



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

MINUTES OF MEETING

March 6, 2007

Members Present:	Members Absent:	Staff Present:	Guests:
Robert Griffith		Kathleen Crawley	Henry Meyer Peter Lapage
June Swallow		William Riverso	Heidi Green John Keaney
Elizabeth Scott		Beverly O'Keefe	Julia Forgue Rob Coderre
Frank Perry		Romeo Mendes	Tim Brown John Watts
Ian Morrison			Paul Gadoury
William Stamp			

1. CALL TO ORDER:

Chairman Griffith called the meeting to order at 12:02 p.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 January 30, 2007 meeting were approved.

3. ITEMS FOR ACTION:

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

- 1) Stone Bridge Fire District Requisition # 10 – Water Quality Improvement Project – Installation of a Venturi Electronic Flow Transmitter – Requested Amount \$7,493.42; Recommended Payment \$7,477.94 – Request for Payment Approval

Mr. Griffith introduced the item. Mr. Riverso reported the project for payment consideration under requisition #10 is the installation of three 8” butterfly valves, venturi tubing and an electronic flow transmitter. He stated the project has been completed at a cost of \$7,493.42, which included in-house supervision, and testing of equipment, eligibility for the project was approved by the Board Corporate, proper supporting documentation has been submitted and reviewed and copies of cancelled checks will be forwarded. He recommended payment approval in the amount of \$7,477.94, noting it is SBFD’s remaining balance subject to receipt of copies of cancelled checks. **Motion** to approve the payment request was moved by Ms. Swallow and seconded by Mr. Morrison; the motion was approved.

- 2) City of Pawtucket Water Supply Board Requisition # 11 – Water Quality Improvement Project – Engineering Services for A Replacement Well - Requested Amount \$36,760.25; Recommended Payment \$36,760.25 – Request for Payment Approval

Mr. Griffith introduced the item. Mr. Riverso reported eligibility for the design, construction and installation of this project was approved by the Board Corporate at their regularly scheduled meeting of November 14, 2005 with an estimated contracted cost of \$347,000.00. He stated that at this time PWSB states that 95% of the design and installation of the test well phase of the project has been completed with the remainder to be completed by late March. He reported proper supporting documentation has been submitted and reviewed and recommended approval of the payment request in the amount of \$36,760.25 subject to formal communication that the contracted Phase has been completed and receipt of any cancelled checks. **Motion** to approve the payment request was moved by Ms. Scott and seconded by Mr. Stamp; the motion was approved.

- 3) City of Pawtucket Water Supply Board Requisition # 12 – Water Quality Improvement Project – Replacement of Deteriorated Water Mains - Requested Amount \$115,272.71; Recommended Payment \$115,272.71 – Request for Payment Approval

Mr. Griffith introduced the item. Mr. Riverso reported this project was contracted and titled MR-1 Main Replacement and has been completed. He stated payment for the installation phase of the project was approved in June 2006 by the Board Corporate up to a presented and requested amount of \$1,217,818.14 and in July 2006 eligibility for the balance of the contract was approved by the Board Corporate for the presented amount of \$112,366.62 from a total of 1,330,184.76. He reported the final phase has been completed at total cost of \$118,095.01 of which PWSB requests reimbursement for the balance of their funds in the amount of \$115,272.71. He stated proper supporting documentation has been submitted and reviewed and recommended approval of the payment request. **Motion** to approve the payment request was moved by Ms. Swallow and seconded by Ms. Scott; the motion was approved.

- 4) City of Newport Water Department Requisition # 3 – Watershed Protection Project – Land Acquisition Costs- Requested Amount \$25,000.00; Recommended Payment \$25,000.00 – Request for Payment Approval

Mr. Griffith introduced the item. Mr. Riverso reported the project for payment consideration is for a conservation easement in partnership with Aquidneck Land Trust and the Town of Portsmouth over watershed property located within the Sisson Pond Watershed in Portsmouth, RI. He stated eligibility was approved by the Board Corporate at their regularly scheduled meeting on October 12, 2004. He reported the conservation easement purchase has been executed but a provision was made to amend the easement should the City of Newport participate with their grant monies in the future. He stated appraisal and Class I Survey approvals are in order along with the project approval by legal counsel. He recommended approval of the payment request subject to final approval by program Legal Counsel and receipt of any necessary documentation as required at closing. **Motion** to approve the payment request was moved by Ms. Scott and seconded by Mr. Stamp; the motion was approved.

- 5) City of Newport Water Department Requisition # 4 – Water Quality Conservation Easement Project In The Gardner’s Pond Watershed – Town of Middletown Plat 131, portion of Lot 1; Acreage 4.11 Acres - Requested Amount \$50,000.00; Recommended Payment \$000.00.– Request for Approval.

Mr. Griffith introduced the item. Mr. Riverso reported the memo discusses two items for consideration with one recommendation of approval and one not recommending approval. He reported the first project under consideration is for a Water Quality Conservation Easement Acquisition that is within the CN's watershed. The acquisition is CN's partnership contribution to an overall project that involved the Norman Bird Sanctuary and RIDEM Open space Program among others. He reported the easement would give the CN access over Norman Bird Sanctuary property to Gardner's Pond which is one of CN's nine drinking water reservoirs. He reported the project has been successfully closed but that CN was part of the original project and appraisal. He stated that CN is now ready to complete their portion of the transaction made up of 4.11 acres for a contribution price of \$50,000.00. Mr. Riverso reported the City of Newport has followed up with its' pre-closing documentation and the appraisal report and survey have been approved. He stated legal counsel recommends approval of the project subject to execution of the access easement.

Mr. Riverso noted for the committee this request is also for formal eligibility approval for the record due to staff having believed eligibility was already approved. He explained that in preparation for this agenda he could not establish supporting documentation of this record. Also, Staff's tracking schedule had this project placed in the approved for eligibility column.

He stated staff reviewed this project on its merits and does not recommend eligibility and or payment approval for this project.

Mr. Griffith asked why there is recommendation of non-approval. Mr. Riverso reported that staff questions why it's taken over three years for the City Solicitor to meet his obligations for the project, so much time has gone by are these funds just going towards the Norman Bird Sanctuary's operations and does CN really need this access easement over property that has already been protected when there are other access points. Ms. Julia Forgue gave a background of the project including that the City Council passed a resolution approving the project and committing the funds. She stated that even though there are other access points this access would be much better for their equipment and even though there has been delays in some of the legal issues we are at the point ready to close. She added that the Norman Bird Sanctuary did close on the property to meet a deadline using their reserve funds believing they had the commitment from CN. She stated the CN still supports this project. Mr. Griffith asked Ms. Forgue if she has records or files of communications on this project with Board staff. She stated yes. Mr. Riverso stated there has been plenty of communication regarding this project. Ms. Forgue stated she has a copy of an agenda back in January 2003; this project is on it with a recommendation. Mr. Riverso stated that is true but the minutes for that meeting reported the item being pulled. Mr. Griffith stated this former item is more consistent with the objectives of the program than the latter item. He asked Ms. Forgue if this project is the preferred project. Ms. Forgue stated yes. The members agreed this project better meets the original intent of the program. Mr. Stamp questioned approving a project so far after the fact. Mr. Griffith stated the after the fact approval is rectifying a mistake we had created. He stated he is confident that if this project were brought before the Board on schedule it would have been authorized. **Motion** to approve eligibility and the payment request in the amount of \$49,999.95 subject to final approval by program Legal Counsel and receipt of any necessary documentation as required at closing. moved by Ms. Swallow and seconded by Mr. Perry; the motion was approved. Mr. Stamp voted nay.

- 6) Kingston Water District Requisition # 1 – Watershed/Wellhead Protection Project – Land Acquisition - Town of So. Kingstown, A.P. 22- 3, Lot 16; Acreage - 11.7 acres - Requested Amount \$51,100.00; Recommended Payment \$51,100.00 – Request for Payment Approval

Mr. Griffith introduced the item. Mr. Riverso reported the project for wellhead protection through the purchase of simple fee is on land in the Town of South Kingstown located very near the District's Well #2. He stated the KWD has conducted an appraisal and survey and have secured a Purchase and Sale Agreement with the owner. A closing is scheduled for late March. He reported the revised valuation on the 11.7 acres based on the market value analysis has been approved for \$71,140.00 by the program Appraisal consultant and the Class I Survey with its metes and bounds has been submitted and is under review by staff Supervising Engineer. He stated KWD has been working with Mary Kay, Esq. to complete all legal documentation and Ms. Kay recommends this project be placed on the agenda for approval. He recommended approval of the payment request for \$51,100.00 subject to final approval of the Class I Survey, final approval by program Legal Counsel and receipt of any necessary documentation as required at closing. **Motion** to approve was moved by Mr. Stamp and seconded by Ms. Swallow; the motion was approved.

7) Quonset Development Corporation – Watershed/Wellhead Protection Projects – Conservation Easement Project in the Town of North Kingstown - Request for Extension Approval

Mr. Griffith introduced the item. Mr. Riverso reported on September 20th, 2006 the WRB Corporate approved QDC's eligibility request for a land conservation easement acquisition project in partnership with the Town of North Kingstown and QDC has been working with the Town of North Kingstown for over a year and half towards reaching a purchase agreement with the property owners. He stated the parcel has some frontage on the Hunt River and is located within the Town of North Kingstown's Groundwater I Overlay Protection Zone. He stated at this time, negotiations are moving positively forward as the owner will be submitting conceptual plans to the Town for review in March and the owners have forwarded a project commitment letter to the Town of North Kingstown dated January 30, 2007 with the intention of finalizing the process within 120 days. He stated the Town of North Kingstown indicates that the deal may be structured as two separate purchases using Phase III money for one transaction and RIDEM monies for the other. He reported the Town of North Kingstown's supporting letter requesting an extension they conservatively indicate closing by the end of the summer and that QDC has presented a request for an extension to July 31, 2007. Mr. Riverso stated that in the staff recommendation you will notice a listed progression of program measures and actions with dates the agency has taken. He stated that as a result, we believe there has been ample opportunity to meet program deadlines and does not recommend approval of the extension request.

A discussion ensued of deadlines, policy questions and legal aspects. Ms. Scott stated that there have been real challenges in identifying land acquisition projects within the Hunt Basin and every possible consideration should be given for this acquisition. She added that a clearer description of the project needs to be given. Mr. Perry stated we must keep in mind that QDC is not in the position to drive or control this project. Mr. Griffith asked that QDC and the Town of North Kingstown provide an update of the project for the upcoming Board meeting. He requested tabling to the full board without a recommendation at this time. **Motion** to approve Mr. Griffiths' request was moved by Mr. Stamp and seconded by Ms. Swallow; the motion was approved.

8) Quonset Development Corporation Requisition # 1 – Watershed Protection Project – Preparation of Water Supply System Management Plans - Requested Amount \$6,434.00; Recommended Payment \$000.00 – Request for Approval

Mr. Griffith introduced the item. Mr. Riverso reported eligibility was approved by the Board Corporate at their regularly scheduled meeting on May 9, 2006 and proper supporting documentation has been submitted but for copies of any cancelled checks. He stated QDC submitted their Update in June 2006 and a finding of non-compliance was made by the Board in November of 2006. QDC was given a one-year extension to revise the Update. He stated there was a specific citing of non-compliance regarding the Water Quality Protection Component section of the WSSMP. He reported QDC states they are following the rules, procedures and requirements for the WSSM program and expect to submit a revision by the due date November 2007 and that QDC is expecting to expend additional costs to address the outstanding comments. He stated QDC respectfully requests recognition of the submitted work and costs incurred and asks for reimbursement of the expenditures to date at this time. He stated that staff did not recommend approval of the reimbursement request. Mr. Griffith asked for clarification that we gave them the extension to November 2007 so they would have time to work together with the Town of North Kingstown and Kent County Water Authority. Mr. Riverso reported that yes that was the major reason but at minimum they have not complied sufficiently in updating their Water Quality Protection Component of the plan. Mr. Perry stated that in his view this is a partial payment of work that we believe is not completed. They will be completing the work and I do not see why this partial payment should not be approved at this time. This is a partial payment for money spent to date on a plan that is not yet complete, it is deficient, and it is not complete. Ms. Scott stated that we defer this request until we have an approved plan. Ms. Swallow agreed with Ms. Scott and made a **motion** to table the payment request until there is an approved plan seconded by Ms. Scott. Mr. Perry asked for clarification stating that the motion is essentially approving an extension of this project. He stated that whatever more they spend on the plan they are not going to get any more money so why not pay the partial payment now. Mr. Griffith stated that staff has advised him that there may be another way to do this financially through the administrative fund account after we close the program, so by not approving it today we are not cutting off QDC from this legitimate source of funds when they have an approved plan completed. He stated he would like to have it clarified and until such time that it is clarified we should table this but if it can be clarified in time for the Board meeting the item may be placed on the agenda. The original **motion** was withdrawn by the maker and the seconded. **Motion** to table the item until further clarification is provided was moved by Mr. Stamp and seconded by Ms. Swallow; the motion was approved.

- 9) United Water Rhode Island Requisition # 3 – Water Quality Improvement Project – Conservation Retro Fit Kits and Conservation Education Materials - Recommend Payment – Request for Payment Approval

Mr. Griffith introduced the item. Mr. Riverso reported the Board approved eligibility of this project at their April 2006 meeting. However, he is still waiting for formal documentation to be submitted for this project but it will be in time for the Board meeting. He stated UWRI will be seeking payment approval for the purchase and distribution of residential retro fit kits in the amount \$7,043.00. **Motion** to table the item to the full Board subject to submittal of formal documentation and an interim report was moved by Mr. Stamp and seconded by Ms. Swallow; the motion was approved.

B. EMERGENCY INTERCONNECTION PROGRAM:

- 1) Kent County Water Authority/Providence Water Supply Board – Proposed New Emergency Interconnection – Request for Eligibility Determination

Mr. Griffith introduced the item. Mr. Mendes explained that the project is critical in that it would provide an emergency source of water to the KCWA in the event their current Clinton Avenue connection or the 78 inch aqueduct could not provide water. KCWA currently has one connection to the Providence Water Supply Board which depending on the time of year provides 60-90% of its entire supply. The project would provide the KCWA with a backup connection and once in place allow the Providence water supply Board to shut down the Clinton Avenue connection and install a butterfly valve in its 78 inch aqueduct. The valve would give Providence the ability to selectively isolate the aqueduct on either a planned or emergency basis. In fact the first use of the new emergency connection would be to provide water to Kent County in the fall while the Clinton Avenue connection is shut down allowing for a first ever interior inspection of the 78 Inch aqueduct. Mr. Mendes went on to explain that on the surface the project appears to basically benefit the KCWA and therefore would only qualify for 25% reimbursement; however, since completion of the project will allow the connection to serve as a bypass for a portion of the 78 inch aqueduct (flow from Providence through KCWA transmission then back to Providence) as well as to allow new water, if available, to flow from KCWA to Providence, he felt that reimbursement at 50% was warranted. He explained that this same logic had been used to determine that other reimbursement requests, most notably BCWA /East Providence and Lincoln/Woonsocket qualified for 50%. Based on preliminary information Providence would be seeking reimbursement in the amount of \$1,150,000 while KCWA would be seeking \$3,641,644.

Providence Water Supply Board Director of Engineering, Paul Gaduory and a representative from CDM consulting engineers, Jack Keaney explained that the project will consist of the installation of submersible pumps within Providence's structure D aqueduct shaft along with necessary piping (suction and discharge) to transfer water to transmission mains which Kent County will be installing. In addition a butterfly valve and bypass piping is planned to be installed in the 78 inch aqueduct to allow for inspection of the aqueduct once the emergency connection is in place. KCWA General Manager and Chief Engineer, Tim Brown then explained that the work on the Kent County side will involve not only the installation of new transmission main but replacement of approximately 16, 000 linear feet of small diameter water mains with larger mains capable of delivering the required capacity of 8 MGD. The proposed KCWA piping improvements are necessary not only to provide average day demand in their system if Clinton Avenue was inoperable but to allow for the transfer of water back to Providence under certain emergency conditions. Mr. Brown reiterated that the upgrading of the existing distribution lines to allow them to function as a transmission network is critical if the proposed connection is to be able to function as designed. After posing some questions and receiving satisfactory responses the committee determined that the Providence structure D and KCWA transmission improvements qualified for 50% reimbursement. Further they agreed that since the installation of the bypass piping and butterfly valve in the 102 inch aqueduct had been reimbursed at 25%, the same 25% would be reimbursed for the bypass piping and butterfly valve planned for the 78 inch aqueduct. **Motion** to approve project eligibility was moved by Ms. Scott and seconded by Ms. Swallow; the motion was approved.

C. NEW SOURCE DEVELOPMENT:

1) Kingston Water District (KWD) – Request for Well Replacement Approval –

Mr. Griffith introduced the item. Mr. Mendes reported that after taking into account comments from committee members staff has added to its recommendation requirements for KWD to be kept in place. He stated that based on follow up conversations with KWD we believe their only intent is to only withdraw their original capacity of Well #2 which is 1.4 MGD. He stated even though the well is capable of withdrawing 700 gallons per minute, withdrawals from wells #1 and #2 will never exceed the original capacity of existing well #1. He recommended approval of KWD's request with the following requirements in place each year beginning with the month of April and ending with the month of October: 1) Kingston shall provide verbal notification to the board within 24 hours when emergency withdrawals result in the 1.4 MGD original capacity of wells 1 & 2 being exceeded and shall submit written notification to the Board for its review and approval in the event long term withdrawals such as may be required during planned water system improvements will also result in the 1.4 MGD threshold being exceeded; 2)Kingston shall report individual daily production figures for wells 1 & 2 once per month; 3)Lastly, as was the case with the drought of 1999, Kingston shall continue to use both USGS and their own river flow monitoring data especially during the months of July, August, September and October to determine how well #1 pumping will be adjusted to minimize impacts on the river. Mr. Henry Meyer stated that we essentially do this anyway.

Ms. Scott voiced her opinion that pumping should be allowed up to what has been pumped historically versus the original design capacity of the two Chipuxet wells and it appears what we want to monitor is pumping above historic levels and that is not what we should be for. Mr. Meyers stated he reports his data consistently and is comfortable adhering to these restrictions. Mr. Perry stated that items of concern raised by Ms. Scott are already being regulated and that the RI WRB should not be getting into regulating. Ms. Swallow stated that the RIDOH has approved the location of the well and believes the RIWRB should be getting into water allocation on a more regulatory basis than we have in the past but I'm not sure trying to apply it to this particular well right now when we are not addressing the bigger picture is the right approach. She also questioned whether §46-15-2 applies to this particular well. Mr. Griffith stated he concurs with the thrust of Ms. Swallow's statements and added we should be getting into the allocation business but we are not there yet. Mr. Griffith stated that the recommendation language is adequate to its intended purpose. **Motion** to approve the request was moved by Mr. Stamp and seconded by Mr. Perry; the motion was approved. Ms. Scott voted nay.

4) ITEMS FOR DISCUSSION:

A. HUNT RIVER WATER ISSUES - Update

None.

B. LEGISLATIVE AMENDMENT - Water Quality Protection Charge Adjustment – Update

None.

C. DROUGHT MANAGEMENT PROGRAM – Drought Condition Update

Ms. O’Keefe reported that since March 1st we have received 2.87 inched of rain giving us sufficient precipitation to keep us out of a beginning of drought conditions. She stated the Scituate Reservoir is at 104.6 % capacity. She added we continue to monitor for drought conditions around the state.

D. WATER SUPPLY SYSTEMS MANAGEMENT PLAN PROGRAM - Update

Ms. O’Keefe reported the program is proceeding as normal with a few Five-Year updates and 30-month reports under review. In addition, work continues on the Interim Hunt River Management Plan. She stated a meeting has been scheduled with Harrisville Fire District and East Smithfield Water District who has submitted their Five Year Update has just submitted a letter requesting that Five Year Update be recalled. They have identified substantial errors in the plans submitted by the consultant and would like a short extension for the consultant to correct the errors.

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

Ms. O’Keefe reported no additional progress regarding regionalization issues between PUD and HFD.

E. RI PUBLIC DRINKING WATER PROTECTION PROGRAM:

Mr. Riverso reported over 94% of funds have been reimbursed. He stated he is working closely with Mary Kay Esq. to finalize remaining land projects and will be working with the remaining suppliers to resolve and finalize any projects.

F. GROUNDWATER PROTECTION/ACQUISITION PROGRAM:

Mr. Riverso reported progress is moving forward on the Tuckahoe Turf Property and Heaton Orchard Property projects. He added that Ms. Primiano has asked to address the Board next week. He stated her presentation would take place in Executive Session to discuss revised proposals for Tuckahoe Turf.

5) OTHER BUSINESS:

6) ADJOURNMENT:

Mr. Griffith adjourned the meeting at 2:12 p.m.

Respectfully submitted,

William Riverso
WRB Programming Services Officer