



**State of Rhode Island and Providence Plantations**  
**Water Resources Board Corporate**  
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## **PUBLIC DRINKING WATER PROTECTION COMMITTEE**

### **MINUTES OF MEETING**

June 27, 2006

#### **Members Present:**

Robert Griffith  
Frank Perry  
William Stamp  
Elizabeth Scott

#### **Members Absent:**

June Swallow

#### **Staff Present:**

Juan Mariscal  
William Riverso  
Beverly O'Keefe  
Kathy Crawley  
Romeo Mendes

#### **Guests:**

Frank Raposa	Raymond Morin
Ken Booth	Pasqual Delise
Tim Brown	Sue Licardi
Henry Meir	Harold Ward
Alan Shoer	Clay Commons
Susan Rabideau	Evan Matthews
Jane Austin	Eugenia Marks

- 1. CALL TO ORDER:** Chairman Griffith called the meeting to order at 12:00 a.m. and noted that a quorum was present.
- 2. APPROVAL OF MINUTES:** With a motion by Mr. Stamp, seconded by Mr. Perry, the minutes of the May 30, 2006 meeting were approved.

### **3. ITEMS FOR ACTION:**

#### **A. RI PUBLIC DRINKING WATER PROTECTION PROGRAM - PHASE III:**

- (1) Stone Bridge Fire District (SBFD) – Water Quality Improvement Projects – Installation of Treatment Plant Storm Water Drainage, Removal of Evasive Vegetation, Installation of a Venturi Electronic Flow Transmitter - Request for Eligibility Approval**

Mr. Griffith introduced the item. Mr. Riverso reported that SBFD's remaining balance is \$81,539.94 and from that total \$45,689.00 has been committed with projects approved for eligibility. He stated that they are now submitting three projects for eligibility to cover the

balance of funds. He reported the first project is for storm water drainage improvement which will consist of installing 1 catch basin, drainage pipe, and repaving of affected areas on the upper part of the SBFD treatment plant driveway. He stated SBFD maintains that this project was under taken in an effort to lessen the impact that impermeable surfaces at the treatment plant will have on Stafford Pond. Mr. Riverso reported the second project is for the removal of evasive vegetation within the Stafford Pond watershed area which will ensure the future life of large growth trees. He reported the third project is for a raw water flow rate processing project which consists of the installation of an 8" venturi tube and electronic flow transmitter. He stated that SBFD maintains that this project will allow for more accurate calibration of raw water usage entering the treatment plant and this method gives constant flow rates to the treatment train maximizing treatment efficiency and ultimately ensuring that higher quality drinking water is produced. He recommended approval for all projects. Ms. Scott if the projects were already done and for further clarification. Mr. Raposa said no and further described the proposed project. Ms. Scott asked for further clarification regarding the evasive vegetation. Mr. Raposa stated that there are certain weeds, bull briers and vines that wrap around trees and should be cleared. He added that it opens up the area for security and safety reasons and will prevent the trees from being choked. Ms. Scott stated that she didn't view this project as one of water quality improvement. Mr. Griffith stated that in his opinion didn't believe this is a watershed protection project but would leave it to the committees discretion. Mr. Stamp made a motion to approve all three projects and seconded by Mr. Perry; the committee approved the motion. Ms. Scott voted no.

(2) **Pawtucket Water Supply Board (PWSB) – Water Quality Improvement Project – Replacement of Deteriorated Water Mains – Request for Eligibility Approval**

Mr. Griffith introduced the item. Mr. Riverso reported PWSB's remaining balance is \$187,632.46. He stated they have close to \$700,000 in projects approved for eligibility that are in progress. He reported that based on discussions with PWSB certain projects have since been determined to be not approvable for payment or may not be accomplished by the program deadline, thus PWSB has submitted an additional project to cover any shortfalls. Mr. Riverso reported the project under consideration is for the replacement of cast iron water mains and other deteriorated water mains within PWSB's water distribution system and that PWSB maintains that the cast iron mains were replaced due to severe corrosion of the cast iron which resulted in water quality problems and that other water mains were so severely deteriorated they needed replacement rather than being cleaned and lined. He stated that eligibility for this project was approved in January 2006 by the Board Corporate up to a requested amount of \$1,217,818.14 but at this time PWSB is coming in for the balance of that contract which is for \$112,366.63. He recommended approval. Mr. Griffith asked for clarification on why this project is coming before the committee again. A brief discussion ensued. Mr. Riverso stated that at the time of the initial request the dollar amount presented showed up to the \$1.2 million and he felt the balance and total contract should be presented before the committee. Mr. Griffith stated we are simply raising the cap for this project. Mr. Stamp made a motion to approve this project for eligibility for the additional funding and seconded by Mr. Perry; the committee approved the motion unanimously.

**(3) City of Newport Public Works (CN) – Water Quality Improvement Project – Replacement of Tuberculated Water Mains - Request for Eligibility Approval**

Mr. Griffith introduced the item. Mr. Riverso reported CN's remaining balance is \$74,999.98 and that they do have projects with eligibility approvals to cover those funds. He stated that progress on these projects have been going on for a long time with issues remaining to be resolved. He reported that out of an abundance of caution, in order to meet the program deadlines, CN has submitted an additional water quality improvement project to cover any shortfalls. He reported the project under consideration is for the replacement of severely tuberculated water mains within CN's water distribution system. He stated that CN maintains that these water mains need replacing due to severe corrosion which resulted in water quality problems such as restricted flow and numerous dirty water complaints. He recommended approval. Ms. Scott asked if the other projects are still the preferred projects to go forward with. Mr. Riverso said yes. Ms. Scott voiced concern about CN moving forward trying to resolve the land transactions. Mr. Riverso stated that based on conversations with CN they do not want to go through the motions for this additional project the land projects are preferred. Mr. Stamp clarified that this is just a way for CN to avoid losing any monies in case the projects do not get resolved. Ms. Scott made a motion to approve the project with an added note that the Board urges the CN to try and complete the two land projects which are preferred by the Board; seconded by Mr. Stamp; the committee approved the motion unanimously.

**B. WATER SUPPLY SYSTEMS MANAGEMENT PLANS (WSSMP):**

*At this time Mr. Mariscal noted that we are expecting the representative from East Providence to be here. A motion was made by Mr. Stamp to change the agenda and place item B (1) at the end of the agenda; seconded by Mr. Perry; the committee approved the motion unanimously.*

**(1) City of East Providence (CEP) – WSSMP 30-Month Interim Report – Recommendation for Action - Notice of First Deficiency**

Mr. Griffith introduced the item. Ms. O'Keefe reported the CEP submitted their interim report on January 26, 2006 and distributed to review agencies for review. She stated that the Board approval letter of May 14, 2002 requested two subject to items be updated as part of the Thirty-Month Interim Report, which were that the CEP obtain a reciprocal written agreement with the Bristol County Water Authority (BCWA) for emergency supply, and develop a plan for the use of non-potable water supplies to reduce demand. She stated the submitted report does not include information on these two subject to items. She stated that after a complete review taking into account what was missing, not stated and the review agency comments, it was clear and necessary to find CEP in non-compliance and recommend a Letter of First Deficiency be issued to them. She reviewed due date timelines. Mr. Griffith recognized Mr. Ken Booth of CEP. Mr. Booth proceeded to apologize for the omission and reported that it would not take 120 days to write up the text and that he could provide it in two weeks. He provided background information on his system regarding upcoming infrastructure plan improvements. He explained that certain system actions were put on hold until the contamination event that had occurred was resolved and now these actions or improvements have been resuming and will be taking place. He stated that the pump station is an issue whereby we have been in negotiations

with Bristol County and ready to take legal action. He provided background and explanation of the issue with BCWA regarding the emergency pump station with the capability to provide water from BCWA to East Providence which was funded and built as part of the East Bay pipeline project but has not been activated as the result of issues of ownership, testing, and operation of the pump station for several years. He stated that he has tried to communicate the importance of getting this pump station up and running but believes that the problem to resolve the issue is likely political. Mr. Griffith recognized Mr. Pasqual Delise of BCWA. Mr. Delise stated there's been on-going negotiations for a number of years and believes they are getting close to the end as they are also negotiating appropriate procedures to determine all the variables which would lead towards use of the pumping station. Discussion ensued as he provided further explanation of those variables. He stated that there is an upcoming meeting on July 11<sup>th</sup> between the two parties. He offered to give the Board an update at their monthly meetings. Ms. Scott made a motion that we give CEP two weeks to submit their report on their non-potable water supply and provide a written report on their progress of negotiations with BCWA to be delivered within two weeks then no letter of First Deficiency need be issued but if it is not received in two weeks that the letter go out; seconded by Mr. Stamp; the committee approved the motion unanimously.

#### C. HUNT RIVER ISSUES:

##### **(1) Recommendations for Actions –**

Mr. Griffith introduced the item. He stated that he agreed with the recommendations from staff to bring this issue to this committee and asked Mr. Mariscal to brief the committee with his presentation. Mr. Mariscal proceeded with his presentation. He stated that we are working with 60 years of flow data from the Hunt River and from last July through the last week of August a very low amount of precipitation was received which resulted in new low-flow record levels in the Hunt River. He added that during the same period last summer there were new high pumpage rates recorded along the Hunt River. He stated that this new high peak water usage has been attributed primarily to residential outdoor water use from lawn irrigation and sprinkler systems which is increasing significantly. He added that with new economic and residential growth in the water service areas the situation will be further exacerbated in regards to the wells in the Hunt River area. He stated that current patterns of demand and pumping could cause more severe impacts during drought conditions so this situation should be addressed to avoid more desperate situations occurring during very dry or drought like conditions. He stated that we are trying to come up with a basis to try to reduce water demand when there is less precipitation in groundwater areas. He reported that the Board has received a petition from the Coalition on Water Security asking the Board to identify the Hunt River as a water source where existing uses and users have shown to have reached or threatened to approach or exceed the safe yield of that source. Mr. Mariscal stated that the Coalition on Water Security may make persuasive arguments on why this should be declared by the Board but at this time we don't have a safe yield adequately defined for this area. He stated that he has offered recommendations to the Board asking consideration for actions that will begin the process of coordinating water use and availability in the Hunt River area. Mr. Mariscal proceeded to outline his recommendations which included establishing a goal for 20% reduction of

peak summertime water usage, implementation plans; creating a watershed association, establishing local stewards, resurrecting the wellhead protection area plan committee, developing and implementing public information and education plans and resource management plans. Mr. Griffith stated that the Board is in the process of revising, updating, consolidating and making more proactive the water supply elements of the state guide plan. Because this is going on it provides us the opportunity to revisit many of the principles and key policy elements of the various state guide elements such as 721, 722, 723, 724 and 125. He stated that the approach he recommended to address the real challenges facing the Hunt River Water Shed area, should take place concurrently with the update of the water supply elements of the state guide plan. He opened up the meeting for discussion. Mr. Perry stated that his concerns are that when we start talking about reducing this other peak, again we are targeting in a particular area. This is the same area I brought to the Board over a year ago when a letter was sent to the Board by the KCWA requesting that the Board do something on a statewide basis. This is the same problem we are fighting every year when we go on odd-even water use and the adjacent systems don't. he stated that I don't think you can address this on a regional basis, these kind of overall system reductions have to be addressed on a statewide basis, you cannot go to certain part of the state and limit water use in the summertime, water is a statewide resource. If you look at the state guide plan, everything needs to be addressed on a statewide basis, just because we have significant amounts of water in one part of the state and not in another doesn't mean that portion that has sufficient water at this point in time should be using to access because they are only squandering resources. He stated that he sees this Board as having a need to find ways to move this water around to make things equitable. He added that the Board has to bite the bullet and say, if we need to reduce the use of potable water for watering lawns than we need to reduce the use of potable water for watering lawns, not in certain parts of the state but in the whole state, it's the only way it's going to work, you must create a mindset, you cannot pit one part of the state against the other, this never works, where do you draw the line. Further discussion ensued as Ms. Scott asked for further clarification on how results were arrived at. Mr. Mariscal provided further explanation of the average water withdrawals during the summer periods. Ms. Scott was concerned about having any hasty reactions based on the lack of rain of the summer of 2005. She added that even though we do not have a good measure on how to articulate that the Hunt River is a close stressed river, there are indications that it is a closely stressed river and it was a closely stressed river before the summer of 2005. Discussion ensued on how the goal of establishing a 20% reduction in peak summertime usage was determined. Mr. Mariscal reiterated that some type of management plan should be in place as a first step. Mr. Stamp stated that we must be careful in going forward in looking at this, the farm community and the people on other rivers and systems in the state are going to be carefully following this to see where we go. He agreed that it is statewide issue and we are looking at one area and we are creating a precedent setting situation with one stream and one area which can be kind of dangerous. He added that the agricultural community has some real concerns about the entire procedure and that weighing both sides of the issue will be a challenge for good discussion and good solutions. Ms. Scott stated that she believes you have to start somewhere and try to head in the direction of getting resources in place to assure adequate flows. Mr. Mariscal clarified that Phase I of his recommendations would establish a constituency to be involved with the Hunt River and for the suppliers to do more than they have done in the past who have done a good job towards public education and outreach. It is in Phase II of the

recommendations that would deal with how we could achieve a reduction in the amount of pumping that will occur and have some progress on better management of withdrawals in this area, thus if we do something like this along these lines we would need to have it in place by next March to have an impact by next summer. Ms. Scott stated that we should look more closely at what can be done to have an actual impact on the reduction in demand and added that she believes there are things that can be done without taking it to a regulatory level. Mr. Griffith opened the floor for discussion. He asked that all persons in attendance introduce themselves. Harold Ward stated that the coalition would not disagree to have a statewide water efficiency and water conservation plan which is part of the Water Resources Board legal authority to have one in place and should be done. He stated that the problem is that not all sources of supply are equally stressed from a withdrawal standpoint and he is concerned that implementation of Phase I wouldn't happen until the end of fiscal 2007 because some of that information would be useful in a statewide plan. He stated that in reading the general laws he found that the water suppliers were required by 1996 to have automatic read meters which he thinks has not happened and it should be started or gotten underway because without these meters you will never have seasonal rates. Mr. Henry Meir stated that he is glad that we are discussing trying to do something but regulation without the solutions is a dangerous slope to head down, simply assigning a target without providing a means to provide for. He stated his concern is that we have to provide a way to meet some reasonable amount of water usage and he wants to make sure the concept of storage and withdrawal are understood to be not mutually exclusive. He stated that we need to be prepared to deal with storage to take care of emergency levels. If you have a semi drought and deal with it only by taking care of a one or two month interval you are not addressing the issue. Ms. Licardi stated that as far as North Kingstown Water is concerned in regards to a summer like last summer all of their wells were pumping 24/7. We have no way to shift to another aquifer to meet that demand, so without a demand reduction we are doing what we can, last summer we exceeded our maximum pumping capacity numerous times in August. She added if we had another source to go to we would use it to try to optimize usage but right now we do not have that luxury. She agreed that a statewide policy on water usage in the summer months would be helpful. Further discussion ensued regarding North Kingstown's demand management policy, public education and conservation planning. Evan Matthews representing QDC stated that their demand has been flat and peaks at .08 mgd and their pumping capacity is 4.6 mgd and his concern is that we have a mandate from the state to develop Quonset which is only a third of the way done. He related that the area is targeted for a significant amount of economic growth and in regards to water based on all the studies on the area the assumption has been that there would be available water. We are concerned so you tell us what to manage for and we will adjust accordingly but keep in mind there is significant investment by the state here that may not be realized if there is not enough water. Mr. Mathews stated that we are willing to look at this issue in many ways, we would like to investigate the connection between the river flows and the aquifer because our engineers ask is the fact that the aquifer is low, is there any kind of causal connection between the base flow of the rivers and what can we do from a infrastructure stand point to achieve aquatic base flow and routing the water or what can you do to help the river without compromising the aquifer which is something we are looking at. Further discussion ensued regarding QDC's demand management policy, public education and conservation planning which includes incentive programs and treating effluent for the golf course. Mr. Brown stated there might be a little misguidance on this

approach and has concerns stemming from things mentioned at the last Board meeting beginning with resources be assigned to this issue when water allocation hasn't been completed and that there should be a pilot for this issue and there might be some information available and sufficient work has been done to do that. He stated that he would question this at this point. This is a state issue and will have to be dealt with on a state basis, it's not as simplistic as the approach has been outlined and to refute statements concerning our system I do not want to get into right now. This is a very large issue that has to be dealt with, there has been assumptions made there are alternate sources of water, not quite correct. He stated the state has to take a global approach to this on all water resources and he agrees that 721 and 724 should be done first and should be looked at, they should build on certain aspects that water suppliers need on a statewide basis which is conservation and controlling outside water use. Also, do not assume it's only the water suppliers; there are also private well users some large that need to be looked at as well who have no controls and add up to a lot of water that has to be looked at. He stated that until this entity or some other state entity gets control of that you are just going to start spinning your wheels in trying to control groundwater removals and river flows no matter how many studies you do. He added that he believes the Board should take a step back on this and work on a state issue first before you get to finite. He stated that another issue of concern is one of jurisdiction whereby some of these wells have been operational for a lot longer than the Water Resource Board has been in place and a comment has been made that this will end up in the Supreme Court. He added an opinion from the Attorney General and or the Supreme Court should be looked into to address this issue regarding ownership of water rights and usage because you can't take recent laws and apply them retroactively that is unconstitutional and illegal in most cases. He stated many people depend on water and this may be a very large battle so the Water Resources Board should take a good look at that before going to far into this. Mr. Griffith asked the suppliers from the Hunt River area if they had any objection to establish a watershed council for the area recognizing that QDC had already mentioned they would be in favor of participating. Discussion ensued with Mr. Mariscal providing background and explanation on the topic. Mr. Stamp stated that he would like to see balanced representation for this council to include farmers and land owners. Mr. Stamp added that we must go forward with caution when so many state entities want to be involved in the process. He provided an explanation. Mr. Matthews stated that QDC represents all tax paying Rhode Islanders. Mr. Brown provided background discussion and explanation regarding the wellhead protection plan and Memorandum of Understanding for the Hunt River area and communities involved. Ms. Eugenia Marks stated that another concern as a statewide issue to be cognizant of is for the freshwater coming into the Narraganset Bay has an effect on that ecosystem that supports a considerable economy as well. Mr. Griffith stated that he is not sure he can sense a consensus on how to proceed at this point and asked staff to summarize the discussion and distribute the summary to the participants and then find time to reconvene soon so to continue to address these concerns. He thanked all for participating. Mr. Mariscal stated that we take this issue seriously and will work to resolve this problem and noted this endeavor was not initiated with a regulatory approach in mind but only trying to work with everybody.

#### **4) ITEMS FOR DISCUSSION:**

##### **A. DROUGHT MANAGEMENT PROGRAM – Drought Condition Update**

Ms. O’Keefe reported that we are 8.3 inches above the rainfall received in June of last year; we are going through a very wet period which is continuing.

##### **B. WATER SUPPLY SYSTEMS MANAGEMENT PLAN PROGRAM - Update**

Ms. O’Keefe reported that four 30-month interim reports are under review, we have received two five-year updates which will be sent out under public notice so that interested people can review the plans as needed.

##### **1). Harrisville Fire District (HFD) Relationship with Pascoag Utility District (PUD) Regarding Future Water Supply Expansion and Needs – Update**

Ms. O’Keefe reported there is no further progress regarding regionalization issues between PUD and HFD.

##### **C. RI PUBLIC DRINKING WATER PROTECTION PROG. PHASE III – Update**

Mr. Riverso reported that nine of the seventeen suppliers have completed the program. He stated that 89% of funds have been approved for payment and we are practically at 100% of funds being committed with only \$55,000.00 left to be committed. He stated the \$55,000.00 is for QDC who will submit their application for those funds by the June 30<sup>th</sup> deadline.

##### **D. GROUNDWATER PROTECTION/ACQUISITION PROGRAM:**

Mr. Riverso reported that we are moving along with negotiations on the Heaton Orchard Road property and the Tuckahoe Turf appraisal has been completed and reviewed. He stated a meeting with Ms. Primiano was held to discuss proposals going forward in negotiations with Tuckahoe Turf.

**ADJOURNMENT:** Mr. Griffith adjourned the meeting at 2:02 p.m.

Respectfully submitted,

Robert Griffith  
Chairman

*Note: The complete proceedings of this meeting are available on audiotape by request.*

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