



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

Justice William E. Powers Building, Third Floor
One Capitol Hill
Providence, RI 02908
(401) 574-8400 ♦ FAX: (401) 574-8401

PUBLIC DRINKING WATER PROTECTION COMMITTEE

MINUTES OF MEETING

August 7, 2007

Members Present:	Members Absent:	Staff Present:	Guests:	
Robert Griffith	William Stamp, III	Juan Mariscal	Allen Schorr	Sue Licardi
June Swallow		William Rivero	Heidi Green	Mary Kay
Ian Morrison		Beverly O'Keefe	Wm Nunnery	Erica Myers
Frank Perry		Romeo Mendes	Krista Moravel	Emily Cousineau
Liz Scott		Kathy Crawley	Henry Meyer	
Harold Ward				

I. CALL TO ORDER:

Chairman Griffith called the meeting to order at 12:30 p.m. and noted a quorum present.

II. APPROVAL OF MINUTES and MEETING MEMORANDUM:

With a motion by Mr. Morrison, seconded by Ms. Scott, the minutes of the April 24, 2007 meeting were approved.

With a motion by Mr. Morrison, seconded by Mr. Perry, the memorandum of the May 30, 2007 meeting was approved.

III. ITEMS FOR ACTION:

1. WATER SUPPLY SYSTEMS MANAGEMENT PLANS (WSSMP):

- a) Town of Portsmouth Water and Fire District (PWFD) – 30-Month Update Report – Recommendation of Non-Compliance – Request for Approval

Mr. Griffith introduced the item. Ms. O'Keefe reported PWFD on August 3rd submitted their 30-Month Report Update. She requested this item be removed from the agenda.

The consensus of the committee was to "Table" the item.

- b) City of Warwick Water Department (WWD) – 5-Year Update Report – Request for Extension Approval

Mr. Griffith introduced the item. Ms. O'Keefe reported the Board approved a 60-day extension request for WWD on June 12, 2007. She stated WWD submitted a second extension request on

July 31, 2007 requesting an additional 90-day extension to be due on November 9, 2007. She stated WWD cited they are preparing the Update in-house needing additional time to complete the report. She added that then Rules and Procedures allow an extension period up to one year. She recommended approval of the extension request. Mr. Griffith asked if WWD was satisfied that 90-days were sufficient. Ms. O’Keefe affirmed. **Motion** to approve the extension request was moved by Ms. Scott and seconded by Mr. Perry; the motion was approved.

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

a) Quonset Development Corporation – Land Acquisition Project – Request for Eligibility Approval/Program Extension

Mr. Griffith introduced the item. Mr. Mariscal after providing background information and reminding the members the program had come to an end reported that QDC had contacted him indicating they had discovered a land project that would be good for acquisition to further protect their groundwater wells. He reported a meeting took place to discuss the proposal and QDC described the project. Mr. Griffith stated before we go any further we need to determine if we can reopen the program in order to consider this request. He asked if Bond Counsel had been contacted and the matter discussed. Mr. Mariscal reported before taking that action, staff was working on determining how valid this proposal was and at this time we have not reached a conclusion yet. He added the deeds and plans were reviewed and his initial finding was the land was sufficiently protected as is. He reported all the information provided was forwarded to Mary Kay, Esq. for an opinion. He stated her findings are included in the package were basically she opines additional protections can be acquired to ensure permanent protections but also asks if the program has been closed and is this project too late. Mr. Mariscal stated the biggest issue is if we can reopen the program once the Board has closed the program and added he did not have this conversation with Bond Counsel. Mr. Griffith stated that on the barest of information provided he believes the project looks like something we would want to consider under normal circumstances but loathe to proceed before we can determine if the program can be reopened. He stated he would like to see it reopened but we are taking up people’s time and effort at this point prematurely. He added we need to talk with bond counsel and get a determination whether this project can be considered on its own merits. Ms. Green of QDC stated difficulties of past attempts on land projects were subject to other partners getting it done but this one would be simpler because it would only involve QDC and the seller. Mr. Schorr of QDC proceeded to briefly describe the project. **Motion** to table the item was moved by Ms. Swallow and seconded by Mr. Perry; the motion was approved.

IV. ITEMS FOR DISCUSSION:

Chairman Griffith moved item #2 to be presented after item #6.

1. Hunt River Sub basin - Interim Management Plan – Update

Mr. Griffith introduced the item. Ms. O’Keefe reported she has just passed out a stream gage report which shows the river level of the Hunt is going down. She stated that steps have been made by each of the participating water suppliers with the plan. She stated the Hunt River Watershed Association has been formed with an interim Board of Directors and they have established a website. She reported volunteers have been identified and are being trained for regular monitoring of the Hunt River. She reported our staff intern has put together a flyer for distribution.

3. Kent County Water Authority Request for Statewide Policy on Outdoor Water Use and Conservation – Update

Mr. Griffith introduced the item. Mr. Mariscal stated there is no update for this item. He reported we were alerted about a conservation program sponsored by the Environmental Protection Agency. He reported the program is named the Water Sense Program and it has been suggested that we join the program. Mr. Mariscal proceeded to describe the program. He stated the program is geared towards promoting water efficiency and enhancing the market for water efficient products and programs. He reported that there is a pledge to be signed in order to participate and he would bring this before the full Board for approval and added there is no action requested to be taken today but it is presented for information purposes and to tie into KCWA's request.

Mr. Perry stated we still need to go back to the original KCWA request, which was to coordinate programs between various water suppliers and make the point that problems are state wide not local. This is not a local issue because one agency may be having a problem and that doesn't mean the other agencies can just go ahead. We have so much water. We are a very small state. We are a single entity. We need rules and regulations and guidance at the state level by the Board to promote conservation. He added, education programs are important as part of that but some of the regulatory parts are also very important. He stated this is always the problem; KCWA introduces water conservation efforts, and nearby residents on other systems did not have to abide by them, which creates major problems.

He stated that the WRB has to do something about this. This letter has been sitting around for two years. We get criticized for not doing things at these legislative hearings, the Board is going to have take some actions and become proactive. Ms. Swallow asked what form a statewide policy would take, are you speaking about water use regulations. Mr. Perry stated we are talking about water use regulations, the point that when we run into drought periods, why are we restricting only certain points, why certain suppliers are causing restrictions and others are not. The restrictions have to be more on a statewide basis. Ms. Swallow asked if we are to look at this logistically by looking at all the WSSMP and make them all have the same triggers. Mr. Perry stated the mechanism has to be the WRB has to step in and the WRB has to be the one implementing these triggers or through the plans requiring everyone to have the same triggers so they are implemented at the same time. It is easier to do this at the state level. Ms. Swallow asked if the WRB has the authority to do what is being discussed. Mr. Perry stated yes. Mr. Morrison stated yes. Mr. Perry added the law says that we can and we have to remember that the legislature is pointing their finger at us saying we are not doing enough. The committee agreed. Mr. Perry stated which ever way we go someone is not going to be happy but we have to become proactive and he would rather be criticized for trying to do something than be criticized for not doing it. Mr. Ward stated he supports what Mr. Perry is saying and believes the WRB has the legal authority. He stated in regards to the EPA Water Sense program that it is fine to do it but he wouldn't want to distract WRB staff from what really needs to be done which is living without more water.

Ms. Scott called a motion that the committee recommends to the full Board that WRB staff be directed to identify options for implementing a statewide water conservation program and whether that be implemented by the WRB or revisions through the WSSMP regulations that would require all the suppliers to follow the same triggers. For the purposes of discussion Mr. Perry seconded the

motion. Mr. Perry stated he does not believe doing it through the WSSMP's is the way to do it. Ms. Scott re-phrased her motion. She stated the WRB should look at the pros and cons of either being a WRB implemented trigger or set of triggers that the suppliers then are required to basically follow and force or whether the WRB sets up and establishes the standards by which the suppliers then adopt the trigger thus it is WRB driven or supplier driven. Mr. Morrison asked that the motion be amended to be the WRB only. Mr. Griffith asked for a vote on the motion recommending that the Board direct staff to develop a water conservation program and triggers to the effect espoused by Ms. Scott's original motion. The committee voted yes unanimously. Mr. Griffith stated specific language to take to the WRB would be worked out that would satisfy everyone's needs. Mr. Griffith stated he concurs with Ms. Scott and Mr. Perry and added this is something that is going to require the state to impose its will and it has become clear over the last several years and we should not give the general assembly yet another opportunity to say we are not doing anything.

Mr. Scott asked to revise her motion to add that this work be done in time to be implemented by next season. The committee concurred unanimously.

4. Drought Management Program – Drought Condition Update

Mr. Griffith introduced the item. Ms. O'Keefe reported precipitation looks to be normal. She reported the Scituate Reservoir is at 90.7% capacity and the crop moisture index is abnormally dry especially in the South County area. She stated the Town of Westerly and the Portsmouth Water and Fire District has recently imposed voluntary water restrictions. She stated the water suppliers are monitoring their water tank levels and water availability. She reported the website has been updated reporting any restrictions per system.

5. Water Supply Systems Management Plan Program - Update

Mr. Griffith introduced the item. Ms. O'Keefe reported that a meeting with the water suppliers was held to talk about the 2006 water use reporting requirements. She was happy to report that over half of the suppliers have submitted their 2006 data worksheets. Also, non-account water was talked about at the meeting and the suppliers will submit information on how they think the WRB should revise the definitions of non-account water. She such as the American Water Works Association has a program which measures water loss which is more accurate and current. She stated she has received suggestions to be looked at.

6. Groundwater Protection/Acquisition Program - Update

Mr. Griffith introduced the item. Mr. Riverso reported two projects are getting closer to be brought before the Board for approval. He stated over the past few months we have been working on due diligence tasks for these sites which include quantity and quality testing. Regarding the Tuckahoe Turf property, further investigations determined that only one site was available to be negotiated. Thus we have asked Ms. Primiano to revise the funding proposal with the intention to be discussed at the Board meeting under Executive Session. He reported we are waiting for water quality sampling results. He reported regarding the Heaton Orchard Road site the water quality sampling results showed good quality water with nitrate levels being very low and pesticides being good. He reported another issue for consideration is the yield. He explained the original point was moved

which had shown 390 gallons per minute and the new well point has estimates of up to 300 gallons per minute.

He reported other project sites are on hold for various reasons and other sites have come off consideration mostly due to performing due diligence tasks telling the sites are not viable. Mr. Riverso reported that there have been requests from the Town of Richmond, Town of North Kingstown and Shannock Village Water District for program monies for sites over and above the original program sites. He stated staff met with the Town of Richmond to discuss these sites who expressed a need for assistance and funding for their future water supply needs.

Mr. Riverso reported as due diligence tasks were being performed certain issues came up which staff will be seeking Board guidance as the program moves forward. The issues are as follows: 1) Purchase and evaluation of sites other than those identified through USGS/RIWRB Cooperative Program, 1970 – 1986; 2) Minimum acceptable yield of any one site; 3) Proprietary issues associated with lease of sites to public water suppliers/municipalities; i.e. fees to recoup bond issuance and or debt service costs; Assessment of lessee's ability to run a public supply and 4) Taking of prime sites via eminent domain.

Mr. Mariscal provided detailed examples and questions for the above issues as confronted by Staff. He stated that Staff can certainly come up with approaches but offer these matters to the committee for any guidance.

Mr. Griffith stated we will not have time today to address all these issues. Ms. Scott stated the original sites were based on future needs determined back in the 1970's for South County which may still be needed but are not relative in site's proximity for today's needs and for the foreseeable future. She added that going forward from this point with the Land Use 2025 plan, which identifies village centers where in many cases they have no public water supply available to them and there are existing public water suppliers realizing they either need replacement or augmenting water supply sources. Thus you have a work plan for the WRB defined in this 2025 plan. She added we are working off an old play list and believes there is a current need for this program to meet needs for suppliers as well as the Shannock Water District. The committee agreed with Ms. Scott. Mr. Mariscal stated this discussion was helpful not wanting to bring something to the Board with any surprises. Mr. Griffith stated this has been a useful discussion.

Mr. Griffith turned the meeting over to Mr. Perry at 1:57 p.m..

2. Supplemental Water Supply Study Phase II - Update:

Mr. Perry introduced the item. Ms. Crawley reported the Risk and Needs Assessment has been completed in draft form. She stated there are six study areas and we are currently in the outreach phase of this project getting out to all the suppliers and local town planners. She added we have invited them to a work shop and we have provided this information to them so they can review and provide us with comments. She stated in August we have scheduled three workshops and have set up a public comment period through September. She stated the next Phase which is Task 4 is where we will be making decisions about where we're actually going to do program investigations. She introduced Mr. William Nunnery of Maguire Group who gave a presentation. The highlights included:

- An overview of the project methodology and findings for Area 1.

- Water demand was compared for the current year (2005), for 2025 and at build out.
- Mr. Nunnery presented examples for communities of Cumberland and North Smithfield.
- He reiterated the project is on a critical path to get feedback for each of the study areas which will help decide what kind of field work will be done in Task 4.

A question and answer period ensued. The committee thanked Mr. Nunnery finding the discussion informative.

V. OTHER BUSINESS:

VI. ADJOURNMENT: Meeting was adjourned at 2:34 p.m.

Respectfully submitted,

William Riverso
WRB Programming Services Officer

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

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