



State of Rhode Island and Providence Plantations

Water Resources Board

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WATER RESOURCES PROTECTION & USE COMMITTEE MEETING

(Formerly the Public Drinking Water Protection Committee)

MINUTES OF MEETING

April 1, 2008

Members Present:	Members Absent:	Staff Present:	Guests:
Robert Griffith		Juan Mariscal	John Ratcliffe
Liz Scott		William Rivero	Pasqual DeLise
William Stamp, III		Beverly O'Keefe	Brenden Ennes
June Swallow		Kathleen Crawley	Krista Moravee
Ian Morrison		Romeo Mendes	Steven Passafino
Harold Ward		Emily Wild	William Nunnery
Frank Perry			

I. CALL TO ORDER:

Chairman Griffith opened the meeting at 12:34 p.m., and noted a quorum was present.

II. APPROVAL OF MINUTES:

1. March 5, 2008 Meeting Minutes

With a **motion** by Mr. Perry, seconded by Mr. Stamp, the minutes of the March 5, 2008 meeting were approved.

III. ITEMS FOR DISCUSSION AND/OR ACTION:

1. Maguire Group – Supplemental Water Supply – Project Status

Mr. Griffith introduced the item. Ms. Crawley reported this presentation is a status report and update of the Phase II study. She introduced Maguire Group. Mr. Nunnery of Maguire Group proceeded with the presentation. He reported this project will be completed by June 30th 2008. He noted during the development of the study there were workshops with the water suppliers where the work product was discussed to vet the information on hand, which included infrastructure information. He noted excellent feedback was received from the water suppliers. He reported the Phase II study focused on areas of the state outside of the Providence Water Supply Systems main service area. He reported this study area was divided into six areas. He described the water supply groupings for their respective areas. He reported they are now in task

four where they are defining emergency water supply needs. He reported in study area two around the Aquidneck Island, Stone Bridge and Tiverton area there is a shortage of water of approximately 1.5 mgd of emergency water supply. He stated for Study Area 2, there is a shortage of water of 6 to 10 mgd. He stated in the northern area there is surplus water of approximately 6 mgd. He reported in this final task 4 they are looking at the alternatives of transporting surplus water to where we need water. He reported they are also looking at the development of the Big River wells and using that water as emergency water supply needs. He stated they are looking at Fall River contributing to the needs of study area 2. He reported they are looking at the potential of Desalination Plants in terms of having an East Bay plant producing 3.5 mgd and a West Bay plant having a capacity of 8 to 10 mgd. A report would include infrastructure, energy and labor costs along with cost curve scenarios. He reported they are also looking at rehabilitation of inactive wells. He stated a report is being prepared with updated costs of the Phase I study. He stated they will be reporting cost results of alternative uses in the different study areas but not making recommendations of which use is preferable adding that is a policy decision not in their purview.

Mr. Mariscal stated that the report is going to provide a plan on a statewide basis that defines a number of needs if we were going to need emergency water situations and the question then becomes how to address these needs in terms of costs and who spends the monies and when will the money be spent and how much is security worth to the State of Rhode Island to make sure when there is an emergency we are able to handle it.

Mr. Perry suggested the report be made available ahead of a presentation. The committee consensus was to have a special meeting of the Board when the presentation is made.

2. Town of Smithfield (TS) – 5 - Year Update – Extension Request

Mr. Griffith introduced the item. Ms. O’Keefe reported the acting water commissioner has submitted an extension request based on an emergency circumstances as the current Superintendent is on extended medical leave. Mr. Ennis the TS consultant stated they were on target to meet the submittal date but there were a number of things that required the Town’s review. She recommended approval of the request to stop the review period, and work with staff on the identified concerns and a meeting be scheduled and an Update be resubmitted within 120 days of Board action. Ms. Scott asked that the other review agencies be informally polled for any concerns. Mr. Mariscal stated that we will invite the other agencies to any upcoming meetings.

Motion to approve the extension request was moved by Mr. Ward and seconded by Ms. Scott; the motion was approved unanimously.

3. City of Warwick Water Dept. (CWW) – 5 - Year Update Recommendation

Mr. Griffith introduced the item. Ms. O’Keefe reported staff and the review agencies reviewed the plan as submitted and a review summarized with findings was prepared. She related while discussing the draft review and findings with CWW, the water supplier decided to request an extension period where they could address our draft comments and resubmit a plan. She related the supplier could not be here today. Mr. Griffith asked for clarification on the action requested of the committee today. Ms. O’Keefe stated her review memo requests a finding of “Non-Compliance” but

noted the extension request letter was received two days ago, which would be for committee consideration. Committee discussion ensued and the consensus was to keep with the formal process. The committee did not view this request as one of having extraordinary circumstances.

Motion to approve staff recommendation of a finding of non-compliance was moved by Ms. Scott and seconded by Ms. Swallow; the motion was approved. Mr. Stamp voted Nay.

A brief discussion took place on the issue of notifying the Public Utilities Commission (PUC) of the this finding. It was noted the City of Warwick is not regulated by the PUC. The matter would be brought before the full Board.

4. Bristol County Water Authority – 30 – Month Interim Report Recommendation

Mr. Griffith introduced the item. Mr. Morrison stated he would recuse himself from discussion for this item. Ms. O’Keefe reported the Thirty-Month Interim Report Amendment was received and distributed to the review agencies. She reported the original report was found to be deficient for failing to provide an update on the implementation of the Major User Technical Assistance Program (MUTAP). She stated the updated information complies with the program rules and procedures and she recommended approval of the report. Mr. Ward noted that 62% of the major users did not respond to the MUTAP program questionnaire, which is consistent with other MUTAP programs. He recommended we look for ways in getting these large users to respond.

Motion to approve staff recommendation to approve the 30-Month Interim Report was moved by Mr. Perry and seconded by Ms. Scott; the motion was approved. Mr. Ward abstained. Mr. Morrison recused himself from the vote. The motion carried.

5. WSSMP Moratorium

Mr. Griffith introduced the item. Mr. Mariscal distributed documents and explained their contents. He proceeded to discuss the WSSMP Moratorium Motion. He explained the purpose of the motion was to review the process to ensure it is workable. He discussed the important issues and comments brought forward by the Board members. He stated the big issue that we all came to a conclusion on was how do we really determine whether something is in compliance or not, whether it is non-compliance or if it warrants a notice of first deficiency. He reported from a staff perspective it is definitive, with some minority opinions as to what constitutes what on a staff level. He added we think there needs some polishing in that area. He continued to explain the elements of the motion which included the moratorium, WSSMP study and recommendations and to design a process to change the regulations. Mr. Mariscal described the elements of evaluating the plans in terms of the process to determine compliance versus non-compliance, which included the review process of the agencies, high priority plan elements, high priority plan implementation elements, one-time priority elements and lower priority items.

He stated one of the things that is a procedural thing that will get us better plans is the relationships between the staff, the reviewing agencies and the water suppliers themselves as they develop the plans. He added this can be enhanced by the pre-submittal timeline he has developed, which he proceeded to describe.

Mr. Stamp questioned if the agency being understaffed as it is can handle what is being proposed. Mr. Mariscal stated this can be handled by readjusting future submittal schedules. Mr. Griffith suggested grouping adjacent communities or systems together in terms of submission, review and evaluation. Mr. Mariscal agreed and related they had planned to group QDC, KCWA and North Kingstown. Mr. Ward stated that some of the changes talked about may need to be changed by statute and asked if they can be added to any related pending legislation in the form of "SUB A's. Mr. Griffith stated this point can be taken up at the legislative subcommittee meeting later this week. Ms. Scott stated the process as described indicates a big time commitment by staff and agencies and then assumes the supplies will agree to this commitment also. She added without enforcement measures what will insure water supplier cooperation. She suggested there would be a change in attitude if enforcement provisions were added to law. Ms. Scott pointed out that when the program was transferred to the WRB by legislation, the changes in the language in the statutes caused a change in the intent of the law which helped to define what is the purpose and objective of the Water Supply Planning Act. She stated if those language changes were corrected it would help clarify requirements for compliance. Mr. Perry discussed refining the matrix by attaching priority measures to the specific comments made by the review agencies. He asked for clarification of the public review process in terms of how it fits with the confidentiality requirements. He stated he would review the procedures with staff and comply with current law and established procedures established by protocol with the Attorney General's Office.

Mr. Delise of BCWA offered comments for committee consideration relating that the amount of reporting is getting out of hand and the idea of reprimanding and fining a water supplier for being in non-compliance is going to far. He suggested rewarding water suppliers for doing an adequate job on these plans. Mr. Mariscal reminded Mr. Delise that according to program rules and procedures the plans shall be adopted by the governing board of each water supplier following a public hearing. Mr. Delise stated it is not as easy as it sounds and wishes things could work so easily.

6. Statewide Water Conservation Program

Mr. Mariscal stated this is a high priority and there is work in progress which will be finalized soon.

IV. STAFF REPORTS:

1. Drought Management Program – Drought Condition Update

Mr. Griffith introduced the item. Ms. O'Keefe reported a Drought Steering Committee meeting is scheduled for this Thursday. She added information is being compiled. She stated the indicators look good and all the reservoirs are full. She reported the National weather service COCORAH weather observer training is scheduled for April 22nd with 10 to 15 people already stating they are interested.

2. Water Supply Systems Management Plan Program - Update

Mr. Griffith introduced the item. Ms. O'Keefe reported that we continue to receive, review and

prepare review comments as the program's progress continues.

3. Groundwater Protection/Acquisition Program - Update

Mr. Griffith introduced the item. Mr. Riverso reported the Board approved project off Heaton Orchard Road is moving forward as a PO has been issued for preparation of a Class I Survey. He stated that on April 8th, he would be attending a Town of Richmond Planning Board meeting with the property owner's consultant to finalize the subdivision approval requests. He reported Legal counsel has drafted the P & S Agreement and forwarded it to the Owner's attorney and when that is signed he would be prepared to bring this project forward to the State Properties Committee.

Mr. Riverso reported a follow up meeting has been scheduled with the adjacent property to the Richmond Airport well site to clarify a well point placement on the property.

He reported regarding the Town of Richmond application for well site property reimbursement, they have submitted additional but not complete documentation. They did submit quantity evaluations. He stated in their follow up request they are asking for funding under the Watershed Protection and since they do not participate in that program we will be responding they do not qualify for that program. We plan on meeting with the Town Manager or Planner to help them in whatever way we can regarding any additional sites in the area.

He reported in regards to well site RIW 696 in the Hope Valley area, follow up conversations tell the owner may still be interested in developing his own supply well there and has spoken to a water supplier regarding the matter. He added a follow up meeting has been scheduled.

He reported revisit letters have been sent out to program property owners asking for a meeting to discuss their status and any reconsiderations regarding their property.

VI. OTHER BUSINESS:

VII. ADJOURNMENT:

Motion to adjourn the meeting was moved by Mr. Stamp and seconded by Mr. Perry. The motion carried unanimously. The meeting was adjourned at 2:15 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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