



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

### **MINUTES OF MEETING**

April 24, 2007

<b>Members Present:</b>	<b>Members Absent:</b>	<b>Staff Present:</b>	<b>Guests:</b>
Robert Griffith	Frank Perry	Juan Mariscal	Tim Brown      Sue Licardi
June Swallow		William Rivero	Heidi Green     Meg Kerr
William Stamp, III		Beverly O'Keefe	Evan Matthews
Jay Manning (For Ms. Scott)		Romeo Mendes	Bill Harritos
Ian Morrison		Kathy Crawley	Frank Raposa

#### **I. CALL TO ORDER:**

Chairman Griffith called the meeting to order at 12:03 p.m. and noted that a quorum was present.

#### **II. APPROVAL OF MINUTES:**

With a motion by Mr. Stamp, seconded by Ms. Swallow, the minutes of the April 2, 2007 meeting were approved.

#### **III. ITEMS FOR ACTION:**

##### **1. WATER SUPPLY SYSTEMS MANAGEMENT PLANS (WSSMP):**

###### **a) Town of Jamestown (JWD) – 5-Year Update Report – Recommendation of Non-Compliance**

Mr. Griffith introduced the item. Ms. O'Keefe reported the Five-Year Update (Update) was due to be received by the Board on November 14, 2005. The Board approved a one-year extension request with a revised due date no later than November 16, 2006. The Update was received on November 16, 2006 and distributed for agency and staff review.

She reported the Update was basically a comprehensive restatement of the original water supply system management plan (WSSMP) with many sections were unchanged from the original plan. The Update does not include progress made on the 8 plan goals outlined in the original plan nor an implementation schedule for proposed activities. Ms. O'Keefe reported Section 8.03 – Water Quality Protection Component was not updated per the Water Supply System Management Act. She stated the Update, as presented, does not provide an adequate basis for making a determination of compliance with the Act and the Rules and Procedures for Water Supply System Management Planning. She recommended a determination of non-compliance be issued to the JWD with the date for resubmission not to exceed one year from the date of determination of non-compliance.

Mr. Morrison asked if JWD had a staffing problem or they did not understand the requirements. Ms. O'Keefe stated that engineering consultants familiar with WSSMP requirements prepared the Update. Ms. O'Keefe noted a Source Water Assessment Guidance tool was prepared and made available on CD to water suppliers October 2006 to aid in the preparation of Section 8.03. This tool was not yet released by the RI Department of Health to suppliers, and in particular, to Jamestown until it's release in October. She speculated the JWD Update was prepared prior to this release date but that frequent conversations with the engineering consultant made the requirements of the Section clear, and that this section could be completed without the guidance tool. Mr. Griffith asked staff to invite the consultant and system operator to the Board meeting. **Motion** to approve the determination of non-compliance was moved by Ms. Swallow and seconded by Mr. Manning; the motion was approved.

b) Town of Narragansett (NWD) – 5-Year Update Report – Recommendation for Approval

Mr. Griffith introduced the item. Ms. O'Keefe reported the NWD Five-Year Update was received on November 10, 2006 and distributed for agency review. Public notice was posted on the Board website with no comments received. She stated the Five Year Update and Executive Summary have been completely updated from the original plan including the Land Use, Future Land Use, and Water Systems Maps. The Update reflects many changes since 2001 and contains progress on infrastructure improvements, proposed system improvements, and identifies coordination with municipal planners and the local comprehensive planning process. In addition, a 2004 build-out analysis has been used to update changes in population, land use, and projected water needs. She stated the Update, as presented, provides an adequate basis for making a determination and recommended a determination of compliance be issued to the Narragansett Water Division. **Motion** to approve the determination compliance was moved by Mr. Stamp and seconded by Ms. Swallow; the motion was approved.

2. HUNT RIVER SUBBASIN:

a) Interim Management Plan - Recommendation for Approval

Mr. Griffith introduced the item. Mr. Mariscal reported a due date of April 15, 2007 was set by the WRB for the submittal of the Hunt River Interim Management Plan (Plan). The plan is a result of many meetings and discussions with QDC, KCWA and NKWD. He stated the plan outlines a number of considerable responsibilities and tasks for both the water suppliers and the WRB on a local and statewide level. He agreed the state level recommendations were appropriate for the WRB but added that given the limited financial, staffing and other resources of the WRB it will be difficult to address these recommendations without assistance. He stated this assistance will be communicated to the state Legislature and Governor's office and as implementation begins, the WRB staff will continue to work with the suppliers to assist and guide them. He added that Ms. Scott has forwarded comments and are in today's package. He recommended the PDWP Committee recommend to the WRB acceptance of the Plan noting this interim plan is subject to refinement, that KCWA, NKWD and QDC be directed to begin implementation of the plan and WRB staff continue to provide guidance and assistance within the resources limitations of the agency. Mr. Mariscal introduced the various suppliers and asked if they wanted to address the committee.

Mr. Brown of KCWA presented the plan with highlights that included the following:  
He stated that public awareness is essentially the biggest part of the program, to get the message

out to the customers to reduce demand. He stated they came up with proposed ways to address infrastructure management and stated financial incentives will be important for this program. He stated conservation and reuse will be important for their action plan. He stated they also looked at the use of a Moratorium when there is high demand and added that the only way to curtail use is by implementing a moratorium. He stated this is the biggest tool they have to cut consumption down. He proceeded to discuss elements of the action plan and stated the actions are ready to begin in May. Ms. Licardi stated that NKWD is looking at developing a program to address water use for multi family residential developments which are their major users. Ms. Green of QDC stated that in addition to what has been discussed they will be hiring consultants to do a feasibility study on desalination. Mr. Griffith stated the study should include a cost benefit analysis of the additional energy use required and if it would require upgrading of the energy infrastructure for the area. He added QDC should also consider a study regarding sea level rise with any impacts up to a fifty year period. Mr. Griffith urged the suppliers to look at data provided by the Coalition of Water Security and consider once a week watering measures instead of odd-even procedures and suggested peer review papers be prepared. Discussion ensued regarding comments forwarded by Ms. Scott. Mr. Griffith asked that her comments be brought forward for consideration at the full Board discussion. **Motion** to accept the plan and transmit it forward to the full Board for approval and further review and discussion was moved by Mr. Morrison and seconded by Mr. Stamp; the motion was approved.

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

- a) Quonset Development Corporation (QDC) – Project Approval Follow Up – WSSMP 5-Year Update Progress Report (Update) - Request for Acceptance

Mr. Griffith introduced the item. Mr. Mariscal reported the Board Corporate agreed to commit funds for a Phase III payment request subject to submittal of a progress report related to the revision of the Update to be received no later than April 16, 2007. He stated the progress report has been submitted and reviewed. He stated the report meets the requirements set as a condition for payment and recommends acceptance of the report and release of funds. **Motion** to accept the report and release funds in the amount of \$6,434.00 was moved by Mr. Stamp and seconded by Mr. Morrison; the motion was approved.

## IV. ITEMS FOR DISCUSSION:

### 1. Quonset Development Corp.(QDC) – Public Drinking Water Protection Projects Status and Update

Mr. Griffith introduced the item. Mr. Mariscal reported this item is for discussion but the committee may want to transfer this to the Board for action. He provided the committee with background information on Phase III which included program requirements, various deadline dates and various correspondence notices sent to the suppliers including QDC reminding them of deadlines and specifically noting they must spend their minimum funding allocation for watershed protection prior to submitting payment requests for water quality improvements (WQI). He reported that on April 12, 2005 the WRB corporate approved various WQI projects for funding for QDC pending satisfaction of the land acquisition requirement and on September 20<sup>th</sup>, 2006 the WRB corporate approved an eligibility request for a land conservation easement acquisition project in partnership with the Town of North Kingstown (NK). He stated that program experience has shown that land acquisition projects can be difficult to accomplish for various reasons. He reported at the WRB corporate meeting of April

13, 2007 an extension was granted to QDC for their land project with subject to requirements. He stated that staff was notified by the NK Town Planner during the week of March 30<sup>th</sup>, 2007 the project would not go forward. Mr. Mariscal reported that on April 16, 2007 QDC sent a letter requesting consideration for an alternate land acquisition project previously purchased in July 2001. He stated it was explained to QDC this project was not eligible since it was purchased prior to the sale of the Phase III revenue bonds on late 2002. He reported on April 18, 2007 QDC sent another letter requesting consideration of another alternative land acquisition project for funding purchased by NK in 2005. He stated that the application letter stated the acquisition will enable NK to better manage its wells and occasionally lessen withdrawal from the Hunt river aquifer which is the primary source for QDC. He stated that in response to the letters WRB staff held a conference call with QDC and NK to confirm what is being proposed to be that the WRB consider the use of QDC's Phase III 55% allocation for land acquisition to reimburse NK for land previously purchased and the balance of funds towards WQI projects already deemed eligible. He stated the late proposal does not advance the WRB's program by expanding the amount of land protected for water supply purposes and legal counsel has suggested that administrative details will take considerable amount of time. He stated although he feels uncomfortable saying just no to this but a program is always defined by certain restrictions and parameters. He added we have lived up to our end of the program and staff has bent over backwards to get a high level participation by the suppliers. He stated the program is over as of March 31<sup>st</sup>, 2007 and there is no basis to approve and or fund new projects. He reiterated this item is for discussion but the committee certainly can direct the General Manager to place it the full Board agenda for consideration. Mr. Harritos of QDC stated that it has been difficult finding a land acquisition project given the limited funding without participation of other partners and there has been no other alternatives. Mr. Griffith stated that QDC made a good faith effort working with NK to participate in a land acquisition for a grant consistent with the goals of the Phase III program and through no fault of QDC or NK their land project collapsed almost simultaneously with the end of the extended Phase III portion of the program and regrettably that money is going to have to go back into the fund for reallocation in a Phase IV. Mr. Griffith stated he questions whether QDC should be penalized for money we have authorized subject to completion of the land acquisition program for the work they did and that is question we will have to ask the general manager to clarify with bond counsel but it would be my preference that we make an exception to policy and authorize that money for the purposes of reimbursing them for the WSSMP. Mr. Mariscal stated this is not a case of policy but actually state law. He added the payment for the WSSMP does not factor in this issue. Mr. Griffith asked if they have approved projects. Mr. Mariscal stated they have five or six WQI projects approved for eligibility but the point now is we can't spend any money by law because we have to spend the 55% money first. Mr. Griffith asked if there is any exception given the fact QDC entered into a good faith agreement to meet the requirement of a land acquisition that would have met the 55% requirement but fell through and the program expired and now have no recourse. Mr. Mariscal stated it is unfortunate the seller withdrew or did not come through on the project and pointed out it comes down to credibility of the WRB, whereby a program is established with end dates and then extension after extension is given with a third extension given specifically for QDC. Mr. Griffith stated he would like to know if legally we can make an exception to policy if we choose to. Mr. Stamp asked what would happen to the funds. Mr. Griffith stated the program will terminate and the unspent funds will go back into the account for redistribution at a later time under Phase IV. **Motion** to bring this item to the full Board for discussion was moved by Ms. Swallow and seconded by Mr. Stamp; the motion was approved.

***Mr. Griffith excused himself from the meeting and turned it over to Mr. Stamp to carry out the remaining discussion items.***

2. United Water Rhode Island (UWRI) – Public Drinking Water Protection Projects Status & Update

Mr. Stamp introduced the item. Mr. Mariscal reported the Water Resources Board Corporate at its March 13, 2007 meeting approved for reimbursement a project for the purchase and distribution of conservation retro-fit kits. He stated this item was approved subject to receipt of a report on or before April 16, 2007. He stated the report was received on April 16, as scheduled and follow up discussions were held with UWRI regarding what was contained in the report and additional information was requested and provided. He stated this report is provided to the committee for information only with no additional action is required by the committee because it was a condition of the approval for payment. He stated administratively that condition has been met and staff will process the payment. Mr. Stamp asked the committee if they understood Mr. Mariscals report. They did.

3. RI PUBLIC DRINKING WATER PROTECTION PROGRAM - Update

Mr. Riverso reported 14 of 17 suppliers have completed Phase III and two suppliers have final payment approvals pending closings and subject to requirements and they are City of Newport (CN) and United Water Rhode Island (UWRI). He stated 98.30% of funds have been approved for payment with an unreimbursed balance of 1.70 % of funds. He stated Newport has two land projects waiting to close. He stated subject to requirements are being followed up on with UWRI. He stated that UWRI will fall short on receiving their total allocation of funds. He stated what remains to be resolved is the Quonset Development Corporation projects.

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

Mr. Mariscal stated there is no report this month. He stated submittals were made last December and are being actively considered based on recent conversations with the Governor’s office.

5. DROUGHT MANAGEMENT PROGRAM – Drought Condition Update

Ms. O’Keefe reported their is a Drought Steering Committee meeting scheduled for this Thursday, which will be a pre-summer dicussion and plan organizational in nature meeting. She stated current conditions show above normal due to the recent rainfall. She reported that the Scituate Reservoir is at 107.2 % capacity. She stated that Southern Rhode Island is above normal in terms of surface water.

6. WATER SUPPLY SYSTEMS MANAGEMENT PLAN PROGRAM - Update

Ms. O’Keefe reported the program is continuing as planned. She stated staff met with Harrisville Fire District staff and consultants to review the previous finding of non-compliance and discuss areas needing improvement. She stated it was a very positive meeting. She stated all 30-Month Interim Reports have been submitted with three reports currently under review.

**a). 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.

7. GROUNDWATER PROTECTION/ACQUISITION PROGRAM:

Mr. Riverso reported progress is moving forward on the Tuckahoe Turf Property and Heaton Orchard Property projects. He stated we are waiting for for the Purchas Order to come through for the Hydrologist so his work can be initiated and we have scheduled water quality testing to take place for well RIW 458. He stated the purchase order has come through for the well drilling, so the well drilling and water quality testing has been scheduled. He stated regarding the Town of Richmond well at Richmond Commons, documents have been forwarded with additional reports to follow.

**V.) OTHER BUSINESS:**

**VI.) ADJOURNMENT:**

**Motion** to adjourn the meeting was moved by Mr. Morrison and seconded by Ms. Swallow; the motion was approved. Meeting adjourned at 1:40 p.m.

Respectfully submitted,

William Riverso  
WRB Programming Services Officer