



RHODE ISLAND BAYS, RIVERS, & WATERSHEDS COORDINATION TEAM

Meeting of April 9, 2014

RI Commerce Corporation
315 Iron Horse Way
Providence, RI 02908

FINAL Minutes

CT Members in Attendance: Sue Kiernan (DEM), Kathy Crawley (WRB), Tom Uva (NBC), Mike Walker (Commerce RI), Veronica Berounsky (RIRC), Caitlin Chafee (CRMC), Paul Gonsalves (Statewide Planning)

BRWCT Staff: Ames Colt, Melissa Deciantis

Others: Elizabeth Scott (DEM),

CT Administration

Meeting was called to order at 2:00 p.m.

Meeting minutes for the February 12 meeting were approved unanimously.

Updates

Upper Bay Regional SUD Feasibility Assessment

Colt said there is a draft final report that is available for review among stakeholders. The CT will hear about this project's proposal for up to \$400,000 in Sandy recovery funds by the end of April.

The CT originally set up a two-year funding agreement for this project at \$75,000 each. Liz Scott has requested that Phase II, beginning in August and going for about nine months, spend that entire amount at once, \$150,000. This has been incorporated into the BRWCT FY 2015 budget..

Climate Change Vulnerability Assessment for WWTFs

The RfP has been issued and bids are due May 2.

Upper Bay Water Quality Stakeholder Process

The team received five bid proposals and will begin their review next week.

Colt reported that he has spoken to Jan Reitsma of the Governor's Office and others about preparing to manage three major upper Narragansett Bay water quality initiatives currently underway, namely the Water Quality Stakeholder's Process that is assessing alternative nutrients management strategies, the Upper Bay Regional SUD Feasibility Assessment, and most recently

the Narragansett Bay Commission's CSO Abatement Phase III Re-Evaluation Project. Colt noted that these projects build upon years of effort and investments to address stormwater, CSO's, and nutrients discharges into Narragansett Bay, and that they each may led to increased costs for state and municipal governments and NBC ratepayers. Therefore, he suggested that we need to be prepared to explain and justify these projects as parts of an integrated initiative to address the health and integrity of Narragansett Bay.

Walker expressed concern that the CT currently consists of seven delegates participating on behalf of their agencies, not all of whom are engaged in these projects. Walker argued that the CT Chair should make sure the Office of the Governor receives regular briefings regarding these projects for Narragansett Bay. Colt agreed that the CT needs to keep the Policy Office apprised as to how this is unfolding, as well as CT agency leaders. Kiernan agreed with Walker that the entire team is not engaged. Uva added that CRMC should be involved in the Water Quality Stakeholders Process because this project will assess coastal wetlands that are in their jurisdiction. Kiernan agreed that these three projects represent a shared responsibility and their implementation should be integrated. She noted that Colt should work to point out connections between the projects for the agencies to reinforce. The information that comes out of these projects will be technical in nature but it is important for the projects to share information, particularly regarding costs of alternative stormwater and nutrients control strategies.

The CT requested that Colt begin to develop and share speaking points for the integrated pursuit of these three projects.

Uva stated that the CT should be more diligent in seeking summary reports for projects being implemented and for projects that have been completed.

RI Environmental Monitoring Collaborative

Colt reported that they have completed a contractual agreement with URI to award \$10,000 to the RI Environmental Monitoring Collaborative to employ a graduate student to help with annual reporting and other needs.

The Middletown Phase II SUD Feasibility Assessment Project

Colt reported that a final draft report has been issued by the consultant AMEC. He asked Elizabeth Scott to provide an update on the Middletown project. Scott reported that the next steps were for the steering committee to reconvene, review, and sign off on the draft report. The report will then be forwarded to the town council and a presentation will be given. The steering committee was positive toward the idea of a stormwater utility or enterprise fund. The Town Manager included within the town's proposed FY 2015 town budget funds for additional SUD planning. They also have included in the FY 2015 capital budget some of the future stormwater program needs identified in the report.

Walker asked if there has been any opposition to an SUD in Middletown. Scott replied that the stakeholder group was in support of continuing to consider an SUD, but that initially there was opposition to the idea of another local government office/program. As the stakeholder group familiarized themselves with the SUD concept and the likely annual fees that would be established, support grew.

Walker asked if there were estimates on an initial Middletown stormwater fee. Colt answered that it would \$4-6 per month per equivalent residential unit (ERU). Walker asked what that money funds, emphasizing that it is unlikely such a fee would be adequate to fund major infrastructure projects. Colt answered that as part of the stakeholder process there was a detailed assessment of current and expected future program costs. They looked at future stormwater management requirements

under MS4 permitting and began to estimate future infrastructure needs to arrive at an estimated annual budget for stormwater management in Middletown of about half a million dollars.

Walker said that, overall, local and state taxes and fees in Rhode Island remain uncompetitive, and creation of additional fees could further exacerbate the competitive position of Rhode Island. Companies look at the total cost of local and state taxes and fees when making investment decisions that impact job and income growth. The risk is that outside investment in Rhode Island will remain anemic because of high taxes and fees, putting continued downward pressure on state and local public revenues, and leading to continued decreases in essential public services such as the rehabilitation of public infrastructure.

Scott said that the upper bay regional stormwater utility assessment stakeholder group included business interests and they support setting up a regional organization to deal with stormwater. Also, stormwater services are often being paid for revenues generated by property taxes. There is broad understanding that a stormwater fee is a fairer way to pay for stormwater management because it would include tax-exempt entities. Walker replied that no one should expect that savings from reducing the contribution of property taxes to stormwater management will be returned to taxpayers.

Colt noted that the Middletown stakeholder group also looked at the potential impacts upon commercial properties. Colt pointed out that in considering increased funding for stormwater management, it is important to assess the economic costs of not managing stormwater adequately.

Walker asked about improving coordination among related BRWCT projects, including the pending analysis of alternative nutrient removal strategies for upper Narragansett Bay, SUD assessment, and the re-evaluation of Phase III of the CSO Abatement Project. Kiernan noted that within the three-phase CSO Abatement plan, there was a deliberate pause between phase II and III in order to re-evaluate the need of Phase III and evaluate progress made with Phases I and II. Uva agreed, but pointed out that this evaluation pause is not actually written into the underlying consent agreement approved by DEM.

Scott added that one of the benefits of the stormwater utility feasibility studies is to drill down and find out what the municipal program needs are. In general, municipalities do not have a good understanding of their stormwater management systems. Colt added that a goal of the projects is to educate the town and the public for them to start thinking about stormwater proactively.

Walker said that Middletown was supposed to be a test case of what a community needed to do to develop an SUD. Therefore, he was reluctant to consider funding additional SUD feasibility assessments until the Middletown project had been completed and lessons derived from it. Colt stated that Bristol and Warwick came to the BRWCT this spring ready to assess SUD's for their communities.

Proposal to Conduct a Phase II SUD Assessment for the Town of Bristol

Colt explained that the Bristol Assessment study proposals are similar to what has been done in Middletown in terms of process and stakeholder engagement and collection of additional information regarding Bristol's stormwater management needs. Scott and Colt met with Bristol town officials and discussed what happened in Middletown. They were enthusiastic and sought approval from the Bristol town council to seek funding from the CT. The town council unanimously endorsed going forward with the proposal.

Scott noted that recent storm in April totaled five inches of rain, generating multiple sanitary sewer overflows in Bristol. Their sewage treatment plant treats an average of 3.6 or 3.8 million

gallons per day (MGD). But during this storm they recorded a peak of 20 MGD flowing through their plant with sustained flows of 14 MGD. Such flows, due to stormwater, create major water quality impacts and Bristol Harbor experienced extended shellfish closures. Bristol's problems during such storms stem from their lack of adequate stormwater drainage systems.

Uva asked how much this project will cost. Colt said \$40,000. Uva said he appreciated the value of the project but was concerned that it was misleading to imply that stormwater fees of \$4-6 per month would be adequate to fund the required stormwater infrastructure upgrades. Walker reiterated his concerns about the impact upon Rhode Island's economic competitiveness of additional municipal fees. He suggested that Bristol should instead figure out how to best separate stormwater from sewage just as the Narragansett Bay Commission has done [with regard to CSO Abatement] without requesting a grant for SUD assessment from the CT.

Kiernan reiterated that the planning work that gets done with these studies helps to advance the ball in terms of people understanding their systems. While a motivated community could decide that it's important to do this work on their own, the CT is trying to find an incentive to have towns take these first steps to create the information that will help do the integrated planning.

Colt said the projects that have gone forward so far have been more successful than he had anticipated, but additional controversy would not be surprising if and when if a town council passed an SUD ordinance. Colt supported going forward with the Bristol project, and the West Warwick project, and seeing them through to a conclusion before trying to assess comprehensively how SUD's are going to play out at the municipal level in Rhode Island.

Crawley said she would have difficulty voting on any proposal if she was trying to make a choice regarding what is in the best interest of the economic competitiveness of the state. She suggested that the CT base funding decisions for most part upon the priorities articulated in the SLP.

Chaffee noted that everyone seems to bringing the perspective of their individual agencies to the discussion, but perhaps consensus could be found by focusing on modifying the assessment approach proposed for use by Bristol? Colt noted that there are contrasting assessment approaches being advanced for West Warwick and Bristol. He agreed that even if the CT funds the proposals as stated, there should be greater focus on articulating the economic consequences of adding fees in the manner being contemplated for the Providence metropolitan region and the towns of Middletown, Bristol, and West Warwick.

Veronica said that one goal of these assessment projects is to estimate the costs of making municipal stormwater management and infrastructure improvements. Thus, these seem to be exactly the kind of proposal the CT should fund in order to assess the economic consequences of new stormwater utility fees.

Uva made a motion to approve the Bristol SUD assessment proposal in FY 2015. Walker seconded.

A motion was passed to approve the Bristol proposal. DEM abstained.

Proposal to Provide Additional Support to the CRMC Shoreline Change Special Area Management Plan

Colt proposed that the CT add \$40,000 to its three-year \$150,000 award to URI and CRMC to fund development of the Shoreline Change (Beach SAMP) per the proposal received from the

project's managers. Uva expressed concern over the fact that some of this funding would be used for salaries. Colt answered that it is URI personnel. They are doing the project with CRMC support. Uva said that is fine.

Uva made a motion to approve the proposal. Walker seconded

The motion passed unanimously with CRMC abstaining.

Review of USGS Water Monitoring Contract Cost Increases for FY 2015

Colt noted that the CT needed to consider all of the proposals before but should keep in mind that the USGS water monitoring contracts for FY 2015 were still under negotiation and costs for those monitoring efforts would be increasing. Therefore, continuing to pay for the USGS monitoring programs may foreclose the CT's ability to fund other projects. The CT should review the proposals before it, but they can't commit funding until it was clear how much the USGS contracts would cost in FY 2015. He asked Kiernan to provide an update on the negotiations with USGS.

Kiernan stated that DEM and WRB are meeting with USGS April 15 to discuss the stream gages and ground water level observations. For the current state fiscal year they negotiated savings by cutting back ground water-related work and other program activities. No changes were made to the stream gage network in FY 2014, but USGS is phasing in a cost ratio for Rhode Island and the other New England states of 70% state 30% federal, down from a previous 50/50 cost share. They will find out if USGS can do anything when they meet on April 15, but they're not anticipating anything outside of a 70/30 ratio. The FY 2015 cost could be as high as \$350,000 for the same contract.

The CT agreed to review final costing for the USGS contracts in FY 2015 at its June meeting or sooner if possible.

Proposal to Conduct a Phase II SUD Assessment for the Town of West Warwick

Colt reviewed how the CT provided \$6,600 in FY 2014 to West Warwick for it to conduct an initial assessment for an SUD. That study was completed last December and West Warwick has submitted a proposal for \$65,000 to continue the assessment, although it was asked to submit a budget of \$40,000. The main reason for that additional cost is a detailed assessment of capital improvement needs. In the initial study they identified 27 locations that need stormwater infrastructure upgrades with a total estimated cost of \$10-40 million. In the second assessment they propose to characterize the 27 locations in greater detail, prioritize the ten most critical ones and specify structural and non-structural BMP's for those locations. This task would cost \$33,000.

Walker said if one removes the project component devoted to educating the town about stormwater utility districts and instead prioritized the identification of ten priority, the town will be prepared when a funding opportunity presents itself to build a stormwater project. Scott agreed that that proposed project planning and engineering would be valuable. They could thus identify projects so that when they adopt a stormwater utility they are ready to go forward with key projects.

Uva made a motion to approve \$40,000. Walker seconded the motion.

Colt said the motion is on the table to approve (assuming available funding) \$40,000 for the project, but with substantial revisions to the proposal that they will work out with Fred Presley. Crawley asked if the proposal is it up to \$40,000 and not to exceed. Colt said up to \$40,000 with

a reorientation toward planning and design of 8- 10 projects with it competed out properly by the town with CT engagement.

The motion passed unanimously with DEM abstaining.

RI Rivers Council Proposal

Veronica summarized the project proposal from the RI Rivers Council. They would like to fund projects that will help the Council move forward so they would over time become less dependent on legislative grants. The goal is to put some mechanisms in place so that the state's nine watershed councils could function more independently. There are two types of projects to be considered: on the ground projects that may be completed with modest funds and volunteers such as building rain gardens; and local council training in development and non-profit management. For on the ground projects, the Rivers Council would work with an environmental consultant to produce projects that are clearly defined. The proposal is for \$20,000 annually for two years because it will take two years to work with all of the nine watershed councils.

Kiernan said she found it difficult to understand exactly what kind of projects would be specified and suggested it would be a stronger proposal if it focused on a narrower set of project outcomes. Berounsky said she kept possible projects open ended because the councils have many different ideas about what they would do.

Uva asked what the River Council would benefit from the most? Berounsky answered that the best thing for the Rivers Council is to have stronger watershed councils. Right now, the nine councils vary considerably in capacity and activity. Uva suggested that the Rivers Council should focus primarily on developing a training program for all the local councils on grant writing, fundraising, environmental clean-up, and environmental protection.

Berounsky said that she would discuss this possibility with the RI Foundation because they provide such training to non-profits although not specifically for environmental organizations.

Kiernan said it sounded as if each group would work on developing a grant and have someone assist them, as opposed to the grant writers doing all the work. Berounsky said the idea was to have someone who would work specifically with each watershed council and to help it write the grant.

Crawley asked if the councils seemed to know what they wanted to accomplish. Is there a role for the CT to play in determining what would be best for individual councils to focus on? Is there a way to define a place within the SLP for identifying priorities for the local councils? Veronica said she felt that that the Rivers Council would be best positioned to help determine the directions individual councils should take.

Kiernan offered to work with individual councils to set priorities to reduce the risk of burning through a consultant's time trying to determine what the group wants to do. She suggested that the Rivers Council come up with a set of priorities that would provide focus across all of the councils. Walker suggested that when Berounsky approaches the RI Foundation, she should point out that the foundation funded the operation of the Rivers Council for a number of years. Walker expressed concern over the proposed size of the proposal budget.

Colt said there seems to be consensus to provide some help but that the proposal needs some reworking, and he wasn't sure how to encapsulate that into a motion. Walker suggested they fund

the Rivers Council \$20,000 to identify projects within the councils that can be prepared to the point of grant applications.

Kiernan thought this was still too open-ended. She liked the idea of coming up with some focus for the kinds of projects that would be cultivated. She volunteered to work with Berounsky to revamp the proposal. She also proposed a focus on stormwater. It would be great if watersheds had compelling stories about what is going on with stormwater in their watershed. Chaffee said it's great if they are comfortable with limiting it to just stormwater, but it seems that the scope of the River Councils is well beyond stormwater. Why not open it up to other types of projects? Kiernan agreed to allow a broader range of projects to be considered but did not wish to see it become so open ended that anything a council is interested in would be acceptable. The CT needs to establish how they would like to align the work of those groups with the state's water quality priorities.

Walker moved to approve \$20,000 in funding for FY 2014 (assuming available funding) and requested that the Chair put a placeholder in the FY 2016 budget to provide additional funding after the CT has received feedback on the first year's activities and progress. Uva seconded the motion.

Crawley asked if the motion should amended to clarify that this would a tentative approval, subject to further refinement of the proposal. Colt stated that the approval is tentative subject to successful refinement of the proposal to the CT.

A motion was passed unanimously with the Rivers Council Abstaining.

The meeting was adjourned at 4:50 p.m.