

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF COMPLIANCE AND INSPECTION

In Re: City of Woonsocket

File Nos.: FILE NO.: OCI-WP-17-132
X-ref RIPDES Permit RI0100111
RIPDES Pretreatment Program
Referral #17-01

AAD No.: 18-005/WRE

CONSENT AGREEMENT

A. INTENT & PURPOSE

This Agreement is entered by and between the Rhode Island Department of Environmental Management (“RIDEM”) and the City of Woonsocket (“Respondent”). This Agreement is entered in accordance with Section 42-17.1-2 *et seq.* of the Rhode Island General Laws (“R.I. Gen. Laws”) for the purpose of resolving the alleged violations set forth in a Notice of Violation (“NOV”) issued to Respondent by RIDEM on 10 July 2018.

B. STIPULATED FACTS

- (1) WHEREAS, Respondent owns and operates a wastewater treatment facility located on Cumberland Hill Road in Woonsocket, Rhode Island (the “Facility”).
- (2) On 18 September 2008, RIDEM issued to Respondent Rhode Island Pollutant Discharge Elimination System Permit No. RI0100111 (the “Permit”), which became effective on 1 October 2008. This permit was reissued on 24 October 2017, which became effective 1 January 2018. The Permit authorizes Respondent to discharge treated wastewater from the Facility to Blackstone River.
- (3) WHEREAS, on 10 July 2018, RIDEM issued a NOV to Respondent alleging certain violations of the Permit and Rhode Island's *Water Pollution Act, Water Quality Regulations (250-RICR-150-05-1)* (the “Water Quality Regulations”) and *Regulations for the Rhode Island Pollutant Discharge Elimination System (250-RICR-150-10-1)* (the “RIPDES Regulations”).
- (4) WHEREAS, Respondent filed an appeal of the NOV with AAD.
- (5) WHEREAS, Respondent submitted to RIDEM a communication protocol on 9 November 2020 to comply with the Order section of the NOV (the “Communication Protocol”). The protocol is attached hereto and incorporated herein as Attachment A.

- (6) WHEREAS, RIDEM has approved the Communication Protocol.
- (7) WHEREAS, the Administrative Adjudication Division is a division of RIDEM.
- (8) WHEREAS, in lieu of proceeding to an administrative adjudicatory hearing on the NOV and to effect a timely and amicable resolution of the NOV, RIDEM and Respondent hereby agree that it is in the best interest of the parties and in the public interest to resolve the issues raised in the NOV.
- (9) WHEREAS, RIDEM finds that this Agreement is a reasonable and fair settlement and adequately protects the public interest in accordance with Rhode Island's *Water Pollution Act*, Water Quality Regulations and RIPDES Regulations.
- (10) WHEREAS, Respondent finds this Agreement reasonable and fair and enters into this Agreement with full knowledge and understanding of its terms.

C. AGREEMENT

- (1) JURISDICTION – RIDEM has jurisdiction over the subject matter of this Agreement and has personal jurisdiction over Respondent.
- (2) FORCE and EFFECT – This Agreement shall have the full force and effect of a final compliance order issued after a full hearing on the merits pursuant to the Administrative Procedures Act, R.I. Gen. Laws Section 42-35-1 et seq. and R.I. Gen. Laws Section 42-17.7-1 et seq. from which no timely appeal was taken, and which is enforceable in Superior Court in accordance with R.I. Gen. Laws Section 42-17.1-2(21)(vi).
- (3) APPLICATION – The provisions of this Agreement shall apply to and be binding upon RIDEM, Respondent and its agents, servants, employees, successors, assigns and all persons, firms and corporations acting under, through and for Respondent in the performance of work relating to or impacting the requirements of this Agreement.
- (4) PENALTY – Respondent shall pay to RIDEM \$31,000 in administrative penalties assessed as follows:
 - (a) **Upon execution of the Agreement by Respondent**, Respondent shall deposit \$31,000 into the account managed by the Woonsocket Stormwater Task Force to be used for one or more projects to improve the water quality of Blackstone River in accordance with the Memorandum of Agreement (“MOA”) entered into between RIDEM, Respondent and the Blackstone River Coalition executed in September 2011. The MOA is attached hereto and incorporated herein as Attachment B; and
 - (b) Penalties that Respondent agrees to pay in this Agreement are penalties payable to and for the benefit of the State of Rhode Island and are not compensation for actual pecuniary loss.

D. COMPLIANCE

- (1) EFFECT OF COMPLIANCE – Compliance with and fulfillment of this Agreement shall be deemed to resolve all issues raised in the NOV.
- (2) COMPLIANCE WITH OTHER APPLICABLE LAWS – Compliance with the terms of this Agreement does not relieve Respondent of any obligation to comply with any other applicable laws or regulations administered by, through or for RIDEM or any other governmental entity.
- (3) ADDITIONAL ENFORCEMENT ACTIONS – Upon a determination by the Director that there is a threat to the public health or the environment, or upon discovery of any new information, RIDEM reserves the right to take additional enforcement actions as provided by statute or regulation, including, but not limited to, the issuance of “Immediate Compliance Orders” as authorized by R.I. Gen. Laws Section 42-17.1-2(21). This Agreement shall not restrict any right to hearing or other right available by statute or regulation that Respondent may have regarding any new enforcement action commenced by RIDEM after the execution of this Agreement.
- (4) FUTURE ACTIVITIES AND UNKNOWN CONDITIONS – This Agreement shall not operate to shield Respondent from liability arising from future activities, as of the date of execution of this Agreement.
- (5) SCOPE OF THE AGREEMENT – The scope of the Agreement is limited to violations alleged in the NOV.
- (6) NOTICE AND COMMUNICATION – Communications regarding this Agreement shall be directed to:

David E. Chopy, Administrator
RIDEM Office of Compliance and Inspection
235 Promenade Street
Providence, RI 02908-5767
401-222-1360 ext. 77400
david.chopy@dem.ri.gov

Joseph J. LoBianco, Esquire
RIDEM Office of Legal Services
235 Promenade Street
Providence, RI 02908-5767
401-222-6607
joseph.lobianco@dem.ri.gov

John DeSimone, Esquire
City of Woonsocket Law Department
160 Main Street
Woonsocket, RI 02895-4379
401-767-9201
jdesimone@woonsocketri.org

Christian F. Capizzo, Esq.
Partridge Snow & Hah, LLP
40 Westminster Street, Suite 1100
Providence, RI 02903
401-861-8200
ccapizzo@psh.com

Steven D'Agostino, Director of Public Works
City of Woonsocket
160 Main Street
Woonsocket, RI 02895-4379
401-767-9213
sdagostino@woonsocketri.org

All communications regarding compliance with this Agreement shall be forwarded to the above-referenced addressees by certified mail.

- (7) EFFECTIVE DATE – This Agreement shall be deemed entered as of the date of execution by all parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned consent to this Agreement in substance and in form.

City of Woonsocket

By: _____
Steven D'Agostino, Director of Public Works
City of Woonsocket

Dated: _____

State of Rhode Island, Department of Environmental
Management

By: _____
David E. Chopy, Administrator
RIDEM Office of Compliance and Inspection

Dated: _____

**City of Woonsocket
Department of Public Works
Wastewater Division
Communication Protocol
Spills or Slug Loads to the Woonsocket Publicly Owned Treatment Works (POTW).
August 31, 2020**

Background:

The City of Woonsocket (the “City”) administers the Rhode Island Department of Environmental Management (“RIDEM”) approved Industrial Pretreatment Program (“IPP”) which specifies monitoring, permitting, reporting, pretreatment and other requirements for Industrial Users (“IU”) discharging to the City’s Wastewater Treatment Plant (“WTP”), in accordance with state and federal Guidelines.

The IPP includes an Enforcement Response Plan (“ERP”) which specifies the following:

ERP Section 1.05.2

1. That IUs “...*immediately report to the Deputy Superintendent for Enforcement and or Wastewater Treatment Plant any occurrences of spills and/or bypasses to the sewer system*” so that plant staff can take whatever actions are possible to minimize the effects on the treatment plant.
2. That the Deputy Superintendent for Enforcement “*should notify all industrial users in writing should spills or slug loads be detected at the Plant and not reported*”.

ERP Section 1.05.1

1. That “...*any reports, anonymous or otherwise, made to the WRWC staff indicating that a user is violating WRWC Rules and Regulations, are promptly investigated by WRWC staff.*”

The following Communication Protocol (“CP”) is to provide specific guidance on the notification/communication procedures to be implemented related to spills, bypasses and slug loads (“Events”) reported either by Industries or other outside sources and those detected by Plant Operations Staff (“POS”) at the WTP in accordance with the referenced requirements of the IPP and ERP.

The primary objective of this protocol is to ensure that City and POS obtain and actively share information about observed Events that could adversely affect the POTW so that POS can take steps to mitigate, to the extent possible, the potential for pass-through and/or process upsets at the WTP that could result in violation of the POTW’s discharge permit.

Such Events are by nature unexpected and will vary in scope, source and characteristics and as such specific response actions will also vary accordingly. It is unrealistic for this protocol to provide detailed procedures for all potential scenarios. Rather, specific response procedures will be determined by City and POS, as appropriate, based on information gathered through and in

coordination with activities described in this CP and the collective POS knowledge and experience in the operation and management of the POTW to achieve the primary objective.

I. Call in numbers for reporting a suspect spill or slug load within the collection system

All Industrial Pretreatment Permits and the City Website include the following contact information for such reporting.

A. During Normal Business Hours (9:00AM to 5:00PM) dial:

1. (401) 265-9828 for the Deputy Superintendent of Enforcement. If no answer please use Outside of Normal Business Hours numbers below.
2. (401) 766-1255 for the General Pretreatment Team Number.

B. Outside of Normal Business Hours dial:

1. (401) 356-1468 – for the Superintendent of Operations at the WTP.
2. (401) 309-8178 – for the Deputy Superintendent of Operations at the WTP.
3. (401) 309-9244 – for Assistant Operator at the WTP.

Additional contact information for parties referenced in this CP are provided in **Attachment A:** “*Industrial Pretreatment Program Contact List*”.

I. PART 1: Spills or Slug Loads Reported from Outside the Wastewater Treatment Plant

A. Procedures outlined in Part 1 apply when a report of a suspected Spill, Bypass or Slug (“Event”) discharge to the collection system is received whether from an Industrial User (“IU”) or any other source anonymous or otherwise. (Per ERP Section 1.05.01).

Procedures Upon Receipt of Call

1. Obtain Relevant Info from Caller

- a. Who:** Call Recipient.
- b. When:** On the Initial Call.
- c. What:** Obtain Relevant Data from Caller.

The Deputy Superintendent of Enforcement or call recipient, if different, should inquire with the caller as to the nature of the discharge and whether it has been stopped or is on-going and if so how long the source expects it will be before it can be stopped if known. The call recipient shall also obtain contact information from the caller for the appropriate person to contact for follow up by City personnel including the Deputy Superintendent of Enforcement, Plant Operations Staff (“POS”) and/or field inspection staff. If the call was received by someone other than the Deputy Superintendent of Enforcement, the call recipient shall notify the Deputy Superintendent of Enforcement immediately providing all pertinent information.

Attachment B is the “*Spill/Slug Load Discharge Notification Call Record/Checklist*” which should be used to ensure as much of the relevant information is obtained on the initial call.

d. Follow Up: Call Recipient shall prepare and file a call report in the IPP program files as soon as possible after the call but not more than five (5) days from the date of the call.

NOTE: If caller is an industry representative reporting an Event in accordance with their IPP, they are required to provide a full written report to the Deputy Superintendent of Enforcement within five (5) days of the incident. Deputy Superintendent of Enforcement shall ensure that said report is submitted in a timely fashion and filed in the IPP program records.

2. Contact Suspect IU (if not the Initial Caller otherwise go to #3)

- a. Who:** Initial Call Recipient.
- b. When:** Immediately upon completion of initial notification call
- c. What:** Call the suspect IU’s designated contact for IPP related matters (See *Attachment A Industrial Pretreatment Program Contact List*). Inform them that the City received a call about a potential Event (e.g Discharge, Spill, Bypass) that the City believes may be from their facility. Inquire as to whether they are aware of any such Event and ask that they immediately perform an inspection of their facility to determine if there may be an Event that they are unaware of and call back immediately to report findings including as much relevant information as possible (See *Call Checklist*). If the IU’s designated contact does not find that an Event has occurred they must confirm the same by phone immediately upon making that determination.

d. Follow Up: Regardless of findings of the IU upon inspection of their facility the Deputy

Superintendent of Enforcement shall require the IU to complete a written report of the City's request for reconnaissance and confirm their findings.

3. Notify Plant Operations Staff ("POS")

a. Who: Initial Call Recipient.

b. When: Immediately after initial notification call (or subsequent contact with Suspect IU if applicable).

c. What: Notify POS.

If call recipient is other than Deputy Superintendent of Enforcement, call recipient shall immediately notify POS of the call either in person, or by phone as appropriate and provide as much information about the Event as possible. Once POS have been contacted, the call recipient shall notify the Deputy Superintendent of Enforcement of the call as well.

4. Take Available Mitigating Measures to Protect WTP Process

a. Who: Plant Operations Staff under the direction of the Superintendent.

b. When: As quickly as possible.

c. What: POS will initiate whatever measures they may have at their disposal and which in their judgement could mitigate to the extent possible any adverse impacts to the treatment process performance that could result in pass-through of contaminants and or violations of its discharge permit. POS shall document in writing the measures taken and observed impacts at the WTP. POS will remain in communication with City personnel as appropriate during the Event to coordinate their activities and mitigation measures

d. Follow Up: POS will document their actions and measures taken and related observations of process conditions in the Plant Operations Log ("POL") and provide a copy of same to the Deputy Superintendent of Enforcement within five (5) days of the incident for the IPP Program Records.

5. Notify Pretreatment Inspectors to Initiate Investigation

a. Who: The Deputy Superintendent of Enforcement.

b. When: Immediately after notifying Plant Operations Staff.

c. What: The Deputy Superintendent of Enforcement will notify the Pretreatment Inspector who will initiate field investigation immediately or, if unable to investigate immediately, no later than twenty-four (24) hours after the Deputy Superintendent of Enforcement receives notice of an Event. The Pretreatment Inspector will maintain contact with the Deputy Superintendent of Enforcement and POS as appropriate to the circumstances.

d. Follow Up: The Deputy Superintendent of Enforcement will inform the City Engineer and Director of the Department of Public Works of the Event details as soon as possible after informing Pretreatment Inspectors and POS.

6. Coordination of Field Inspection and Plant Operations

a. Who: The Pretreatment Inspector.

b. When: As necessary during inspection to support POS actions.

c. What: The Pretreatment Inspector will maintain communication by phone with the Deputy Superintendent of Enforcement and POS during the inspection activities as appropriate to support the investigation and mitigation measures. The Pretreatment Inspector will document inspection activities with written notes in the field.

d. Follow Up Actions: Pretreatment Inspector will complete and file a single field inspection report form with the Deputy Superintendent of Enforcement within forty eight (48) hrs. of the completion of inspection activities.

7. Notify IUs and instruct them to inspect their facilities for unusual discharge conditions.

a. Who: Deputy Superintendent of Enforcement.

b. When: Immediately after deploying Pretreatment Inspectors.

c. What: The Deputy Superintendent of Enforcement shall send via e-mail (delivery and read receipt requested) a notification to all IUs (Note: an IU user group e-mail list has been developed for this purpose) that: (i) a slug load appears to have been experienced at the WTP; (ii) directing IUs to perform an inspection of their facility;(iii) confirm if they have experienced an Event at their facility that may have resulted in an unusual discharge to the sewer system from their facility and/or pretreatment processes including chemical spills, process changes, upsets or bypasses. After sending this e-mail, the Deputy Superintendent of Enforcement will follow up with each IU by phone to confirm receipt of notification and request verbal and written (e-mail) response to this inquiry.

d. Follow Up: The Deputy Superintendent of Enforcement shall document communications related to the Event and enter the same into the IPP Program Records.

8. Notify RIDEM of Incident

a. Who: Deputy Superintendent of Enforcement

b. When: Within 24 hrs. of incident.

c. What: Contact RIDEM by phone, Operations & Maintenance Section at 222-4700 or 222-3070 (off-hours), to inform RIDEM of the incident. Within five (5) days of the incident provide RIDEM with a written submission containing the following information: (i) a description of the non-compliance and its cause (if known);(ii) the period of non-compliance, including exact dates and times; and (iii) if non-compliance has not been corrected, the anticipated time it is expected to continue (if known); and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. See Attachment B. Prepare phone call report for IPP Program Records.

d. Follow Up: As requested by RIDEM.

9. Post Event Documentation

a. Who: Deputy Superintendent of Enforcement.

b. When: Within fifteen (15) days of Event.

c. What: Prepare a summary report of the incident and ensure that all pertinent related information is assembled and filed with IPP Program Records.

d. Follow Up: In accordance with program enforcement requirements as applicable.

II. PART 2: Slug Loads detected at the Wastewater Treatment Plant (“WTP”)

Procedures outlined in Part 2 are implemented when unusual influent characteristics are detected and suspected of being due to a slug load from an Industrial User where no Event reported. (Per ERP Section 1.05.02)

1. Initiate Process Upset/Slug Load Protocol

a. Who: Plant Operations Staff (“POS”).

b. When: Immediately upon suspicion of slug load in influent.

c. What: POS have an approved protocol for dealing with apparent process upsets due to slug loads (*copy attached*). This protocol includes taking steps, where possible, based on POS’s experience, knowledge and facility design/equipment limitations to manage the facility to mitigate adverse impacts to the process caused by a slug load. POS will implement available measures in an effort to minimize short and long term disruption to the treatment process performance and maintain effluent quality within discharge permit limits to the best of their ability within the limitations of the plant design and available equipment limitations until “*normal operations*” can be re-established.

d. Follow Up: Within five (5) days of the Event, POS will also document in the daily plant operating record the conditions and steps taken during the event to mitigate the impacts to create a record of same. This includes recording and storing digital data from SCADA as appropriate. In addition POS will prepare and submit to the Deputy Superintendent of Enforcement within five (5) days of the incident a written summary report of the incident including steps taken to minimize any process upset and maximize treatment and any other relevant observations that may assist the City in determining the probable cause of the slug load.

2. Notify IUs and instruct them to inspect their facilities for unusual discharge conditions.

a. Who: Deputy Superintendent of Enforcement.

b. When: Immediately upon notification by Plant Operations Staff of a suspect slug load/upset.

c. What: The Deputy Superintendent of Enforcement shall send via e-mail (delivery and read receipt requested) a notification to all IUs (Note: an IU user group e-mail list has been developed for this purpose) that (i) a slug load appears to have been experienced at the WTP; (ii) and directing IUs to perform an inspection of their facility; (iii) confirm if they have experienced an Event at their facility that may have resulted in an unusual discharge to the sewer system from their facility and/or pretreatment processes including chemical spills, process changes, upsets or bypasses. After sending this e-mail, the Deputy Superintendent of Enforcement will follow up with each IU by phone to confirm receipt of notification and request verbal and written (e-mail) response to this inquiry.

d. Follow Up: The Deputy Superintendent of Enforcement shall document communications related to the Event and enter the same into the IPP Program Records.

3. Dispatch Pretreatment Inspector

a. Who: Deputy Superintendent of Enforcement.

b. When: Immediately after attempting to contact IUs by phone and no later than twenty-four (24) hours after the Deputy Superintendent of Enforcement receives notice of a suspect slug

load/upset.

c. What: The Deputy Superintendent of Enforcement shall contact the Pretreatment Inspector and notify him /her of the POS report and based on coordination with POS and any information provided by IUs, initiate field inspections and sampling as appropriate in an effort to determine the source and other details of the discharge if possible. This may include limited visual inspection of all IUs and grab sample collection from each IU discharge where appropriate. Samples will be analyzed for relevant parameters using approved methods.

d. Follow Up: Pretreatment Inspector will complete and file a single field inspection report for each site inspected with the Deputy Superintendent of Enforcement within forty-eight (48) hrs. of the completion of inspection activities. The Deputy Superintendent of Enforcement shall obtain inspection and operations reports and ensure that copies of same are entered into the IPP Program Records. Should the results of these inspections reveal the source and cause of the slug load as an IU, the Deputy Superintendent of Enforcement shall implement follow up actions in accordance with the Industrial Pretreatment Program requirements.

4. Notify RIDEM of Upset

a. Who: Deputy Superintendent of Enforcement.

b. When: Within 24 hrs. of incident.

c. What: Contact RIDEM by phone, Operations & Maintenance Section at 222-4700 or 222-3070 (off-hours), to inform RIDEM of the incident. Within five (5) days of the incident provide RIDEM with a written submission containing the following information: (i) a description of the non-compliance and its cause (if known);(ii) the period of non-compliance, including exact dates and times; and (iii) if non-compliance has not been corrected, the anticipated time it is expected to continue (if known); and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. See Attachment B. Prepare phone call report for IPP Program Records. **d. Follow Up:** As requested by RIDEM.

Attachment A: IPP Program Contact List

Deputy Superintendent of Enforcement – Reney Ann Mondoux
11 Cumberland Hill Rd.
Woonsocket, RI 02895
rmondoux@woonsocketri.org
(401) 766-0555 *Office*
(401) 265-9828 *Mobile*
(401) 766-6912 *Fax*

Superintendent of Operations - Jim Lauzon, Jacobs
Project Manager
11 Cumberland Hill Rd.
Woonsocket, RI 02895
James.Lauzon@jacobs.com
(401) 356-1470 *Office*
(401) 775-9456 *Mobile*
(401) 356.1480 *Fax*

Deputy Superintendent of Operations - Anthony Turchetta, Jacobs
Assistant Project Manager
Anthony.Turchetta@jacobs.com
(401) 309-8178 *Office*

Assistant Operator - (Various), Jacobs
(401) 309-9244 *Office*

Attachment B:

Spill/ Slug Load Discharge Notification Call Record/Checklist The following form must be completed to the extent possible for each Spill and/or Slug Discharge call received.

A. Initiation of Response:

1. Call Date: _____
2. Call Time: _____
3. Received By: (Name) _____
(Title) _____

B. Type of Incident:

1. Slug Load detected at the Wastewater Treatment Plant ("WTP"): _____
2. Spill or Slug Load Reported from Outside the Wastewater Treatment Plant: _____

C. Caller Info:

1. Full Name: _____
2. Title: _____
3. Affiliation: _____
4. Callback Number: _____
5. Caller Location at time of Call: _____

D. Caller Observations:

1. Nature of the Spill: Material Name/Odor/Acidic/Basic, etc: _____
2. Location of Spill: Street Address/Nearest Intersection _____
3. Suspected Source Name: _____
4. Estimated Volume of Spill: _____
5. Is spill on-going?: YES NO (circle one)
6. If so how long before it can be stopped?: _____
7. If ongoing how much is expected: _____

E. Notice: Within Five (5) days of receiving the above information, the City shall submit a

written report to RIDEM of any non-compliance which may endanger health or the environment to: Joseph B. Haberek, PE, Environmental Engineer IV, joseph.haberek@dem.ri.gov, including the following information:

1. A description of the non-compliance and its cause (if known): _____

2. The period of non-compliance, including exact dates and times: _____

3. If non-compliance has not been corrected, the anticipated time it is expected to continue (if known): _____

4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance: _____

Name of Individual Completing Report: _____ (Print)

Title: _____

Department: _____

Phone Number: _____

E-mail: _____

Date: _____

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (“MOA”) is entered into by and between the Rhode Island Department of Environmental Management (“RIDEM”), the City of Woonsocket (“Woonsocket”) and the Blackstone River Coalition (“BRC”) as allowed pursuant to Paragraph 1 “Section 4a(ii)” of the Second Order Amending Consent Order entered by Justice Silverstein on December 18, 2008 (the “2008 Order”).

WHEREAS, the BRC is a 501 3c non-profit organization incorporated in the State of Rhode Island.

WHEREAS, BRC’s mission is to restore the Blackstone River and improve the health of the Blackstone River watershed.

WHEREAS, BRC and Woonsocket wish to use the payments stipulated pursuant to Paragraph 1 “Section 4a(ii)” of the 2008 Order to administer a Supplemental Environmental Project (“SEP”).

1. **By September 15, 2011**, the BRC and Woonsocket shall establish a Woonsocket Stormwater Task Force (“WSTF”). The WSTF shall be comprised of four (4) members. One (1) member shall represent Woonsocket. One (1) member shall represent BRC. One (1) member shall represent The Audubon Society of Rhode Island. One (1) member shall represent the Blackstone River Watershed Council/Friends of the Blackstone. Each member shall have one (1) vote.

2. The WSTF shall administer the SEP over the next twenty (20) years. Each year the WSTF shall issue a Request for Proposals (the “RFP”) to fund activities that improve the management of stormwater on private and/or public property within the City of Woonsocket and ultimately lead to improvements in the water quality of the Blackstone River (“allowable activities”). The geographical limits of all allowable activities shall be within the Blackstone River watershed. Allowable activities shall mean those activities

that are not required by state and/or federal statutes and/or regulations and those activities that Woonsocket is not required to perform.

3. The WSTF shall meet as often as it deems necessary and recommend a slate of activities to be funded out of available funds (the “recommended activities”).
4. **By July 15th of each year beginning in 2012**, the recommended activities shall be sent to RIDEM, along with an annual report detailing work accomplished in the previous year.
5. RIDEM shall have thirty (30) days to approve or reject the recommended activities; otherwise the recommended activities shall be considered approved by RIDEM (the “approved activities”).
6. Woonsocket shall pay BRC an administrative fee of \$1,000 per year. BRC will be responsible for issuing the RFP, staffing the WSTF and submitting annual reports to RIDEM.
7. BRC shall hold all the remaining funds in a designated account (the “designated account”), said funds to be spent only on approved activities as they are implemented over the next twenty years.
8. **By September 15, 2011** Woonsocket shall deposit into the designated account \$45,000. By September 15th of each year thereafter, Woonsocket shall deposit \$16,576 into the designated account for nineteen (19) years.
9. If Woonsocket fails to make a payment by the due date, BRC shall send a written notice to Woonsocket by certified mail requiring payment within thirty (30) days (the “late notice”) and provide a copy of the late notice to RIDEM.

10. If Woonsocket fails to comply with the late notice, the MOA shall be null and void and considered no longer in effect. Following termination of the MOA under this paragraph, BRC shall forward to RIDEM all unobligated funds in the designated account within sixty (60) days of the late notice in the form of a check made payable to the General Treasurer – Water and Air Protection Account. Woonsocket shall then make all remaining payments to RIDEM in accordance with Paragraph 1 “Section 4a(ii)” of the 2008 Order.

Date

Leo T. Fontaine, Mayor
City of Woonsocket

Date

Donna Williams, President
Blackstone River Coalition

Date

Janet Coit, Director
Rhode Island Department of Environmental
Management

