



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

MEETING MEMORANDUM

May 30, 2007

Members Present:	Members Absent:	Staff Present:	Guests:	
Robert Griffith	Frank Perry	Juan Mariscal	Tim Brown	Sue Licardi
William Stamp, III	June Swallow	William Rivero	Heidi Green	George Palmisciano
Ian Morrison	Liz Scott	Beverly O'Keefe	Wm Nunnery	Brendan Innes
		Romeo Mendes	Jim DeCelles	Rich Antonelli
		Kathy Crawley	Dotti Farrington	Robert Breault
			Emily Wild	

I. CALL TO ORDER:

Chairman Griffith called the meeting to order at 12:10 p.m. and noted that a quorum was not present. He stated minutes and items for action cannot be approved at this time. He moved the meeting to items of discussion.

II. APPROVAL OF MINUTES:

Mr. Griffith dispensed with the minutes and asked the members if they have noted any changes to the minutes to them directly to Mr. Rivero.

III. ITEMS FOR ACTION:

1. SUPPLEMENTAL WATER SUPPLY STUDY PHASE II:

- a) **MAGUIRE GROUP INVOICE #20 – Recommended Progress Payment - Request for Approval; STUDY UPDATE**

Mr. Griffith introduced the item. Ms. Crawley reported through invoice # 20 work has been completed up to a cost of \$434,978.53. She explained accounts and control paid invoice #17 twice but that Maguire Group has issued a credit on invoice #20 to correct the overpayment. She recommended payment of invoice # 20 in the amount of \$27,318.19 reflecting the credit adjustment. Mr. Nunnery of Maguire Group briefed the committee on the project schedule status. Highlights included Task 2 draft report on the Needs and Risk Assessment was completed and delivered on March 15, 2007. The Task 3 report of area 1 will be delivered next and the rest of the state will be presented at the end of the month. He reviewed the list of suppliers where the build out analysis has been completed. He explained Task 4 will begin in the fall and be completed in the spring of 2008. Mr. Stamp stated that what is being done is valuable and is pleased with the progress. The committee recommends to the full Board, payment of invoice #20.

2. WATER SUPPLY SYSTEMS MANAGEMENT PLANS (WSSMP):

Mr. Griffith stated he would like to take items b) through g) all of which are recommended for approval and asked Ms. O’Keefe if there are any standouts that need to be brought to the committee’s attention.

Ms. O’Keefe stated a correction was needed on the “Item d) recommendation: the recommendation should be **“non-approval”** of the extension request. The committee proceeded to discuss Item 2 d). (See Item d)).

a) Town of Jamestown – 5-Year Update Report Review of Findings – Recommendation of Non-Compliance

Mr. Griffith introduced the item. He reminded the committee this item was taken to the Board in the previous month with a recommendation of non-compliance and after deliberations the Board asked the PDWP committee to review the finding and send it back to staff. He stated staff has reviewed its’ work and stands by its original recommendation of non-compliance. He noted a notice of first deficiency would allow up to 90 days for re-submittal to address the incorrect, inconsistent or missing data or information.

Ms. O’Keefe proceeded to report her findings as they relate to the various sections of the WSSMP required component structure. She stated all planning documents submitted by water suppliers are reviewed following state law which is implemented in the *Rules and Procedures for Water Supply System Management Planning, October, 2002*. Plan reviews are conducted and coordinated using the *Water Supply System Plan Checklist* which highlights required elements and components. The updated memorandum outlines the finding for each required section. The memorandum also provides additional information on the definitions of compliance, non-compliance, and notice of first deficiency, and the coordination of agency review process. Ms. O’Keefe pointed out the importance of the plan as a transparent document communicating not only the description of the system but also the implementation plan to incorporate system and supply improvements. She stated in her experience water suppliers do have an operational plan and know the water supply business very well but that this knowledge has to be transparent and for the public good. Federal and state laws require various performance standards for water supply managements, and this has to be outlined in the water supply system management plan. She stated the noted deficiencies, and lack of information do not allow a determination on the completeness and acceptability of the plan. Mr. Mariscal reviewed the definitions of compliance and deficiency and noted the plan just does not qualify for a Notice of First Deficiency.

Mr. Innis, Pare Engineering, stated he agreed there are deficiencies in the plan but a change in recommendation is requested. He stated it is his belief the plan only needs some clarifications and that he was surprised at the issuance of Non-Compliance. He stated Jamestown is more than willing to work with the Board. Mr. Innis questioned the 180-day review period timeline and the failure of the Board to take action within that time period.. Mr. Griffith affirmed the Board did take action so there is no 180-day deadline issue. Mr. Innis stated his belief the review comments do not necessitate a finding of non-compliance. He requested a finding of approval with “subject to items” or a notice of first deficiency. Mr. Griffith stated that it is the consensus of the committee to support the staff recommendation and forward the recommendation to the full Board.

Mr. Griffith asked the committee if they have any comments regarding items b), c), e), f) and g). Mr. Griffith asked the committee members if they agree to sustain staff's recommendations for these items. The committee agreed.

Mr. Griffith moved the meeting back to the discussion items and proceeded to item IV 8.

- b) Greenville Water District – 5-Year Update Report – Recommendation for Approval
- c) Providence Water Supply Board – 30-Month Update Report, Amended – Recommendation for Approval
- d) Pawtucket Water Supply Board (PWSB) – 5-Year Update Report Extension Request – Recommendation for Non-Approval

Mr. Griffith asked for the basis of the recommendation. Ms. O'Keefe reported the Pawtucket Water Supply Board had requested and received a one year extension previously which was approved. PWSB is now requesting a second extension request. RIGL 46.-15.3 et seq. and *Rules and Procedures for Water Supply System Management Planning, October, 2002* allow for time extensions not to exceed one year. She stated the State would be in violation if an extension exceeding one year was allowed. Ms. O'Keefe stated in addition to the finding of non-compliance, the law requires the determination of non-compliance be forwarded to the Division of Public Utilities and Carriers for consideration as a complaint.

Mr. DeCelles of PWSB reported the basis of the 1-year extension was due to the total revamping of the treatment system and there is going to be significant changes to the way we operate. He stated that the project is way behind schedule and management would not have a complete understanding as to the changes in operations until December 2006. He stated the plant is still not operating and should be online by the end of next month. He stated PWSB feels they have enough information at this time to begin preparing the plan and has hired Pare Engineering to do so. He stated a substantial amount of work has been done on the plan at this time but a 3 month extension is requested in order to complete the plan. Mr. Palmisciano of Pare Engineering provided further details on the plan status and reiterated the needed time extension request. Mr. Stamp stated he did not see a problem for the extended request. Mr. Griffith stated in taking all things considered, including staff's recommendation he believes it is the consensus of the committee to bring this to the full Board and make an exception to policy and grant the extension as requested because there are clearly special circumstances in this case. Mr. Mariscal stated that at issue here is more than just policy but has to do with state law and staff did grapple with this issue but felt there was no allowance for flexibility. Mr. Griffith accepted the General Manager's explanation and stated the committee absent a quorum finds their way clear to make their recommendation.

The Committee proceeded to item 2 a).

- e) East Providence Public Works – 5-Year Update Report Extension Request – Recommendation for Approval
- f) City of Warwick Water Department – 5-Year Update Report Extension Request – Recommendation for Approval
- g) Smithfield Water Supply Board – 5-Year Update Report Extension Request – Recommendation for Approval

IV. ITEMS FOR DISCUSSION:

1. Hunt River Subbasin - Interim Management Plan – Update

Mr. Griffith introduced the item. Mr. Mariscal reported that North Kingstown should be recognized for their latest version of their newsletter.

Mr. Griffith asked if there was any feedback to the plan presented at the last meeting regarding comments made by RIDEM and RIDOH. Mr. Brown stated there was no request for feedback from this committee but the plan was remanded back to the committee by the Board to address comments. He stated that KCWA will follow up and address the comments.

2. Kent County Water Authority Request for Statewide Policy on Outdoor Water Use and Conservation – Briefing

Mr. Griffith introduced the item. Mr. Mariscal reported that KCWA has been forwarding a series of letters since March of 2005 regarding issues of outdoor water use and conservation. He stated this issue has been outlined in the Interim Management Plan for the Hunt River Subbasin. He stated KCWA has particularly challenging situations because they serve multiple communities and in some areas where neighborhoods are on different water systems so when restrictions are imposed for their system you end up with disgruntled neighbors. He stated KCWA has asked the WRB to create a statewide policy on outdoor water use and conservation and whether to pursue the matter through regulations by the WRB or needing legislation to implement a program. He stated the WRB Chairman would like to address this issue, which would take up considerable discussion to figure out what our legal abilities are as well as some of the basic issues of enforcement. He stated at a recent House Commission hearing the Town of Franklin Massachusetts presented what they do on the issue which included a one day a week water allowance. Mr. Mariscal stated KCWA is looking for some overall statewide guidance or plan or program that all suppliers would have to adhere to. Mr. Brown stated that water supply is going to become an issue greater than what the Senate and House Commissions have brought forward for future years. He stated it is becoming very difficult for a single supplier to issue restrictions that will be required because in the near future there will be no new surface or groundwater supplies constructed or tapped in this state leaving us with only one choice of existing supply. He stated we need to come to grips with a real problem having to do with use of sprinklers. He stated the WRB is the guiding Board for water resources in the state and has to protect the existing sources out there now. Mr. Stamp asked how KCWA enforces their restrictions. Mr. Brown stated through patrols which can lead to turn-offs. Mr. Morrison stated we should get all the suppliers together in a more formal manner to present the simple facts and ideas which have been voted on and approved and present them to the legislature showing what needs to be done, to fund the authority already set up and to do it instead of talking about it. Mr. Brown stated he is not looking for funding because he knows it would not come but just regulations that requires all the utilities to do what has to be done. He stated he has no problem picking up the cost to do what is needed initially because once it becomes a fact of nature for something that happens every year as it has worked in Franklin then enforcement costs would go down. Mr. Griffith stated that legislation is pending from the Senate and House and once we find out what is actually in the legislation we will be in the position to either to support or recommend additions to it both as they affect water suppliers and the WRB itself and we expect the RIWWA to weigh in also. Mr. Stamp stated the biggest solution is to create an awareness.

3. Legislative Amendment – Update

Mr. Mariscal stated the legislative package that the WRB has put together has not been acted upon but has been food for thought for the two different legislative commissionson meeting on water. He stated he had met with the Senate legislative policy advisor to get an update as to where any of their activities are going who advised that legislation is being drafted which will touch upon many different agencies addressing issues of development of water conservation, pricing of water and aspects of water management.

Mr. Griffith at 12:36 p.m. moved the meeting to it's regular order on the agenda noting additional members were not expected to make a quorum.

4. Drought Management Program – Drought Condition Update

Meeting adjourned no update given.

5. Water Supply Systems Management Plan Program - Update

Meeting adjourned no update given.

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

Meeting adjourned no update given.

6. Groundwater Protection/Acquisition Program:

Meeting adjourned no update given.

7. Ri Public Drinking Water Protection Program - Update

Meeting adjourned no update given.

8. Presentation By United Stated Geological Survey: Water Atlas - Breifing

Ms. Crawley reported the Water Atlas is a mapped version of the data behind the Water Use and Availability Studies. She stated this tool will be a valuable product for the state and at the local level for planners and water suppliers. She added there is an expextation this tool will help to begin to marry the local comprehensive planning process and land use planning process with water supply planning. She introduced Emily Wild, Hydrologist of USGS.

Ms. Wild proceeded with a presentation on the Water Atlas. She stated the Water Use Atlas is basically freeware that has all the water use data and spacial data within one data base. She stated this data is needed because there are a lot of different dynamics to how water is used during

summer months versus annual usage patterns. She added it comes down to planning and education and this tool will help. She stated the Atlas has a lot of data on water withdrawals, water use and return flow and spacial data layers on land use area, surficial geology. She stated the Atlas will be available in the next six months and people may access it through distribution by the Water Resources Board and it is on a DVD. Ms. Wild proceeded to demonstrate how the database works.

Ms. Crawley reported there is a system in place whereby data received from the water suppliers is forwarded to USGS and entered into the Atlas.

Mr. Griffith excused himself from the meeting at 1:15 p.m. and turned it over to Mr. Stamp to carry out the remaining discussion items (IV. 4 – 7).

The committee stated this work is great and usefull and should be shown to the full Board.

V. OTHER BUSINESS:

VI. ADJOURNMENT: Meeting was adjourned at 1:50 p.m.

Respectfully submitted,

William Rivero
WRB Programming Services Officer