



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

Foundry Office Building, 3rd Floor, suite 394  
235 Promenade Street, Providence, RI 02908  
(401) 222-1450 • FAX: (401) 222-1454

**RHODE ISLAND WATER RESOURCES BOARD MEETING #506**  
**Monday, November 15, 2010 @ 1:00 PM**

**Bristol County Water Authority**  
**450 Child Street**  
**Warren, RI 02885**

**Members Present**

William Penn, Chairman  
Pamela Marchand, Vice-Chair  
Nancy Hess\*  
Ronnie Gibson  
Samuel Kitchell  
Thomas Boving  
Jesse Rodrigues  
Jon Schock  
William Stamp, III  
Harold Ward  
June Swallow  
W. Michael Sullivan, PhD  
Michael Walker\*

**Staff Present**

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

**Members Absent**

Susan Licardi  
Michael DeFrancesco

**Guests Present**

Richard Bianculli, Dept. of Environmental Mng.  
Janice Black, public member  
Carl Ciampanelli, Met School student  
Pasquale Delise, Bristol County Water Authority  
Rich Dionne, East Bay Newspapers  
Bill DeWitt, public member  
John Faile, Lincoln Water Commission  
Alicia Good, Dept. of Environmental Mng.  
Bill Harritos, Quonset Development Corporation  
Ted Hayes, East Bay Newspapers  
Kenneth A. Marshall, citizen of Bristol  
Henry Meyer, RI Water Works Association  
Gary Morse, public member  
Dan O'Rourke, Warwick Water Division  
Richard Paelvch, citizen of Warren  
Jessica Pagan, Brow University student  
Bill Rupp, Patch Media

\*Member Designees

**CALL TO ORDER**

Chairman Penn called the meeting to order at 1:03 pm, noting that a quorum was present.

**APPROVAL OF MINUTES**

Motion by Dr. Sullivan, second by Mr. Stamp to approve the minutes of the Board Meetings dated October 18, 2010 (# 504) and October 28, 2010 (# 505). The vote in favor was unanimous. The motion carried.

**CHAIRMAN'S REPORT & PUBLIC COMMENT**

Chairman Penn reported that Mr. Burke has contacted the transition team of governor-elect Chafee and is working to schedule a meeting with the new staff. Mr. Penn further noted that surcharge revenues for Board Corporate are showing significant decline. The most likely cause for the decline is the poor economy.

## Public comment

Mr. Gary Morse (Operation Clean Government and RI Statewide Coalition) – Mr. Morse read a statement regarding findings of Bristol County Water’s accounting measures and best practices, specifically for the Shad Factory Pipeline. He stated the belief that most funds earmarked for the pipeline had not been spent on that project. Mr. Morse also noted his inability to determine the full cost of the pipeline or the Crossbay pipeline project. The statement read by Mr. Morse further sited that no cost-benefit analysis had been performed, nor a study of labor rates. OCG and RISC requested that the Board follow up on these findings. Chairman Penn replied that the Board would review the report. Dr. Sullivan offered the aid of DEM staff to answer some of Mr. Morse’s questions. Mr. Penn requested that the WRB staff work with DEM to prepare a report on the matter for the Board to review.

Mr. Henry Meyer (RI Water Works Association) – Mr. Meyer summarized a letter submitted to the Board from the Association. He noted that the Water Use & Efficiency Act had taken five years to craft before passing into law. The regulations being drafted by the Board must acknowledge how water systems work across the state, how they differ, and how systems have evolved. He urged the Board to consider its vision for the State’s resources in order to craft its regulations.

## **FINANCIAL REPORTS**

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

## **GENERAL MANAGER’S REPORT**

Mr. Burke provided a summary of his report as submitted to the Board. He noted that several wells in the South County Well Development Program have entered the testing phase and that Block Island will also begin testing by the month’s end. The resulting information will be submitted to the Technical Committee for review. With regards to the Shad Factory Pipeline relocation/rehabilitation, Mr. Burke stated that he had been in talks with Massachusetts DEP. He accepted Dr. Sullivan’s offer to have DEM staff work with WRB staff on further investigations, as noted during public comment.

## **COMMITTEE REPORTS AND ACTION ITEMS**

### Allocation Committee - Draft Water Use and Efficiency Rule

Motion by Dr. Sullivan, second by Mr. Ward to approve the draft Water Use & Efficiency Rules. Motion amended to approve the draft rules with the reinsertion of the previous sections numbered 5.1.2, 5.1.3., and 5.1.5.

Specifically, to address: “a description of actions to be taken to address each of the targets outlined in Rule 3.0”, “a description of how the methods outlined in Rule 4.0 are to be implemented”, and “a schedule and timeline for completing each of the actions included in the plan.” The vote was ten (10) in favor, three (3) against, with Mr. Schock, Ms. Swallow, and Ms. Marchand voting nay. The motion carried.

Motion by Mr. Ward, second by Dr. Sullivan to amend section 5.3 to read, “If progress toward meeting the Water Efficiency and Demand Management Targets and the supplier-specific measurable goals have not been met after implementing the DMS, or after 5 years, which ever is sooner, the Board may require the DMS to be revised.” The vote in favor was twelve (12) in favor and one (1) against, with Mr. Schock voting nay. The motion carried.

Motion by Dr. Sullivan, second by Ms. Hess to amend section 5.2.1. to read that Demand Management Strategies be submitted by August 1, 2012. The vote in favor was unanimous. The motion carried.

Motion by Ms. Swallow, second by Dr. Sullivan to have, in section 5.3, that supplier reports are due August 1, 2013. The motion was amended to state that, “A report on the progress toward meeting targets after one year of implementing Demand Management.” The vote in favor was unanimous. The motion carried.

Motion by Dr. Sullivan, second by Mr. Ward to move passage of the amended document to public hearing. The vote was eleven (11) in favor and two (2) against, with Ms. Marchand and Mr. Schock voting nay. The motion carried.

## Discussion

- The Board was presented with the final draft WUEA rules, along with a copy showing elements that had been changed and/or removed.
- Mr. Ward reported that the Allocation Committee met, with attorneys present, to discuss the section of water supplier audits as optional or mandatory. The committee also discussed if enforcement procedures should be specifically outlined in the rules. The draft rules distributed to the committee had stated that if a supplier had not made progress toward efficiency after five years, the Board could choose that some of the optional methods be implemented by the supplier. This would give the Board power to modify a supplier's efficiency plan.
- Ms. Marchand asked why the original section 5 was removed from the draft. Mr. Burke responded that language on the second page describes an implementation schedule and methods. The intent was that the definitions encapsulate the information that was originally in section 5. Dr. Sullivan stated, however, that the proposed language is not clear regarding specific actions or timelines. Hence, he suggested reinserting the omitted lines.
- Dr. Sullivan noted that the term "reasonable", used to describe a supplier's progress in section 5.3, was too subjective. He suggested simply removing that word from the language.
- Ms. Marchand explained the steps involved for implementing rate changes. She noted that, at the five-year mark, while steps will have been made, significant change may not have been realized. She objected that the Board mandates a utility to take specific actions at that point. She recommended that the supplier be asked to suggest certain options that they might implement.

## Legislative and Policy Committee

### A. Budget Article 5

Motion by Ms. Marchand, second by Mr. Schock to appeal to the Legislature that Budget Article 5 be rescinded and that the Water Resources Board Corporate be reinstated. The vote was twelve (12) in favor and one (1) abstention by Ms. Hess. The motion carried.

### Discussion

Chairperson Marchand reported that talks with Mr. Simeone of Clean Water Finance revealed that CWFA does not have a desire to take over the administrative, financial, and programming work of Board Corporate. Dr. Sullivan noted that, when addressing the Legislature, the Board should make clear that Mr. Simeone likewise supports rescinding Article 5.

### B. Bylaws for Board and Board Corporate

Ms. Marchand reported that the committee had discussed the need to update several items within the current bylaws. The committee would like to bring newly drafted bylaws to the next Board meeting for discussion and approval. Mr. Penn concurred and asked that Board members review the current bylaws and relate any suggestions to the General Manager.

## Approval of 2011 Meeting Dates

Motion by Dr. Sullivan, second by Mr. Schock to approve the schedule of meeting dates for calendar year 2011 as presented. The vote in favor was unanimous. The motion carried.

## **RECESS OF BOARD FOR BOARD CORPORATE BUSINESS**

Motion by Mr. Stamp, second by Dr. Sullivan to recess the Board meeting and begin the Board Corporate meeting. The vote in favor was unanimous. The motion carried and the Board recessed for Board Corporate business at 2:15 pm.

## **RETURN FROM BOARD CORPORATE BUSINESS**

Motion by Dr. Sullivan, second by Mr. Schock to adjourn the Board Corporate meeting and return to the Board meeting. The vote in favor was unanimous. The motion carried and the Board reconvened at 2:18 pm.

## ADJOURNMENT

Motion by Dr. Sullivan, second by Mr. Stamp to adjourn the Board meeting. The vote in favor was unanimous. The motion carried and the meeting adjourned at 2:19 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.