



## **RHODE ISLAND BAYS, RIVERS, & WATERSHEDS COORDINATION TEAM**

July 2, 2007  
2:00 – 4:00 PM  
Narragansett Bay Commission Boardroom  
Providence, Rhode Island

### **Final Meeting Minutes**

Coordination Team Members in Attendance: Jared Rhodes (for Kevin Flynn), Ray Marshall, Sue Kiernan (for Michael Sullivan), Michael Tikoian, Michael Walker (for Saul Kaplan)

Other Meeting Participants: Jane Austin, Kip Bergstrom, Sue Kiernan, Ariana McBride, Malia Schwartz, Jeff Willis, Chip Young, Richard Ribb

Coordination Team Staff: Ames Colt, Melissa Stanziale

#### **CT Administration:**

Meeting was called to order at 2:10 p.m.

Colt requested approval of minutes for June 6, 2007 meeting. The only question was from Willis; he asked why outline B was not included in appended alternative outlines. Colt agreed to add it to final version of minutes.

He reminded members that the CT meeting in August would be replaced by a recreational outing: a round of golf at Sakonnet Golf Club, followed by lunch and informal discussion. In the future, he is hoping to resume the regularly scheduled meetings, i.e. the third Wednesday of every month, and presented a roster of potential meeting dates from September 07 through January 07.

*A motion was passed to approve the 6/6/07 meeting minutes as amended.*

#### **Review FY 2008 Monitoring Initiative**

Colt began by discussing Budget Article 30. It passed with little debate at the end of the 2007 legislative session. They need to make some adjustments to the budget, as stated in the monitoring initiative proposal that went before the General Assembly. There are two reasons for that: 1. Septage fees cannot be applied retroactively (cannot collect fees until

rules are promulgated). 2. There is also a 10% cut taken, by the General Assembly, off any restricted receipt account. And any overhead fee charges have yet to be determined in order for DEM to handle this account.

Colt suggested reducing the \$750,000 originally stated as the maximum they could generate by 25-30% down to \$525-550,000 for FY 08. There are currently two major issues in budgeting: the Economic Monitoring Collaborative FY08 project cash needs are frontloaded. They need to get the funds in order to do the work fairly quickly this summer. They requested that the CT approve a motion that all \$75,000 allocated for economic monitoring in FY 08 will come from the OSPAR account.

### **Economic Monitoring**

The other issue is that the Economic Monitoring Collaborative has proposed a payment schedule of \$25,000 to be paid August 1<sup>st</sup>, October 3<sup>rd</sup>, and November 23<sup>rd</sup> for a total of \$75,000.

Kiernan stated that the Depart. of Administration has imposed new requirements related to state contracting. Currently, there is a much higher level of scrutiny toward ensuring that payments against contractual agreements are done in accordance with receipt of contractual deliverables. So asking for payment upfront may encounter resistance. RI DEM's Fiscal Director Terry Maguire will have to determine what can be done to get the payments to the Collaborative and its subcontractor as soon as possible. Kiernan will try to arrange a meeting with him later this week.

Colt suggested (per conversation with Bergstrom) that they request a brief written explanation from the vendor (Kevin Hively), as to why this is an upfront need. Bergstrom added that they would like to get this paid (\$20,000) by August 1<sup>st</sup>.

Kiernan reiterated that the agreement that is worked out must be filed as an actual purchase order, then must be processed through DOA, and this could take weeks. To procure a check from DOA in this timeline is highly unlikely. The department does not control that, DOA does.

Colt replied that he realizes this issue is uncertain at the moment, but he was hoping the CT would approve a motion that the \$75,000 for economic monitoring should be paid out of the OSPAR fund.

### **Environmental Monitoring**

Tikoian requested that they keep the following in mind during the monitoring: it would be valuable to the CRMC to know the cumulative impacts of residential docks in Rhode Island. For example, he thinks they know how many marinas there are, but not how many boat slips there are in the state. It would be nice to have this data, not necessarily one big number, but maybe by geographical region. He asked if they will be monitoring marinas? Bergstrom answered yes.

Colt mentioned that he thought the FY07 Economic Monitoring Report pegged the total number of marina slips in the state at 14,000. He said that it would be good to develop more information on how that estimate was derived by Hively and possibly how it breaks down regionally in the state.

Tikoian said he would also like to know what the Marinas are looking for in terms of more space for larger vessels, or smaller ones, i.e., slip numbers categorized by length of vessel they can accommodate.

Colt added that the Quonset Business Park is going to start developing a mega-yacht center with a new client, Global Island Yacht, which could affect the other marinas.

Kiernan reiterated that there is a \$250,000 cap in OSPAR funds available annually for CT-endorsed monitoring activities. The Environmental Monitoring Collaborative and the CT previously authorized uses of the money to cover continuing USGS contracts for the stream gage monitoring system and for large river monitoring. These contracts all relate to the activities started last year and must be continued in order for the data to be of genuine value for management and policy.

Rotating assessment of rivers and streams was the fourth environmental program supported by FY07 OSPAR funds for monitoring; they will be finishing the third assessment this summer, and initiating a fourth cycle in late summer/fall, 2007. In 2007 they will finish the rest of the Pawtuxet River. She thinks it is feasible to divert the \$75,000, but that leaves \$28,000 of unobligated funds, given the USGS contracts for FY08 that must be funded by OSPAR as well.

She feels it important to reserve those remaining funds for the fixed monitoring stations in Narragansett Bay in 2008; because if they do not come up with alternative sources of support after January 2008, there would be a question as to how to continue the fixed stations through 2008. So Kiernan cautioned that if they obligate these funds now, there will not be a lot left for 2008, but it is possible.

Colt stated that it is the stream-flow gages, large river water quality monitoring, and the fixed stations in the Upper that are the most important environmental monitoring needs that must be covered by the OSPAR funds, in addition to the economic monitoring.

Kiernan said that the \$250,000 would break down as follows:

1. Fund the 3 stream-flow gages for FY 08 that were funded by CT funds in FY 07.
2. Fund USGS-contracted large river monitoring for FY 08.
3. Allocate the \$75,000 devoted to economic monitoring from the OSPAR funds
4. \$28,000 balance.

Colt distributed the original FY 08 monitoring budget that was presented to the General Assembly. There are three types of funding: fees (not yet secured under BA 30), OSPAR

(secured), and other anticipated funds (assume it is in place). If they proceed according to this plan, it looks as if they will have to postpone fish tissue monitoring, invasive species, and fresh water beaches until the new fees kick in.

Tikoian asked if the \$51,000 allocated for economic monitoring during the 2007 tourism season was in the original monitoring proposal presented to the General Assembly. Colt answered yes, it was.

Kiernan explained that if you ignore the other funding sources, because they are considered matching party, federal, non-Coordination Team sources, then the \$50,000 to be raised from the new fees and \$30,000 from OSPAR to go to economic monitoring totals \$80,000. The Economic Monitoring Collaborative now state that they will need only \$75,000 to complete the FY08 project, and they want to take it all out of OSPAR, due to timing concerns. In order to do that, you would be deleting the \$50,000 originally allocated for economic monitoring from future fee revenues, and increasing the OSPAR contribution to economic monitoring to \$75,000. She said she thinks this is a viable arrangement, but she wanted the CT to understand that continued operation of the fixed stations in Narragansett Bay throughout 2008 will contingent upon support for them coming from the fee revenues.

Colt added that the nature of the work has not changed since the original monitoring proposal, only the way they allocate the funding sources.

Bergstrom stated that they are trying to get all of the economic monitoring work done before the end of the year, because the summer intercept surveys have to happen during July and August; and the marine trades interviews have to happen during the early fall.

Tikoian asked if the dissolved oxygen surveys will help to guide actions taken to improve DO levels in Narragansett Bay. In other words, are the surveys only going to confirm Narragansett Bay DO levels are too low, without pointing to the best ways to improve DO?

Colt suggested that the Tikoian's question could be rephrased as: Will the monitoring information to be collected change RI's regulatory and management programs for dealing with dissolved oxygen? He feels that the critical value of the DO surveys will be to show the response of the system to efforts at RI WWTF's to reduce nutrient discharges. Their purpose is not just to characterize how bad water quality is at this point in terms of DO.

Kiernan interjected that there has been enough 'dynamism' in the data that it has prompted URI, in collaboration with Brown to receive a \$50,000 research grant from NOAA to generate greater understanding of the factors that increase and decrease DO in Narragansett Bay. They now have a fixed station program, which is very important to the regulators to ensure compliance with water quality standards. Researchers at Brown and URI are trying to correlate survey data to factors such as freshwater river inflows, bay hydrology that will help them to understand what's driving the Bay as a system. If once all the planned nutrient reduction strategies are implemented, and we do not see

improvement in warm month DO, that will be a cause for serious concern at DEM and will make it even more imperative to gain insight on what's happening systemically in the bay with regard to DO.

Tikoian explained that his concern stems from the fact that during the last fish kill, DEM, Governor Carcieri, and CRMC were bombarded with questions about its cause. They understand what is wrong, but what is RI doing to make sure a major fish kill does re-occur? In other words, are they spending money to monitor DO levels that they already know are high, without developing data that helps identify how to correct the problem? Tikoian stated that if there is another massive fish kill in two years, they will be faced with people asking them what had been done over the past six years to improve water quality since the previous fish kill. What will the answer be, that they spent money monitoring the problem, or fixing it? Tikoian added that, in 2003, Greenwich Bay's marinas were, wrongly it turns out, blamed by local residents for the fish kill.

Kiernan replied that the major sources of nutrients that RI can control, and what the DEM feels are the major drivers of DO problems in the upper bay, were the major WWTF's of the upper bay; there are eleven WWTF's statewide that have had to go to advanced treatment and the various stages of getting there.

Marshall added that NBC just spent \$70 million upgrading the Bucklin Point WWTF, and it is performing better than anticipated with regard to nitrogen reduction. Nevertheless, DEM has told NBC that Bucklin Point WWTF's nitrogen reductions may not be sufficient. And NBC is planning to spend another \$30 or \$40 million at Fields Point to increase nitrogen reductions over the next five years. The risk is that NBC could easily spend \$100-150 million on nitrogen reduction at both of its WWTFs and still not be sure we will see actual improvements in DO in the upper bay; in part because there are so many other sources including other WWTFs in Massachusetts and storm drains.

Colt answered that the DO monitoring program, led by Chris Deacutis, is continuing to refine and improve the model for tracking and predicting DO levels. The idea is that they will be able to be more cost-effective about DO monitoring because they will know more about where to monitor and when, because they will understand the system better based on the accumulation of data. To have confidence in such a model Deacutis has stated that ten years of monitoring data are required. Currently, DO has been monitored consistently for eight years, so they are two years away from being able to assemble a systems model that will help to direct our monitoring system for DO.

Tikoian said that he is not questioning the validity of current DO monitoring. What he is hoping for from the monitoring is guidance for each of the CT member agencies on how they should help RI achieve adequate DO levels in the upper bay.

Walker said stated that RI should invest in treatment enhancements and then monitoring closely the benefits and improvements to water quality; instead it seems that RI is investing in nitrogen reduction without a very clear set of expectations on what will happen in the upper bay in response.

Kiernan responded that it is not that they are not going to see nitrogen reduced, it's more of a question of whether or not there will be a sufficient reduction of nitrogen discharged into the Bay in order to restore DO to acceptable levels.

Walker said he was not talking about strictly the Narragansett Bay Commission or the WWTFs; he was referring instead to some of the other sources of nitrogen and when RI will focus on them as opposed to the NBC WWTFs. So they could allow the treatment plants to invest in an initial round treatment improvements, and then acquire monitoring data to assess the benefits of treatment upgrades over time. Instead, the situation seems to be DEM and NBC acknowledging that the results of investments in Bucklin Point WWTF are better than anticipated in terms of nitrogen discharge reductions, but DEM wants NBC to reduce nitrogen further nevertheless. We never have a chance to assess the long-term benefits of these treatment upgrades because DEM continues to focus on the WWTFs.

Kiernan stated that what the nutrient reduction strategy is about is reducing, to an extent feasible, the persistent low dissolved oxygen conditions that exist in the Bay and to document it. Could you have an event-driven situation? Yes. They respond to several fish kills every year. There are multiple ones, but not on scale seen in 2003 in Greenwich Bay. Under the Clean Water Act you have to do what you can; ultimately you get to the end point where you can't do it because further reductions are technologically infeasible.

Colt stated that Walker is assuming RI is managing nutrients on a water quality management basis, and in his view essentially we are not. We manage it on a best available technology basis, and that is because we do not understand the Bay's functions with regard to DO well enough yet to manage on a water quality basis. We don't know enough about the relative impact of the other sources of nitrogen on DO. We don't know how to relate the amount of nitrogen coming out of the pipe of NBC's Fields Point Plant directly to changes in DO in the upper bay. So we cannot perform a comparative analysis of the impacts of different point sources. We know the WWTF's are the largest source of nitrogen, and on a per unit basis it is probably cheaper to reduce nitrogen at a WWTF versus non-point source reductions.

Marshall asked cheaper for whom, the NBC ratepayers or the average Rhode Islander?

Kiernan said she thinks what DEM and CRMC are doing is changing what the non-point people are going to do with those sources. They also have to be regulated more tightly. That is part of what has changed since the 2003 fish kill.

Tikoian asked what changes will be made when they are done with the monitoring?

Colt answered that he feels there is still a lot of work to be done within the state and within the Bay's watershed before they can get to the point of evaluating the efficacy of ongoing investments in nitrogen reduction. Right now, he feels it is more important to just make sure RI has the best longitudinal database available to be able to make these kinds of decisions four, five, or ten years from now. He does not want to touch this larger

issue of nutrients management and what are the most cost-effective strategies because he is not sure that anyone has that answer.

Colt requested a motion to approve having the Economic Monitoring Collaborative study for FY08 be covered entirely by OSPAR funds.

*A motion was passed accordingly.*

**Systems-Level Planning Update:**

Colt announced that he is going on vacation July 12<sup>th</sup>. He will spend between now and July 12<sup>th</sup> working on Systems Level Planning. He distributed an outline that he put together based on their discussions from June 6<sup>th</sup>, and he put together a development schedule. He welcomes any comments.

He feels that as discussed previously the CT planning process needs to catalogue the existing and relevant state goals and agency programs. It would be the responsibility of the Ad Hoc group and Colt to work through that. If the proposed outline C (as discussed at the June 6 monthly CT meeting is agreeable to the CT, he would seek to assign section leads. For example, regarding waterfronts, public access and recreation it seems logical that a CRMC person would be the lead for pulling that section together.

Once section leaders are designated, they will be asked to proceed to develop their respective sections of the Plan. That would probably take from August-December, 2007. In December, they would pull together the section drafts, Colt will draft an executive summary, and at the same time they will develop a proposal for the CT to be submitted to the Governor for incorporation into the Governor's FY09 budget package. That CT proposal should be submitted to the Governor by January 4<sup>th</sup>. Through January they the CT would review the Plan's section drafts, have them comment on it, and then we would have the first full draft of the plan pulled together by February 1<sup>st</sup>. He proposed that they spend February-June in the outreach mode, putting together review meetings, gathering comments. Basically, the idea is that they as the state agencies work diligently between now and January to assemble a review draft and then solicit outside comment and review.

He suggests making it a four-year plan and then breaking it up into two two-year implementation segments.

Walker advised that during that four-year time period, the CT and Chair should keep in mind that the results of the goals, objectives, and investments they have made initially will not be fully implemented prior to the next update of a four year plan.

Colt answered that their goal statements will probably not be that specific, and would have a long-term orientation. If they wanted to be able to have data on performance and some ability to evaluate how well they are doing that can be accommodated by the wording of the objectives, and recommended actions. They may be able to have shorter-term objectives that you could develop some assessment on within a four-year

period. There is no mention of the time frame of the plan in the legislation so the CT has the liberty to decide for itself what it should be.

Rhodes commented that the shorter term is usually better. They do not necessarily have to change things every four years, but just take a pulse. Long-term plans tend to get stagnant and people forget about them.

Marshall asked Colt what he would hope to be able to report at the end of three, four, or five years.

Colt felt there would be value in informing legislators when WWTF discharge permits have been updated and that treatment facilities are being designed accordingly, but actual discharge controls won't be in place until later. There is a distinction in evaluation between outputs and outcomes. As the CT is essentially dealing with governance reform versus wastewater engineering performance, output information could thus be fairly valuable for the CT and its overseers.

**Northeast Regional Ocean Council 2007 Report to the New England Governors:**

Colt informed the Coordination Team of some of his work for the Northeast Regional Ocean Council and distributed copies of the 2007 NROC report to the New England Governors, presented by Colt at their annual meeting last month with the Eastern Canadian Premiers.

*At 4:00 p.m. a motion was passed to adjourn the meeting.*

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