traditionally a regulatory body, the job of allocation requires regulations. Regulations that are enforceable are the only way to allocate and encourage true growth. She stated that, over the July 4<sup>th</sup> weekend, United Water's pressure dropped to unsafe levels and that conservation pricing would have been very helpful. She agreed that the Board needed to get stakeholders in place for the long term goal of allocation.

- Mr. Schock offered that the word “allocation” polarizes stakeholders. He suggested that the first step be efficiency and that next step be to look at supply and allocation.
- Mr. Penn summarized that the Board’s goal is, ultimately, to have an allocation program for stressed water sheds. The first step would be to educate and to minimize negative effects on stakeholders.
- Mr. Ward restated that the draft regulations should be presented in their entirety at presentations to stakeholders. The intent of this would be to demonstrate how the various pieces fit together. Mr. Flynn offered that the Board presents what pieces address the WUEA, then show the rest of the draft as the Board’s “longer-term plan”.
- Ms. Marchand added that the RIWWA is nearly complete with reviewing the Stream-flow Depletion Methodology in order to report back to the Allocation Committee.
- Mr. Penn directed Mr. Ward to keep the Allocation Committee intact and to revisit the rules from the point-of-view of efficiency. The water-use-reporting aspect would be reserved for determining if targets are being met. He emphasized focusing on the WUEA and its intent, keeping allocation in mind. Furthermore, the staff should work on organizing information sessions with municipalities, receiving input from suppliers, and focusing rules on the Act.

**RECESS OF BOARD FOR BOARD CORPORATE BUSINESS**

Motion by Mr. Stamp, second by Mr. Parsons to recess the Board meeting and begin the Board Corporate meeting. The vote in favor was unanimous. The motion carried and the Board proceeded into the Board Corporate meeting at 2:22 pm.

**RETURN FROM BOARD CORPORATE BUSINESS**

Motion by Mr. Schock, second by Mr. Parsons to adjourn the Board Corporate meeting and return to the Board meeting. The vote in favor was unanimous. The motion carried and the Board Corporate meeting adjourned at 2:24 pm.

**ADJOURNMENT**

Motion by Mr. Parsons, second by Mr. Schock to adjourn the Board meeting. The vote in favor was unanimous. The motion carried and the meeting adjourned at 2:25 pm.

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.