



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

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**Special Joint Meeting of the
Regulations and Legislation Committee and
the Water Resources Protection and Use Committee**

MINUTES OF MEETING

May 22, 2008

Members Present:	Members Absent:	Staff Present:	Guests:
Robert Griffith	Ian Morrison	Juan Mariscal	William Penn
Daniel W. Varin	June Swallow	William Riverso	Carissa Richards
William Stamp, III		Beverly O'Keefe	
Ernie Panciera		Kathleen Crawley	
Frank Perry			
Harold Ward			
Henry Meyer			

I. CALL TO ORDER:

Board Chairman Penn asked Mr. Varin to open the meeting at 2:06 p.m., and noted a quorum was present.

II. ITEMS FOR DISCUSSION AND/OR ACTION:

- Water Supply System Management Planning Program: Staff and Other Recommendations

Mr. Varin introduced the item and provided background information. He noted that he hoped a less onerous process can be achieved for all concerned with ideas to be put forward at today's meeting.

Mr. Penn noted it was his recollection from the Board meeting that two phases needed to be done. One being to look at what modifications could be done currently under the existing legislation and phase two being what modifications could be made to the legislation and the regulations that could be taken to the legislature in the 2009 session.

Mr. Varin asked Ms. O'Keefe for her views as to what the problems are with the program. Ms. O'Keefe reviewed her experience with reviewing the Five-Year Updates. She stated a major problem area following the update of the *Rules and Procedures* in 2002 requiring water suppliers to complete two new sections - a Water Quality Protection section and a Drought Management Plan section – has been an area of weakness. She stated most water suppliers or their hired consultants have failed to correctly complete these sections. She stated the state review agencies worked together to prepare a source water

assessment technical guidance document which was distributed to the water suppliers, and section requirements were discussed in a group meeting. She noted the meeting and document did not have the intended effect. Plans did not improve. Ms. O’Keefe noted the Five-Year Updates for the most part do not include a progress report of accomplishments during the past 4 years nor an Implementation Plan and Schedule for the next five years. Ms. O’Keefe covered additional areas where the submitted Updates have been found by the Board to be in non-compliance.

Mr. Panciera of RIDEM stated he found similar concerns with the reviews of the Water Quality Protection Component and agrees with the concerns stated by Ms. O’Keefe.

Mr. Penn suggested prioritizing the important planning components and eliminate those not important. Mr. Mariscal stated that was tried and explained the difficulty was that all the components were important with only a few exceptions. He proceeded to explain his view.

Mr. Perry stated that for many of the suppliers these plans are an administrative requirement the state has placed on them. A document they hire someone to prepare, submit it, get it done, then put it on a shelf and five years later do it again. He stated that what needs to be done is to get across to people that these plans need to become a working document and not an administrative requirement. He proceeded to provide background on how the plans were handled at KCWA.

Ms. O’Keefe stated the current Rules and Procedures have failed to include a requirement to use the standardized worksheets which were originally designed by DEM. The worksheets require both descriptive and more static information and changing information like water pumped, used, and lost during transmission. The current annual reporting program, implemented over 2 years ago, now collects this “changing information” so the state can assess, use, and project water availability. Both the descriptive and changing data are entered in the “Water Supply System Management Plan Database,” and it is hoped in the future, water suppliers will be able to directly enter both types of information into this database, and thus eliminate paper reporting.

Mr. Penn asked regardless of state laws that are in place, why do we have these plans at all if suppliers are putting them on shelves.

Mr. Perry stated he sees the importance of the plans now compared to ten years ago, whereby he would have made better and practical use of them before.

Mr. Meyer stated the current legislation is so specific it ties the regulatory process whereby if it were less specific regulations could be modified or allow local discretion.

Mr. Griffith proceeded to explain why the program was developed with its history. He agreed that the legislation is prescriptive and restrictive and the kinds of challenges we have gone through over the past few years to get the plans approved flow from the fact that we had very little flexibility as the approving agency. He added getting flexibility from the legislature will make the process less onerous, less bureaucratic and less process driven.

Mr. Penn stated we must swing the pendulum back from micromanagement on a state level and confrontation to working together and bringing things back to the middle. He asked how can the WRB take the lead to bring things back to the middle and get rid of some of this restrictive details of micromanagement. He questioned as to how do we make the water supply system management plan a

working plan.

Discussion ensued on what should be the essential elements and points of a plan product to be provided.

Discussion ensued on how to handle the enforcement issues of “Non-Compliance and First Deficiency”.

Mr. Varin proposed focusing on establishing a relatively short list of things to require all the suppliers to report to us and in a uniform fashion.

Mr. Ward proposed that future Updates include an implementation schedule so that we would know what the suppliers have done during the past 4 years and will do in the next five-year schedule. Water suppliers can certainly make changes to the proposed implementation schedule based on changing priorities.

Mr. Mariscal proposed putting together a two page bare essentials requirements for suppliers to do and later to get into details. He would provide this by end of June.

Mr. Meyer related we need to decide what do we want these plans to do before we present something to the legislators for the 2009 legislative session.

The **committee consensus** was to all agree on a list of information that everyone must have on a consistent basis including definitions and timelines and get the General Assembly to repeal existing laws and start over. Mr. Mariscal was charged to put this together and have the participating agencies review the document.

III. ADJOURNMENT:

Motion to adjourn was moved by Mr. Stamp and seconded by Mr. Griffith, the meeting was adjourned at 3:29 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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