

490-RICR-00-00-2

TITLE 490 – WATER RESOURCES BOARD

CHAPTER 00 – N/A

SUBCHAPTER 00 – N/A

PART 2 – Rules and Procedures for Water Supply System Management Planning

2.1 Purpose and Goals

- A. The purpose of these regulations is to implement the provisions of R.I. Gen. Laws Chapter 46-5.3, as amended, to ensure:
1. Water Supply Systems Management Plans (WSSMP), including emergency management and contingency plans, are prepared, maintained, and carried out by each entity engaged in or authorized to engage in the supply, treatment, transmission or distribution of drinking water;
 2. that the WSSMPs are consistent with policies and set forth in the State Guide Plan particularly in those related to water resources, as may be added or amended from time to time by the Rhode Island State Planning Council;
 3. that the plans and their execution achieve effective conservation, development, utilization, and protection of this finite natural resource in ways that meet the present and future needs of the state and its people;
 4. that Water Quality Protection Plans (WQPP) are incorporated as components of WSSMPs;
 5. that the WQPP component includes strategies for well-head and watershed protection required by statute and for drinking water quality improvements;
 6. that policies and procedures for collecting and administering the Water Quality Protection Fund are implemented consistent with the intent of applicable Rhode Island General Laws, bonding agreements, and public interest.

~~The Board recognizes that compliance with these requirements may occur over time and that preparation of the plans called for by these rules initiates a~~

~~process whereby the objectives of RIGL Chapter 46-15.3 R.I. Gen. Laws M 46-15.3 are met. The Board expects water suppliers to comply with these rules as expeditiously as possible. Where applicable, plans shall include schedules for the completion of work required by these rules.~~

- B. In accordance with policy, planning efforts shall ensure that existing sources of supply be maintained as long as their use or reactivation is feasible. Feasibility includes, but is not limited to, consideration of the quality of the source, the safe yield, the costs of operating and maintaining the source, and other statutory and non-financial constraints.
- C. The principal goals of these rules-regulations are to produce a management plan for each water supply system that will:
1. meet all statutory requirements;
 2. carry out applicable policies and recommendations of the State Guide Plan;
 3. assist water suppliers in the development, operation, and maintenance of their systems;
 4. gain and maintain the eligibility of water suppliers to obtain financial assistance available for protection of water quality or for any other purpose related to management of water supply systems; and
 5. give local governments, state agencies, and the public information needed to assess the current and future needs of water supply systems in relation to community and state development so that they can assist water suppliers in meeting these needs.

2.2 Legislative Authority

~~These rules and procedures~~These regulations are promulgated pursuant to ~~the requirements and provisions of~~ R.I. Gen. Laws Chapter 46-15.3, Water Supply System Management Planning Act, ~~as amended~~.

2.3 Liberal Application

~~This regulation e terms and provisions of these rules and procedures~~ shall be liberally construed to allow the Board to effectuate the purposes of state law, goals and policies consistent with the Water Supply System Management Planning Act, R.I. Gen. Laws Chapter 46-15.3 as amended.

2.4 Severability

If any provision of these ~~rules-regulations~~ and procedures or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, the remainder of the ~~rules-regulations~~ and procedures shall not be affected thereby. The invalidity of any section or sections or of parts of any section or sections shall not affect the validity of the remainder of these rules and procedures.

2.5 Conformity with Other Legislation

The water supply systems management plans shall conform to all applicable provisions of state and federal laws including the federal Safe Drinking Water Act 42 U.S.C. § 300f *et seq.*; R.I. Gen. Laws Chapters 46-13 (Public Drinking Water Supply); and 46-14 (Contamination of Drinking Water), as administered by the RI Department of Health; R.I. Gen. Laws § 42-11-10(d) (State Guide Plan) and R.I. Gen. Laws Chapter 45-22.2 (RI Comprehensive Planning and Land Use Act) both administered by the RI Statewide Planning Program.

2.6 Definitions

A. For the purposes of these regulations, the following terms shall have the following meanings:

1. “Abandoned water supply sources” ~~shall~~ means the sources that are no longer used or maintained, such as permanently disconnected surface waters or wells.
2. “Act” ~~shall~~ means the Water Supply Systems Management Act.
3. “Active water supply sources” ~~shall~~ means RI Department of Health approved sources of supply connected to a water supply system and available for distribution; these sources may be surface waters or wells, residential or other uses.
4. “Aquifer” ~~shall~~ means a geological formation, groups of formations, or part of a formation capable of yielding a significant amount of groundwater to wells, springs, or surface water.
5. “Available water” ~~shall~~ means the maximum amount of water that can dependably be supplied, taking into account limitations imposed by hydraulic or other considerations. In determining the available water, estimates of the safe yield of surface reservoirs and/or well capacity of groundwater sources shall be utilized as appropriate. Water committed by

another water supplier through interconnections may be included in the determination of available water. Once accounted for in a water system's calculation of available water, the same volume of water may not be accounted for in another supplier's calculation of available water. Temporarily inactive, abandoned, and emergency water supply sources shall not be included unless approved by the Board. System storage shall not be included in the calculation of available water.

6. "Board" ~~shall~~ means the Rhode Island Water Resources Board as established by R.I. Gen. Laws Chapters 46-15 and 46-15.1.
7. "Commercial agriculture producers" ~~shall~~ means producers with gross income from sale of agricultural commodities of \$2500.00 or more during a calendar year.
8. "Commission" ~~shall~~ means Public Utilities Commission.
9. "Comprehensive plans" ~~shall~~ means local comprehensive plans as required by R.I. Gen. Laws Chapter 45-22.2.
10. "Conservation" ~~shall~~ means methods, procedures, and devices designed to promote efficient use of water and to eliminate waste of water.
11. "Consumption" ~~shall~~ means all water delivered by water suppliers for its intended use for industrial, commercial, agricultural, residential or other uses.
12. "Demand, average daily" ~~shall~~ means the total volume of water supplied to the system including changes in storage over the representative period divided by the number of days in that representative period. The most recent representative period of record shall be utilized and shall not be affected by unusual demand conditions such as drought or a significant temporary increase in demand.
13. "Demand management" ~~shall~~ means any conscious effort to modify water use for efficient utilization of available supply.
14. "Demand, maximum daily" ~~shall~~ means the maximum one day rate of water supplied to the system including changes in storage experienced over the most recent year not affected by unusual demand conditions, such as drought or a significant temporary increase in demand.
15. "Demand, peak hourly" ~~shall~~ means the maximum one-hour rate of water supplied to the system including changes in storage experienced over the most recent year.

16. "Distribution facilities" ~~shall~~ means the pipes and appurtenant facilities employed specifically to deliver, to dispense, to render or to circulate potable water directly to the consumer.
17. "Drought" ~~shall~~ means a condition of dryness due to lower than normal precipitation. For water supply purposes drought is associated with safe yield especially for conditions where a system cannot be replenished and failure is anticipated.
18. "Eligible expenditure" ~~shall~~ means the acquisition of a fee simple interest or of a conservation restriction, as that term is defined in R.I. Gen. Laws § 34-39-2(a). or other interest in watershed lands including, but not limited to, costs and expenses relating to the improvement of such lands or interests therein, maintenance of the lands or roads or interests therein, and taxes thereon, and the costs of preparation of Water Quality Protection Plan (WQPP) components and updates, and related property surveys and appraisals, or the funding of the construction of physical improvements that directly protect water supply. Watershed lands eligible for protection may be located in or out of state. No funds shall be used to extend service lines or expand system capacity.
19. "Emergency water supply sources" ~~shall~~ means not regular sources of supply but supplies held in reserve for use in emergencies. The use of emergency water supply sources must be approved by the RI Department of Health; these may be surface waters or wells.
20. "Fund" ~~shall~~ means the Water Quality Protection Fund according to R.I. Gen. Laws §§ 46-15.3-5 and 46-15.3-9.
21. "Groundwater recharge" ~~shall~~ means the process of addition of water to the zone of saturation, that is, the zone beneath the water table.
22. "Institutional water supplier" ~~shall~~ means any public water system as defined in the rules and regulations pertaining to public drinking water under R.I. Gen. Laws § 46-13-2 which does not sell water but supplies more than 50 million gallons per year of drinking water and is governmental or quasigovernmental in nature.
23. "Major user" ~~shall~~ means any public or private organization or entity using more than 3 million gallons of water per year (a water system may define a major user using less than 3 million gallons of water per year).
24. "Master meter" ~~shall~~ means a meter that measures water from a source of supply or from other water suppliers.

25. "Metered supply" ~~shall~~ means the quantity of water measured at the points of entry into the transmission and distribution system.
26. "Non-account water" ~~shall~~ means the difference between the metered supply and the metered consumption for a specific period including an allowance for ~~fire fighting~~ firefighting.
27. "Raw water" ~~shall~~ means water in its natural state prior to any treatment.
28. "Recharge area" ~~shall~~ means the land surface from which water is added to the zone of saturation. The recharge area for a particular well or aquifer, for instance, is that land surface from which water moves to the well or aquifer or may move to the well or aquifer under certain hydraulic conditions.
29. "Safe Drinking Water Act" or "SDWA" ~~means the Safe Drinking Water Act, Pub. Law 93-523, 88 Stat. 1660 (1974) and Safe Drinking Water Act Amendments of 1996, Pub. Law 104-182, 110 Stat. 1613 (1996), which establish standards for drinking water safety.~~
~~shall mean the federal legislation of 1974, amended in 1986, and reauthorized in 1996, to establish standards for drinking water safety.~~
30. "Safe yield (surface water)" ~~shall~~ means a sustainable withdrawal that can be continuously supplied from a surface water supply source without adverse effects throughout a critical dry period with a 1% chance of occurrence, or one that is equivalent to the drought of record, whichever is more severe.
31. "Safe yield (aquifer or well)" ~~shall~~ means the rate at which groundwater can be withdrawn without producing unacceptable or undesirable effects such as drawdowns or changes in water quality.
32. "Saturated thickness" ~~shall~~ means the thickness of an aquifer measured from the water table to an essentially impermeable boundary; such boundary is typically taken to be the top of the bedrock surface.
33. "Service area" ~~shall~~ means the geographic boundary within which service connections to customers of a water supply system are committed by charter of the water commission, board, or authority.
34. "Source" ~~shall~~ means the raw water upon which a public water supply system depends, and refers to both groundwater and surface water.

35. “Specific capacity” ~~shall~~ means the discharge of a well per unit of drawdown.
36. “State guide plan” ~~shall~~ means the goals, policies, and plans or plan elements for the physical, economic, and social development of the State, adopted by the State Planning Council in accordance with R.I. Gen. Laws § 42-11-10.
37. “Susceptibility determination” ~~shall~~ means an analysis of the potential for a water supplier to draw water contaminated by inventoried sources at concentrations that would pose concern. Such a determination, therefore, would likely take into account hydrologic and hydrogeologic factors, inherent characteristics of the contaminants (e.g., toxicity, environmental fate and transport); and characteristics of the potential source of the contaminant (location, likelihood of release, effectiveness of mitigation measures). In small source water protection areas, where differences in distances between sources and intake are small, and hydrologic and hydrogeologic factors are relatively constant, susceptibility of a water supply is related to the likelihood of a significant release and the inherent characteristics of the source (e.g., toxicity, fate and transport, etc.).
38. “Total reservoir storage capacity” ~~shall~~ means the reservoir volume at the normal full pool level or spillway elevation.
39. “Transmission facilities” ~~shall~~ means the pipes, pumping stations, and storage facilities required to carry high volumes of potable water from a water source to distribution facilities, or throughout an area for the purpose of supplying water to the general population, or wholesale customs.
40. “Transmissivity” ~~shall~~ means a measure of the ability of an aquifer to transmit a fluid. It can be quantified as the hydraulic conductivity multiplied by the saturated thickness.
41. “Useable reservoir storage capacity” ~~shall~~ means the difference between the total reservoir storage capacity and the volume at the minimum reservoir storage level as determined by the intake pipe elevation or the water elevation below which water cannot be treated to meet water quality standards.
42. “User category” ~~shall~~ means metered single-family residential, multi-residential, commercial, industrial, or wholesale purchaser (for example, another water supplier), metered water system usage, water used for ~~fire-~~firefighting purposes and non-account water.

- a. Multi-~~R~~esidential shall include apartments, condominiums, nursing homes, college dormitories, correctional facilities and any other commercial or institutional entity, which provides nontransitory housing and are not metered separately.
 - b. Commercial shall include non-governmental institutions and entities identified by the North American Industry Classification System (NAICS), published by the Executive Office of the President through the Office of Management and Budget, ~~in 1997.~~
 - c. Non-account water may include unmetered water usage, leaks, theft, etc.
43. "Watershed" ~~shall~~ means those land areas, which because of their topography, subsurface characteristics, and drainage patterns, act as collectors of raw water, which replenish or recharge surface and ground water supply sources.
44. "Water supplier" ~~shall~~ means any municipality, municipal department, agency, district, authority, or other entity engaged in or authorized to engage in the supply, treatment, transmission or distribution of drinking water on a wholesale or retail sales basis.
45. "Water supply emergency" shall include, but not be limited to, one or a combination of the following situations:
- a. Mechanical failure or similar type of emergency including loss of power, loss of pumping capacity, loss of storage capability or major breaks or leaks which result in an inability to meet average daily or maximum daily demand for water.
 - b. Water quality emergencies due to contamination of the water supply, the distribution system or storage tanks which result in an inability to meet average daily and maximum daily demand with remaining public water supplies.
 - c. Seasonal water shortages or inadequacy of source, distribution system or storage capacity to meet water supply needs.
46. "Water supply sources temporarily inactive" ~~are~~ means seasonal sources of supply or sources temporarily not in use due to mechanical or quality problems or lack of demand. These sources may be surface waters or wells and, depending upon the reason for the "temporarily inactive" status, have RI Department of Health approval or must be approved by the RI Department of Health prior to use.

47. "Water system" ~~shall~~ means any combination of interconnected sources and facilities used for supplying potable water. Water systems are owned and operated by water suppliers.
48. "Wellhead protection area" or "WPA" ~~shall~~ means the surface and subsurface area surrounding a public drinking water well through which contaminants are reasonably likely to move toward and reach the wellhead. Commonly called "well field" or "recharge area".

2.7 Applicability - Preparation of Plans

All water suppliers and institutional water suppliers which obtain, transport, purchase, or sell more than 50,000,000 gallons of water per year shall be required to prepare, maintain, and carry out a Water Supply Systems Management Plan (WSSMP) as described by these procedures. A supplier that bills 50 million gallons or less of public drinking water per calendar year shall be exempt from the implementation of the Act under the Board's application of "de minimis no carat lex". In order to continue to qualify for said de minimis exemption the supplier must report annually in January of each year the total amount of water produced or total amount of water billed for the preceding calendar year. Any supplier exceeding the 50 million-gallon threshold for the prior calendar year shall be subject to this Act, these rules, and the imposition of water quality charges starting March 1st following the calendar year in which billings exceeded the 50 million-gallon threshold. Once a de minimis supplier becomes subject to imposition of the charge under these rules, even though such supplier may subsequently fall below the 50 million gallon per year threshold, said supplier shall continue to be subject to the Act. Institutional water systems, which exceed the 50 million-gallon threshold, shall be subject to the Act. Pumping records on a calendar year basis shall be utilized as the indicator for this eligibility.

2.8 Plan Contents

Water Supply System Management Plans shall address each of the topics listed in this section, to the extent that each is relevant to the water supplier, the water source(s), the water system(s), and the area served or eligible to be served. The plan shall include an Executive Summary highlighting the elements of the plan.

2.8.1 Goals Statement

~~(a) Stated goals shall promote the effective and efficient conservation, development, utilization, and protection of the states' surface and ground water resources.~~

- A. Stated goals shall promote the effective and efficient conservation, development, utilization, and protection of the states' surface and ground water resources.
- B. Goal statements shall be consistent with the comprehensive plan of the municipality or municipalities in which the service area is, or is planned to be, located and with the State Guide Plan element(s) related to water supply as may be added or amended from time to time by the RI State Planning Council according to R.I. Gen. Laws § 42-11-10, ~~State Guide Plan Element (SGPE) 721, "Water Supply Policies for Rhode Island," SGPE 722, "Water Supply Plan, for Rhode Island," SGPE 723, "Water Emergency Response Plan," SGPE 724, "Rhode Island Drought Management Plan," SGPE 162 "Rivers Policy and Classification Plan," and SGPE 125, "Scituate Reservoir Watershed Management Plan" (for Providence Water Supply Board only).~~
- C. Institutional suppliers shall, wherever applicable, endeavor to be consistent with the comprehensive plan of the community in which it is located.

2.8.2 Water Supply System Description

- A. Organization and Legal Structure: The organization and legal structure of the water supply system shall be described. The plan shall state the owner of the water supply system; the name of the chief executive officer, director or agency head, and board of directors shall be included. A chart of the organizational structure showing all aspects of water system management and operation shall be provided. Major responsibilities for each management position shown on the organizational chart shall be described. The water supply system's legal basis shall be described.
- B. System Overview: The description of the water system shall include a system overview, which generally describes all system components, the functions and relationships of each and any recent improvements thereto. A general schematic drawing of water supply sources and infrastructure components including all transmission lines, treatment and storage facilities, pump stations, and system interconnections shall be provided.
- C. Supply Sources: All water supply sources shall be listed and a description of each provided. This shall include all surface and groundwater supplies owned or operated by the water supplier or available through contractual agreements. The operating status of each water supply source shall be noted as abandoned, active, emergency, or temporarily inactive, as defined herein. A general discussion of the reason for the temporarily inactive or abandoned status of any water source shall be provided. The description of abandoned sources shall rely upon existing information, no additional information or field verification of information shall be required.

1. Surface Water Sources: The description of each surface impoundment shall include the surface area of the impoundment, size and elevation of intakes, stage storage curve or table, total and useable storage capacity, and the acreage of the watershed. Also, include any existing or proposed, minimum downstream discharge rates imposed by a permitting agency or other lawfully imposed requirement shall be described. For systems with multiple impoundments, the function of each reservoir shall be noted as distribution or storage with a description of the relation of all components of the system.
 2. Groundwater Sources: The description of each groundwater source shall include the type of the well, its depth and diameter; the type of pump, age, remaining useful life, and its rated capacity and head, screen length and depth of screen from the surface, slot size, and casing material. The existing monitoring program shall also be described including sampling locations, type of data collected (include qualitative and/or quantitative parameters measured), and frequency of monitoring.
- D. Infrastructure Components: All infrastructure components, including treatment and storage facilities, transmission lines, and pumping stations shall be listed and a description of each provided. Transmission facilities shall not include distribution facilities.
1. Treatment Facilities: The name of water treatment facilities, the source(s) that are treated, and the treatment available shall be described. The design flow and emergency provisions such as, standby generators, chemical feed equipment and bypasses shall also be described for each facility. Techniques for disposal of filter back wash and treatment tank sludge including the disposal site or discharge location shall be described.
 2. Storage Facilities: The name of and total useable volume of each storage facility (including clearwells) shall be described. The age and condition of the facility and date of last inspection shall be described. The description of all new storage facilities shall include the material it is constructed of, the interior paint coating or lining, and whether cathodic protection is provided. This information should also be included for existing facilities, if available.
 3. Pump Stations: The name capacity, and number of pump stations and related capacities shall be described. If applicable, a description of any hydropneumatic storage tank(s) associated with each pumping facility should also be provided. Emergency power provisions that are available at each facility shall be included.

4. Transmission Facilities: The description of the transmission system shall include the type of pipe, length, diameter, age and condition as available through routine operation and maintenance. The description should also include a leakage and repair history, where available. Age should be provided as the actual year the pipe was installed, if known, or to the nearest 10-year increment.
- E. Interconnections: All available interconnections with other water supply systems including connections for emergency purposes, whether for sale or purchase of water, shall be listed and a description of each provided. The operational parameters of the interconnections shall be explained indicating the quantity and frequency of water delivered. The capacity and condition of the transmission main and any pumping facilities shall be described. Legal, technical and financial requirements for interconnection use shall be specified and any source, hydraulic or contractual limitations to use described. A summary of any contracts for purchase or sale of water shall be included.
- F. Service Area: The present service area and any planned extensions thereto shall be described. The description shall include:
1. The geographic extent of the defined boundary including the areas served by the water supply and any areas within the service area not currently served but eligible to be served;
 2. The present and historic number of water services;
 3. The present population served and the population not currently served but eligible to be served; and
 4. Population distribution and projected future land use patterns, economic status of users and other population demographics as available from applicable local comprehensive plans, municipal engineering and planning departments, the RI Department of Administration, Statewide Planning Program and the most recent United States Census of Population.
- G. Meters: The extent of source and distribution metering and programs for meter reading, testing, calibration and repair/replacement shall be described. The description shall include the location size, ownership, and age of master meters and meters at system interconnections. The description shall also include the extent of distribution metering expressed as a percentage of total service connections. Major users and the age of their meters shall also be provided. Current programs for reading, testing, calibration, repair, and replacement of major users' meters shall be described. System specific characteristics, which affect the longevity of meters, should be described. Meters within an institutional

system shall not necessarily be required for each connection but should be planned and developed on an area-wide basis to maximize efficiency monitoring water losses.

- H. System Production Data: Current, and as available, historic system production data shall be provided. If the system has changed substantially over time, for example, an additional well added or taken out of service permanently, a description of the changes and when they occurred shall be included. The volume of water withdrawn from each source and for the total system and the volume of water bought from or sold to another water supplier, expressed in gallons, shall be reported on at least a monthly and annual basis for the current year and on an annual basis for the historic data.
- I. Water Use Data: Current and historic water use data shall be provided. If water use has changed significantly over time, a description of the changes and when they occurred shall be included. The water use data shall include at least the following:
 - 1. System-wide and per capita water use expressed as:
 - a. average daily demand on an annual and monthly basis,
 - b. maximum daily demand; and
 - c. other pertinent data, such as peak hour demand, if available.
 - 2. For historic data, the reporting of data on an annual basis shall be sufficient. The peaking factor (maximum daily demand divided by average daily demand on an annual basis) shall also be provided;
 - 3. Water use analyzed by user category utilizing the North American Industry Classification System (NAICS), ~~published by the Executive Office of the President through the Office of Management and Budget in 1997~~ presented as total water use expressed in millions of gallons per year, and as average daily demand on a monthly and annual basis;
 - 4. A list of major users and their water use on an annual basis;
 - 5. Reasonable estimation and evaluation of water used for firefighting purposes, non-account water including but not limited to water supply system use, other unmetered public uses, metering inaccuracies and identified major leaks on an annual basis and as percentage of water produced;

- 6. Water conservation programs currently practiced by the water supplier shall be outlined and the impact of water saving device installation upon per capita or user category described; all assumptions and the methodology utilized in estimating impacts shall be provided.
- J. Significant water supply system deficiencies and needed improvements shall be summarized based upon a review of the information compiled above.
- K. Institutional systems shall not be required to accomplish §§ 2.8.2(l)(2) and (3) of this Part but shall develop a reasonable facsimile in terms of their existing situation (e.g. food services, dormitories, athletic facilities).
- L. Any supplier that owns and/or operates a steam powered producing facility shall delineate and describe the water use under the above listed criteria, wherever possible.

2.8.3 Requirements of the Water Quality Protection Component

- A. ~~If a water quality protection component meeting the criteria of previous applicable rules has not been completed,~~ Every water supplier that sells more than 50 million gallons per year shall complete a water quality protection component which at a minimum includes:
 - 1. Delineation of Source Water Protection Areas: A determination of the boundaries of the watersheds of reservoirs serving the supplier or of the aquifers serving the supplier or of the aquifers serving public wells.
 - a. Groundwater Systems: For water suppliers relying on ground water, the delineation of source water protection areas will be in accordance with accepted methods under the state's approved Wellhead Protection Program, as amended. In cases where a protection area contiguous to the well or wellfield would alone be inadequate to provide for the protection and benefit of the public water suppliers need to delineate recharge areas that are not adjacent to or surrounding the well.
 - b. Surface Water Systems: For water suppliers relying on surface water, the delineation of the source water protection area must include the entire watershed area upstream of the intake structure. The delineation of the source water protection area for these public water supplies would be the topographic boundary. Where water is diverted into this area from another watershed(s), the watershed area(s) upstream of each diversion structure would also need to be delineated in a similar manner.

- c. Groundwater/Surface Water Interface: Water suppliers should consider the impacts of groundwater on surface water when delineating source water protection areas for water suppliers based mostly on surface water contribution areas and zones of groundwater contribution to public surface water supplies. Water suppliers should also consider the impacts of surface water on public water wells when delineating certain systems based mostly on ground water. These source water protection areas may include surface water contribution areas in addition to the zones of groundwater contribution to the supply.
- 2. Inventory of significant potential sources of contaminants of concern in each source water protection area.
 - a. Contaminants of Concern: The contaminants of concern must include those raw water contaminants regulated under the Safe Drinking Water Act, contaminants with a maximum contaminant level (MCL), contaminants regulated under the Surface Water Treatment Rule (SWTR), and the microorganism *Cryptosporidium*. In addition, inventories will also include those contaminants that are not federally regulated under the Safe Drinking Water Act but which the Department of Health has determined may present a threat to public health.
 - b. Significant Potential Sources: The inventory needs to include a clear description of the sources of contamination (or categories of sources) by location either specific or by area. A significant potential source of contamination includes any facility or activity that stores, uses, or produces, as a product or by-product, the contaminants to the environment at levels that could contribute significantly to the concentration of these contaminants in the source waters of the public water supply.
 - c. For known or potential sources of contamination that are isolated to a limited number of locations, identify the names and address of these sources of contamination. For known or potential sources of contamination that cover large areas and multiple land owners, identify the geographic area where they are located.
 - d. If copper sulfate or other algicide is applied to water supply reservoirs, their tributaries, frequency, and amount of applications shall be described.
- 3. Determination of Source Water Susceptibility.

- a. All suppliers ~~will be~~were provided, by the RI Department of Health, with an initial susceptibility determination for existing sources ~~by May 6, in~~ 2003. Updates to determinations for existing sources shall be the responsibility of the supplier, and may be in the form of paper maps, or amended land-use and point source shapefiles. They should be based on best available updated land-use data and point-source information from the agencies responsible for them. In addition, suppliers should list potential sources of contamination other than those in the initial susceptibility determination.
- b. A susceptibility determination shall describe how the results of the analysis identify sources of contamination of the public water supply, how significant the threat is, and the relative threat of contamination between sources within the source water protection area. The analysis will be the means for the water system to make the inventory useful for decision-making regarding source water protection.
4. Description of present and past efforts to protect water quality, both regulatory and non-regulatory. Included in this description shall be public education initiatives, land acquisitions, acquisition of buffer zones, diversion and/or treatment of storm water or spills, and desirable land use control regulations.
5. Identification of protection strategies determined to be most appropriate for protecting surface or groundwater quality within the source water protection area(s), which at a minimum shall include a strategy for public education that fosters water quality protection.
6. An implementation approach for each protection strategy identified above including, but not limited to, a discussion of problems that may be encountered and how they will be resolved. A priority list of actions and a schedule for implementing measures over a 5-year ~~implementation-schedule period~~ which includes a description of ongoing efforts to implement measures.
7. Efforts to coordinate implementation of recommendations with municipal officials or boards governing land use activities within the water supply sources, watershed, or recharge area shall be documented.
- B. An approved Wellhead Protection Plan, as required by the federal Safe Drinking Water Act and RIDEM's ~~"Rules and Regulations for Groundwater Quality Rules,"~~ 250-RICR-150-05-3, which meet the minimum requirements of these regulations may be referenced._

2.8.4 Mapping Requirements

- A. Maps ~~shall be in a format acceptable to the Board. should include a north arrow, legend, specification of map scale and the data source(s) used to create the map. Maps shall meet National Map Accuracy Standards at their published scale.~~ The scale of each map should be large enough so that data contained on the map is intelligible, yet small enough so that the map extent fits onto a reasonable number of sheets. A maximum of four sheets (or overlays) per each of the three major map themes is suggested.
- B. ~~Digital map data may be provided on magnetic or optical media. Digital mapping products should ideally be suitable for immediate entry into the RIGIS database. Data in the RIGIS database is based on the RI State Plane Coordinate System in feet on the North American Datum of 1983 (NAD83). Maps of land should include at least four geographically referenced points around a parcel's perimeter, which are labeled with their respective RI State Plane coordinates in feet. ESRI ArcInfo/ArcView geographic files should be in Arc Export .E00 or the shape file format; AutoCAD files should be in DXF format, image files shall be in geotiff format and all should be referenced to the State Plane coordinate system.~~
- ~~Each digital data set (e.g., shapefile, coverage, image) shall include documentation strictly adhering to the content and format of the Federal Geographic Data Committee (FGDC) standard as described at <http://www.fgdc.gov/metadata/metadata.html>. Metadata shall be provided in hard copy; digital data shall be delivered in American Standard Code for Information Interchange format (ASCII text). TXT or Hyper Text Markup Language format (HTML) as specified in the FGDC metadata standard.~~
- ~~RIGIS data sets are shared and offered under licensing policy to any other requester. Digital orthophotos, preferably at the 1:5000 scale, may also be used as a separate overlay. RIGIS and US Geological Survey coverages are available at www.edc.uri.edu/gis.~~ Water suppliers requiring technical assistance must contact the Water Resources Board in a timely manner to effect mapping.
- C. Map #1 Water District System Map. This map should depict legal service boundary, present service area, major transmission lines; treatment and storage facilities including clear wells, pumping stations, interconnections with other water supply systems including connections for emergency purposes, whether for sale or purchase of water; location of master meters; and location of pressure zones.
- D. Map #2 Source Water Map. This map should include depiction of all surface and groundwater supplies owned or operated by the water supplier. The operating status of each water supply source should be indicated as abandoned, active,

emergency or temporarily inactive. For surface water sources, the map must indicate the watershed boundary upstream of the intake structure, the location of each source, intake structures, impoundments and pollution sources. For groundwater sources, the map must show the location of wells or well fields, principal aquifers and recharge areas and DEM-approved wellhead protection areas. Known and potential pollution contamination sources can be overlaid on the base map and ~~labeled~~ labeled or described in the legend. Water supplier-owned lands can be provided as separate overlays. Maps delineating source water protection areas or wellhead protection areas must be consistent with maps required by other regulatory agencies. RIGIS and USGS coverages are available for use.

2.8.5 Supply Management

- A. Description of supply management measures necessary to insure present and future availability of drinking water in adequate quantity and quality to meet existing and projected demands for the 5 and 20 year planning periods shall include but not be limited to the following:
1. Anticipated Future Demand
 - a. Estimates of changes in population and economic development within existing and planned future extensions to service areas;
 - (1) Population changes shall be based upon an analysis of existing and potential land uses consistent with appropriate local comprehensive plans and the most recent US Census of Population statistics. If water supplier's population growth projections differ by more than 10% from estimates developed by the relevant municipality(ies), the water supplier shall provide explanation for the differences;
 - (2) The assessment shall include estimates of future wholesale customers and any system expansions resulting from the agreed upon merger of water supply systems;
 - b. Any legal obligations to provide water including a description of the intended users, the amounts required and the duration of the contract;
 - c. To the extent possible, projected future water use or demand by user category including total water use expressed as millions of gallons per year, average daily demand on an annual basis, peak seasonal daily demand, maximum daily demand, and assessment

of the impact of proposed conservation measures on future demand.

- d. Projected future water use by major users on an annual basis. Institutional systems shall estimate such use as it applies to its institution and categories developed.
- e. Reasonable estimation and evaluation of water used for ~~fire-fighting~~firefighting purposes and non-account water including water supply system use; other unmetered public uses, metering inaccuracies and major leaks, expressed as millions of gallons per day; and
- f. Consideration should be given to the potential for matching the end uses of water to the quality necessary for that purpose. Any plan to utilize non-potable water must also describe a ~~crosseconnection~~cross connection control program.

2. Available Water. An analysis of the ability to provide an adequate supply of potable water to existing and projected customers for the 5-year and 20-year planning periods and as necessary, identification of timing and quantity of additional supplies and facilities required to meet anticipated needs, shall be provided as specified below.

- a. General policies:
 - (1) The safe yield of surface water sources shall be determined using a mass balance analysis based on a critical dry period with a 1% probability of occurrence or drought of record, whichever is worse.
 - (2) Water suppliers who, for operational purposes, utilize a safe yield definition based upon a critical dry period with a probability of occurrence greater than 1%, must state the reasons for utilizing such an approach and document proposed or implemented measures to safely manage the higher level of risk. In no case will a safe yield analysis based upon a critical dry period with a probability of occurrence greater than 5% be considered acceptable.
 - (3) Safe yield analyses previously performed that substantially meet the requirements of this section may be submitted in lieu of the study required herein and shall be reviewed on a case-by-case basis.

- (4) Water suppliers operating under a safe yield based upon a critical dry period with a probability of occurrence greater than 1% shall undertake demand, supply, system and emergency management measures to effectively reduce the system's level of risk.
- (5) Water suppliers, whose average daily demand for the most recent year exceeds the available water, shall immediately initiate demand, supply, and system management measures as appropriate.

b. Surface Water Supplies: Safe Yield

- (1) Determination of safe yield for surface water supplies shall be based on the general mass balance equation such that:

$SI - SO = S$ where;

SI = summation of all different forms of inflow to the reservoir.

SO = summation of all different forms of outflow from the reservoir.

S = net change of storage within the reservoir.

- (2) The methodology for determining the safe yield of surface water supplies shall include but not be limited to the following:
 - (AA) Gauged stream data collected from within the watershed shall be used for determining stream flow into a reservoir. Where such data are not available gauge data from another watershed (external) which closely approximates the watershed of interest may be used. Factors to consider when selecting the external gauging station shall include location, percent stratified drift, vegetation, slope, flow regulation, upstream land uses and drainage area size.
 - (BB) Runoff information must be related to stream gauging records.

- (CC) Direct precipitation and evaporation related to surface area of the reservoir shall be included in the mass balance analysis. Rainfall and evaporation data shall be based on an interval no greater than one month and may be combined for a net impact to the reservoir.
- (DD) Diversions of water into or out of the watershed must be included in the analysis, as well as the operating characteristics of the diversion, flow capacity of the diversion and the runoff to the point of diversion. Existing as well as proposed diversions will be analyzed.
- (EE) Consumptive losses to the watershed shall be evaluated.
- (FF) The physical characteristics of the reservoir shall be described. At minimum, this will include the total reservoir storage capacity and useable reservoir storage capacity. It will also describe whether flashboards are used and any other pertinent information necessary to describe the physical characteristics of the reservoir. Top and bottom elevation of the reservoir shall be provided using the mean sea level as a datum.
- (GG) Reservoirs with less than 150 million gallons of storage per square mile of watershed area shall evaluate yield based on short and long duration droughts (respectively, less than and greater than 1 year) and use the worst case for analysis. In no case shall the analysis be based on a critical dry period with less than a 1% occurrence.
- (HH) The operating characteristics (rules) of the reservoirs shall be described.
- (II) Releases shall be described as required by federal and state law.
- (JJ) The amount of leakage through the dam shall be estimated.

- (KK) The determination of safe yield shall factor in sediment deposition.
- (LL) When determining safe yield, outflow (water demand for domestic, industrial, commercial, and agricultural use) shall be based on monthly draft rates. Uniform withdrawal rates may be used, where appropriate, and if previously approved by the RI Water Resources Board or its successor.
- (MM) The critical drawdown period shall be measured from full, or near full, reservoir levels to the bottom of the useable storage or lowest elevation reached for 1 year or less-cycle reservoirs.
- (NN) Numerical methods are preferred for safe yield determinations. Graphical methods, consistent with item 12 of this section, may be used.

c. Groundwater Supplies: Describe the methodology for determining maximum potential yield, maximum well capacity, and well efficiency of existing groundwater supplies. Based upon available information water suppliers should present a summarized description of each well as required below. Background documentation should not be included. However, references should be cited. No additional fieldwork will be required to provide "missing" aquifer test information.

- (1) Identify the aquifer in which the well(s) or well field is located and any pertinent hydrologic/geologic information affecting the supply of water.
- (2) Provide a description of each production and observation well including but not limited to the following, as applicable:
 - (AA) Description of geologic material drilled through;
 - (BB) Depth to bedrock;
 - (CC) Estimate of saturated thickness of the aquifer at the well location. If this is not available then provide the depth from the water table to the bottom of the well;
 - (DD) Maximum drawdown level;

(EE) Date and results of most recent aquifer test or well redevelopment, to include:

- (i) Name of individual or entity that conducted the pump test;
- (ii) Pumping rates for test;
- (iii) Duration of pump test;
- (iv) Static water level;
- (v) Final pumping water level;
- (vi) Specific capacity;
- (vii) Transmissivity; and
- (viii) Description of any difficulties with the aquifer test.

(FF) Date and results of quarterly specific capacity determination, to include:

- (i) Type and rated capacity of existing production well pump;
- (ii) Duration of pump operation;
- (iii) Static water level; and
- (iv) Pumping water level.

(GG) Well efficiency expressed as the ratio of the most recent measured specific capacity to the maximum specific capacity determined from the most recent aquifer test or redevelopment.

(3) Report the maximum potential yield for each well based on the results of the most recent tests, ~~described in section 8.04(5)(2)(c)(2) of the regulations.~~

(4) State the current pumping rates of the existing wells, in addition to the maximum well capacity of each well based on such limitations as the pump's relationship to other wells, interference from other wells, contamination, excessive

drawdown, any restrictions on pumping rate due to operational considerations, regulatory requirements or other factors, etc. For each production well provide a brief redevelopment history, if applicable.

- d. A determination of available water shall identify any limitations to utilization of the safe yield for surface waters or maximum well capacity of wells, including any constraints such as hydraulic considerations, treatment limitations, or interference effects that must be considered in the estimate of available water. For purposes of this analysis, available water shall be the sum of the operational safe yield of surface water supplies, maximum well capacity, 90% of untapped groundwater capacity, and water purchased from other suppliers.
 - (1) For both existing and future conditions, compare available water with average and maximum daily demand. Improved efficiencies or "water savings" resulting from proposed supply, demand, and system management measures shall be factored into each analysis, as appropriate. If average daily demand exceeds available water, identify additional supply, demand and/or system management measures to be undertaken and if necessary, the timing and quantity of additional supplies and facilities. The analyses shall include the following:
 - (AA) Existing Conditions: Compare existing available water with existing average daily and maximum daily demand for the most recent year.
 - (BB) Future Conditions: Compare future available water with projected average daily and maximum daily demands for the 5 and 20-year planning periods.

3. Alternative Supply

- a. Identification of available alternative water supply sources including retention of water sources for standby or future use that ~~are in compliance with~~ follow or can meet drinking water quality standards; reactivation of any water sources not in use; potential system interconnections for ongoing, standby, or emergency use; supply augmentation; and shared or joint-use facilities or sources. Factors to be considered include but are not limited to the following:

- (1) General description of treatment necessary to utilize alternative water supply source(s) based upon final and currently proposed requirements of R.I. Gen. Laws Chapter 46-13 as administered by the RI Department of Health;
 - (2) Ability of existing treatment facilities to improve raw water quality to applicable drinking water quality standards;
 - (3) Capacity of pumping and distribution systems;
 - (4) Necessary measures to maintain or improve the quality of water supply sources; and
 - (5) For reactivation of temporarily inactive water sources, identify necessary remediation measures.
4. Supply Augmentation Studies. Supply augmentation studies shall assess recommended alternative water supply sources with a discussion of the reasons for selecting each option to be implemented. Included in the evaluation should be an analysis of the ability to meet future demand. Where applicable, information such as necessary construction, lands needed, lands to be sold or for which a change in use is proposed, water rights needed, water quality, identification of existing and potential competing uses of the resource, relationship to local, regional and state land use plans, costs and financing, timing, and life-expectancy of facilities should be addressed.
 - a. Water suppliers operating at a safe yield based upon a critical dry period with a probability of occurrence of 5% that are unable to document to the Boards' satisfaction that they ~~are able to~~can safely operate at this level of risk, shall be required to immediately initiate supply augmentation studies.
 - b. Supply augmentation studies shall be initiated immediately if all appropriate supply, demand, and system management measures have been implemented and the average daily demand for the most recent year equals or exceeds available water, as defined in ~~Section 8.045.2.(2)~~these regulations. Augmentation studies shall also be initiated immediately, if individually, the safe yield of the reservoir system or 90% of the current well capacity is exceeded.
 - c. If the analysis of the ability to provide an adequate supply of potable water for the 5-year and 20-year period, as required ~~under~~ ~~Section 8.045(2)(d), herein~~in these regulations indicates the need

for additional sources of supply or facilities, water suppliers shall initiate supply augmentation studies.

2.8.6 Demand Management

- A. The plan shall describe measures to reduce the demand for, and to effectuate efficient use of, the state's water resources.
- B. The plan shall include a program to retrofit existing water uses not in conformance with the RI State Building Code, "Rhode Island Plumbing Code" regulations for water-saving plumbing equipment consistent with R.I. Gen. Laws § 46-15.3-23. ~~(a) Residential Retrofit Program (RRP): The Residential Retrofit Program plan shall describe the steps necessary to establish and administer the retrofit program (e.g. hire consultants/staff) and a schedule for implementation. The Residential Retrofit Program shall, at a minimum,~~
 - ~~1. Provide for the distribution of retrofit kits described in R.I. Gen. Laws § 46-15.3-23(a) at cost, or at no direct cost to all residential users, as described below.~~
 - ~~1. The Board shall consider plans utilizing water saving plumbing equipment which achieves higher performance standards and/or results in greater water savings. An example would be an incentive program to accelerate replacement of older toilets with water conserving models. The Board shall review and approve of alternative RRP plans on a case by case basis. The minimum Residential Retrofit program shall include but not be limited to the following:~~
 - 2. Annual Notification of Program Objectives and Achievements: No later than one year after approval of the RRP plan by the Board and on an annual basis thereafter, water suppliers shall ~~P~~publicize the objectives and accomplishments of the retrofit program and the availability of water efficiency devices ~~and installation services at cost, or at no direct cost.~~
 - ~~1. (2) Retrofit Kits: Water suppliers shall offer kits containing water saving plumbing devices; installation of said devices will be at cost or at no direct cost to all residential users. A minimum of 1 retrofit kit which at a minimum contains 2 low flow faucet aerators, 1 low flow showerhead, 1 toilet displacement device, 1 package of leak detection tablets, installation instructions, leak detection pamphlet, reorder card for obtaining additional equipment, and a survey form to evaluate the potential for long term water conservation, shall be made available to all residential dwelling units.~~

C. Water suppliers are encouraged to investigate making other water-saving plumbing equipment, ~~such as replacement toilets using 1.6 gallons per flushing cycle, available at cost.~~

a. ~~(ii) Minimum standards for water saving plumbing equipment: Where applicable, the water saving plumbing equipment shall conform to or exceed the RI State Building Code, Plumbing Code Regulations.~~

a. ~~(iii) Water suppliers may act as a central purchaser and supplier of water saving plumbing equipment and may enter into cooperative agreements with other water suppliers or other agencies to facilitate bulk purchases of water saving equipment required to implement approved retrofit plans.~~

1. ~~(3) Implementation Schedule: Residential Retrofit Programs shall be phased in over a 10 year period. A minimum of 10% of all residential dwelling units annually shall be targeted for kit distribution and installation as outlined in Section 8.06(a)(4). An implementation period of less than 10 years shall be required for any water suppliers projected to need new or additional supplies within the 10 year period. In these cases, the time period for implementation shall be determined by the Board on a case by case basis.~~

1. ~~(4) Retrofit Kit Distribution: The actual number of water saving plumbing devices installed is greatly influenced by the water supplier's level of effort in distributing the equipment, educating the public on its use and related benefits, and assisting in installation, if necessary. The distribution method selected by the water supplier shall assure a high level of water saving plumbing equipment installation.~~

a. ~~(i) A minimum of 10% of the residential dwelling units annually shall be targeted for distribution and installation of water conservation devices.~~

a. ~~(ii) Acceptable kit distribution methods include the following:~~

~~(1) (A) Mailing or direct delivery of retrofit kit request cards to each residential class user;~~

~~(1) (B) Direct distribution of kits to residential dwelling units (door-to-door delivery or direct mailing of kits);~~

~~(1) (C) Messages included on customer bills providing a toll free phone number to call to order retrofit kit(s); or~~

~~(1) (D) Other method as previously approved of by the Water Resources Board.~~

~~a. (iii) Within 30–60 days of distribution of retrofit kits, customers shall be reminded of the importance of water conservation and to install the water saving plumbing devices. Water suppliers may opt to publish reminders in local newspapers, to distribute installation reminder cards, telemarketing or other approaches, as appropriate.~~

~~a. (iv) Distribution of kits to residential users in apartments and multi-family housing units serviced by single meters: Distribution of kits shall be to the owner or manager of the apartment or multi-family housing unit. Multi-family kit request cards shall be developed and distributed. Water suppliers shall not be required to offer installation assistance to multi-family housing units.~~

~~a. (v) For water suppliers needing new or additional supplies within 5 years before additional sources of supply are pursued, water suppliers shall directly distribute retrofit kits at cost or at no direct cost to all residential dwelling units and shall explain the need for and cost effectiveness of full compliance with water conservation requirements.~~

~~Public Education and Information: Efforts should be tied to key events in the Residential Retrofit Program and shall include a media campaign as specified in Section 8.056 (a) (1). Additionally, W~~water suppliers are encouraged to offer water conservation presentations at local schools and to civic and other organizations. Water suppliers are encouraged to coordinate education and information efforts with other water suppliers or agencies.

D. Major Users Technical Assistance Program (MUTAP): Water suppliers shall provide technical assistance to major users in the performance of water audits and in the formulation and implementation of sanitary device retrofit programs. Major users for which technical assistance may be provided include multiple unit housing areas or developments, commercial, industrial, institutional, government and agricultural and other outdoor water users. In offering these technical assistance services to their major users, suppliers are encouraged to coordinate with one another in the establishment of water audit and water conservation technical assistance services and/or to arrange agreements with other

governmental entities or consultants to utilize the services offered by existing technical assistance programs.

1. The MUTAP plan should include the following:
 - a. A list of the major users, annual water uses, and types of use;
 - b. A description of the steps necessary for the establishment of the technical assistance program (e.g. identification of entity to offer technical assistance, description or contracts detailing the arrangements for the technical assistance services, description of promotional efforts to encourage major users participation).
 - c. A prioritized schedule for contacting and encouraging major users to perform water efficiency audits.
 2. Water suppliers may enter into cooperative agreements with the owners or management of such users for the bulk purchase(s).
 3. Water suppliers shall request of major users a general description for implementation of demand management practices that will achieve a high level of efficiency.
 4. Implementation Schedule: The MUTAP plan shall include a schedule for implementation of the proposed technical assistance program.
- E. Appropriate fees, rates, and charges to reduce demand shall be utilized, consistent with § 2.8.11 of this Part.
- F. Institutional suppliers shall adhere to §§ 2.8.6(B) through (D) of this Part as applicable.

2.8.7 System Management

- A. System management measures necessary to ein~~su~~re that the physical components of the water system are properly operated and maintained shall be described. A stated goal of system management shall be to minimize non-account water and to strive to achieve and maintain less than 15% non-account water as set forth in Water Supply Policies for Rhode Island, the State Guide Plan, Element 721, September 1997 and less than 10% leakage as set forth in R.I. Gen. Laws Chapter 46-15.8. Water suppliers are encouraged to establish a long-term goal of reducing non-account water to 10% of the total metered supply. System improvements and maintenance activities necessary to maintain compliance with R.I. Gen. Laws Chapter 46-13 as administered by the RI

Department of Health must also be considered. System management measures to be described shall include but not be limited to the following:

1. Meter Installation, Maintenance, and Replacement (MIMR) Plan.
 - a. 100% of water delivered, including water sold wholesale to other water suppliers shall be metered to include public buildings. Excluded from this metering requirement is water used for ~~fire-fighting~~firefighting purposes and system maintenance purposes, including flushing and active bleeders. Water suppliers shall set forth a plan by which all water delivered shall be metered.
 - b. All water suppliers shall effect and carry out a program for installation of remote reading or automatic reading systems.
 - c. All water suppliers shall develop and carry out programs for recording metered usage and billing thereafter, at an interval less than 1 year, as determined appropriate. Water suppliers not meeting this deadline must demonstrate that the continuation of annual meter reading and billing is consistent with the purposes of R.I. Gen. Laws § 46-15.3-1 *et seq.*, Water Supply System Management Act, and specific statutory provisions for the implementation of demand management measures that achieve a high level of water use efficiency through use of fees, rates, and charges to influence use (R.I. Gen. Laws §§ 46-15.3-5.1(c)(1)(iv) and 46-15.3-21) and the provision of timely and accurate information on costs to users (R.I. Gen. Laws § 46-15.3-22).
 - d. For major users, a schedule of maintenance and replacement of meters shall be developed so as to maintain applicable meter standards. A schedule for testing and calibration shall be developed.
 - e. Master meters shall be installed at all sources and tested at least once a year and calibrated as necessary to the printed recommendations of the meter manufacturer and to good engineering practice.
 - (1) Ranges of meter accuracy should be in general conformance with the latest revisions of the American Water Works Association (AWWA) standards (c700 Series) as summarized in "Water Meters - Selection, Installation, Testing, and Maintenance" (AWWA M6) and/or specific Rhode Island State Plumbing Code requirements.

(2) When an AWWA standard for a meter is not available, the user must demonstrate to the satisfaction of the Board that the meter is capable of measuring not less than 95% and not more than 105% of the water that passes through the meter. All meter tests shall be documented and maintained by the water supplier.

f. Institutional suppliers should refer to § 2.8.2(G) of this Part and adhere to the spirit and letter of § 2.8.7(A)(1) of this Part wherever possible.

2. Leak Detection and Repair (LDR) Plan:

a. General Policy: Water supply management plans shall at a minimum set forth a comprehensive plan and schedule for the detection and repair of leaks ~~so as to~~ maintain non-account water at or below 15% and leakage at or below 10% of total metered supply. Comprehensive leak detection surveys shall be conducted on a periodic basis according to specific needs, at a minimum of once every ten (10) years, however surveys shall be conducted immediately if non-account water exceeds 15% or leakage exceeds 10%. Leaks should be repaired expeditiously.

b. The Leak Detection and Repair Plan shall set forth a plan and schedule for the detection and repair of leaks and shall include but not be limited to a description of the types of leak detection methods used and the sensitivity of the method used.

c. If a comprehensive sonic leak detection and repair program has been completed since the last plan submission, discuss the number of leaks found, the number fixed, the amount of water saved, and the existing leakage rate in gallons per day per mile.

d. If leak detection and repair objectives have been achieved, discuss the planned continuing maintenance program to retain and achieve the lowest leakage rate feasible.

e. Institutional suppliers shall develop a more extensive planned and timely program, if utilizing the § 2.8.2(G) of this Part manner of approach.

3. Preventive Maintenance (PM) Plan shall be prepared and implemented. The PM Plan shall include:

- a. A schedule for periodic inspection, maintenance, and/or testing of critical components of the supply, treatment, storage, and distribution facilities, including emergency and standby equipment and facilities (e.g. pumping station(s), valves, hydrants, water main flushing, cleaning, lining, and upon start up, testing connections to emergency water supply sources) in general conformance with recommended practices established in applicable American Water Works Association standards.
- b. Accurate record keeping of inspections and routine maintenance;
- c. Evaluation of records and when necessary, the scheduling and performance of corrective measures; and
- d. Maintenance of spare parts inventory and names and locations of manufacturers and distributors of critical components.

2.8.8 Emergency Management

- A. The emergency management component shall assess system risks and response capabilities, and shall describe a practicable contingency plan for water supply emergencies. The plan shall at a minimum:
 1. Identify known and potential natural and human-caused risks to the water system and assess the extent and severity of each water supply ~~emergency situation~~emergency on each component of the water supply system. Identification of system risks shall include but not be limited to hurricanes and major storms, severe winter storms, short and long term droughts which exceed the water supply systems' design drought, seasonal water shortages, interruptions in the transmission or distribution system, obvious and immediate contamination risks to water sources or transmission or distribution systems any acute or non-acute coliform violation that leads to the use of boiled or bottled water, as mandated by the Department of Health, and limitations in water sales agreements. The plan need not address emergencies experienced by water suppliers on a routine basis, such as pipe breaks, inoperable valves and emergency power sources. Risks that are specific to each system should be identified and addressed.
 2. Identify critical components of the water supply system that may be partially or totally incapacitated during emergency situations. This analysis shall serve as the basis for the development of programs of physical improvements and emergency management plans.

3. Estimate the water system's remaining capabilities to meet demand for each water supply ~~emergency situation~~emergency. Describe the system storage capacities; supply redundancy, and other available contingency measures.
4. Identify demands on the system and evaluate the level of service to be sustained during different emergency conditions. Major users and priority users should be identified. Assignment of priority should be based upon the potential risk to health, safety and welfare posed by the curtailment or suspension of service. The plans should identify the steps deemed appropriate and feasible to reduce the demand for water for the duration of the water supply emergency, including the enactment of bans or restrictions on certain water uses and/or new connections, as appropriate.
5. Identify personnel responsible for actions and any training needs.
6. Describe notification procedures and the means of implementation, if applicable, to be followed in various emergency situations. The plan shall include notification of personnel, state and local officials, media and the public, including public notification of priority users, advance notification of users for which service may be curtailed or suspended if rationing is required and for implementation of rationing and use bans.
7. Inventory emergency or stand-by equipment, critical spare parts, and supplies; identify additional equipment, parts, or supply needs, and the procedures for obtaining additional equipment or loaning available equipment or services. Where appropriate, stand-by power to all electrically operated facilities must be of sufficient capacity to provide 100% of the system's average daily demand during an electrical outage. Interagency agreements specifying availability and use of loaned equipment or services shall be documented in writing. This inventory shall include but not be limited to availability and need for standby power for pumping station(s), treatment plant(s) and extraordinary treatment processes.
8. Identify sources of emergency water supply including but not limited to interconnections and independent industrial and commercial water supplies within the service area. Identification of legal, technical and financial requirements for their use, a schedule for activation, periodic testing, available yield, and quality of the sources shall be included. Agreements with other water suppliers or with independent industrial or commercial entities for use of emergency water supplies shall be documented in writing.

9. As appropriate and feasible, the plan may also address the necessary steps to treat contaminated sources of supply.
10. Specify water supply emergency responses, which become progressively more stringent depending upon the seriousness of the water supply emergency. Critical indicators of the seriousness of the emergency, the extent of facility damage and seasonally varying triggers, such as designated reservoir levels shall be identified. For groundwater supplies, consideration should be given to seasonally varying trigger levels involving drawdown of the wells and/or static water levels. These critical indicators shall act to trigger a mandatory management review and the initiation of an appropriate response.
11. Outline the steps to be taken for recovery from an emergency, including reverse triggers, as appropriate, and describe when the steps will be activated.
12. Outline and provide cost estimates for immediate actions or expenditures necessary to eliminate critical vulnerabilities of the existing water supply system. Evaluate the availability of resources to eliminate vulnerabilities and for overall implementation of the emergency management plan. Pricing of specific emergency response procedures need not be included.
13. Describe the relationship of the emergency management plan with other applicable local or emergency plans and the State Emergency Operations Plan, including the relevant element(s) of the Rhode Island State Guide Plan ~~Elements 723 and 724, Water Emergency Response Plan for Rhode Island and the Rhode Island Drought Management Plan, 2002~~ as may be amended from time to time by the State Planning Council according to R.I. Gen. Laws § 42-11-10.

2.8.9 Drought Management

- A. Because each water supplier may be affected differently by drought due to differences in sources of supplies, capacity, regional hydrology, demand, timing, and permitting requirements, it is essential that each supplier identify drought indicators or triggers within the WSSMP ~~in order to~~ assess the status of water supplies. The drought indicators for a ~~particular water~~ supply system will depend upon the specific conditions of the system, such as the capacity of storage and treatment facilities, storage tank elevation, reservoir storage, stream flows, groundwater levels, and precipitation. Water use restrictions should move from limited and voluntary to more extensive mandatory restrictions depending upon the phase of the drought. The supplier will develop clear triggers (varying from system to system) tied to specific actions (responses) within the WSSMPs

to provide communities and water users predictable responses to dry conditions and drought.

1. WSSMPs shall reference coordination with the Water Resources Board and the State Drought Steering Committee, and be consistent with the State Guide Plan-Element 724, RI Drought Management Plan, § 2.8.8 of this Part of the WSSMP Rules & Procedures and shall contain provisions in anticipation of drought that will direct suppliers to respond promptly and effectively.
2. This section must address providing water under emergency circumstances and restoring water as quickly as possible.
3. This section must address management of the system in preparation for and during drought.
4. This section must address the status of written agreements with other water systems, particularly emergency interconnection agreements.
5. This section must define drought indices and establish demand reduction actions for their system.
6. This section should set demand reduction (percentage) goals for each stage of drought.

2.8.10 Implementation Schedule, Responsible Entities, and Projected Costs

- A. Water supply system management plans shall designate the person(s) or organization responsible for taking each action, others who must participate, and the time period in which the action is to be taken.
- B. The capital, operating, and maintenance costs, if any, of each action shall be estimated. Facilities and/or programs or studies scheduled for construction or implementation within 5 years of the date of plan preparation should be more thoroughly evaluated than those actions scheduled for later implementation.

2.8.11 Financial Management

- A. General Guidelines of Water Supply System Management.
 1. All rates and charges made by water suppliers which decline as quantity used increases are hereby declared not conducive to sound water supply management designed to properly conserve, develop, utilize, and protect this finite natural resource.

2. Each water agency will operate in a financially self-supporting manner. Each shall maintain long term revenue levels sufficient to cover all fixed and variable capital and operating costs of conservation, use, management, protection, development and other costs of water supply and may be allowed a reasonable profit as may be appropriate for the water supplier's type of ownership and as consistent with Public Utilities Commission regulations. Charges to the water supplier for intergovernmental services shall be fair and reasonable.
 3. The anticipated source(s) of funds to implement the water supply system management plan shall be identified including but not limited to funds generated through fees, rates and charges against water users. Such charges shall be limited to those necessary and reasonable to undertake the actions required by R.I. Gen. Laws Chapter 46-15.3 as made operative by these procedures. These charges shall be included in bills rendered as specified herein.
- B. Current Financial Management Practices: Water supply system management plans shall describe the water supplier's current financial management practices and status including but not limited to:
1. In spreadsheet format, a summary of operating income and expenses for the past three (3) years:
 - a. Annual water rate revenue; general facility charge revenue; special assessment revenue; reserve fund revenues and/or other earned or unearned revenue from operating funds shall be listed under operating income.
 - b. Annual water system indebtedness, including debt service on bonds; operation and maintenance expenses; facility replacement funds; appropriations for major improvements; and/or other expenses shall be listed under operating expenses, as appropriate.
 - c. Any grants, loans, income from bond sales and income earned while holding these or other capital funds shall be listed under capital funds.
 2. Existing rate structures shall be described.
 3. Frequency of billing and collection procedures and policies shall be described.
- C. Future Revenue Sources: Water supply system management plans shall list and discuss anticipated revenue sources to implement system improvements and

programs. A plan allocating funds to finance system improvements and programs scheduled for implementation within 5 years of plan preparation should be prepared. The plan should describe basic revenue requirements to fund system operation, maintenance and improvements and discuss the systems' ability to secure the revenue needed. Any assumptions regarding inflation rate, interest rates, bonding limit, grant eligibility, etc. should be clearly stated.

D. Assessment of Rates: Necessary changes in the rate structure to generate revenues for future improvements shall be included. In establishing fees, rates, and charges, water suppliers shall consider the following factors:

1. Recovery of ~~all~~ capital and operating costs, fixed and variable of production, treatment, conservation, use, management, protection, obtaining, development, procuring, and/or transporting water, and its sale at wholesale or retail.
2. Marginal cost pricing.
3. Emergency and drought period surcharges.
4. Seasonal price structures.
5. Difference in costs based upon different points of delivery.
6. The effect of fees, rates, and charges on use of water and, where applicable, on wastewater costs and charges.
7. The effect of reducing non-account water to levels consistent with or below stated goals.
8. The costs of preparing, maintaining, and implementing water supply system management programs.

E. Billing:

1. Regular schedule,
 - a. Bills shall be rendered on a regular schedule for metered usage.
2. Joint Billing,
 - a. All water suppliers selling water at retail shall discuss cooperative initiatives or joint billing efforts for water supply and wastewater treatment in cooperation with the parties responsible for the latter within the same water supply service area.

- b. The water supplier shall evaluate arrangements with municipalities and wastewater treatment agencies for operation of a combined billing system, including equitable sharing of costs.
- F. Institutional suppliers shall adhere to §§ 2.8.11(A) through (E) of this Part where appropriate and delineate and describe the various budgetary and personnel processes to include any problematic areas.

2.8.12 Coordination

- A. Water supply system management plans shall be coordinated and consistent with applicable local comprehensive plans and shall be integrated into the water supply plans of the municipality or municipalities in which the service area is or is planned to be located. The local comprehensive plan has primacy in establishing the future land use, zoning and growth projections for municipalities as established by R.I. Gen. Laws Chapter 42-22.2, The Rhode Island Comprehensive Plan and Land Use Regulation Act. Water suppliers shall coordinate with appropriate municipalities on service expansions that are consistent with the adopted comprehensive plan(s) of those communities and are within the ability of the water system to accommodate. Any expansion of existing service areas shall be consistent with the appropriate local comprehensive plan(s). Conversely, the Services and Facilities elements of the appropriate local comprehensive plans should be based upon the final approved water supply system management plans. Water supply system management plans shall describe water supplier's efforts and future expansions of the water system. A letter, indicating the concurrence of the appropriate municipal planning department and or planning board that the WSSMP is consistent with appropriate comprehensive plan(s) shall be submitted as part of the WSSMP. ~~Particular attention~~Attention should be focused on existing and future land uses, zoning requirements, population and growth projections, responsibilities and capabilities to respond to water supply emergencies, planning for capital improvement needs service area expansions, supply augmentation, cooperative water quality protection efforts and other areas of mutual interest.
- B. Water supply system management plans shall describe water supplier's efforts to coordinate with other water suppliers with respect to interconnections, service area expansions, capabilities to assist in the response to water supply emergencies, the potential for regionalization and other areas of mutual interest, as appropriate. A letter delineating details between systems concerning any purchase and sale of water shall be included.
- C. Water supply system management plans shall describe water suppliers' efforts to coordinate with operators of wastewater treatment facilities servicing all or part of

the water supply service area with respect to data collection and the undertaking of feasibility studies of joint billing.

- D. In the event of conflicts between policies and plans of agencies, municipalities, water suppliers, the Board shall encourage coordination and negotiate for the public interest in water.
- E. Water supply system management plans shall describe water suppliers' efforts to coordinate with appropriate ~~fire-fighting~~firefighting emergency response services.
- F. Institutional suppliers shall comply with § 2.8.12 of this Part wherever possible within the institutional setting.

2.9 Data Collection Requirements

- A. Water use data must be assembled as an element of projecting long-term future water demand and availability of supplies ~~in order to~~to assess progress in achieving identified objectives, including the effectiveness of water conservation programs.
- B. The Board is authorized under R.I. Gen. Laws Chapter 46-15.7 to collect data or other information more frequently, especially with the advent of automated systems and implementation of electronic, real-time data systems.

~~2.1.1~~ ~~9.01~~ Reporting Requirements:

~~An interim report shall be submitted no later than 30 months from the Board's approval date of the Water Supply System Management Plan (WSSMP). Any 30-month reporting required for the Water Supply System Management Plan (WSSMP), may be re-evaluated by the Board in consultation with each supplier. An amendment to a water supply system management plan may be submitted to the Board at any time.~~

~~The 30-month report shall include updated water system data as further specified below. For suppliers with approved water supply system management plans or water supply management plans, it should include the status of the water supplier's plan implementation and shall describe progress in completing specific milestones and/or tasks outlined in the approved plan. The report shall include but not be limited to the following information:~~

~~A. (a) Metered water production from each source on a monthly basis;~~

~~A. (b) Metered water purchased from other water supplier(s) by interconnection, on a monthly basis;~~

~~A. (c) Estimate of population served, and number of service connections or area connections (institutional);~~

~~A. (d) Total metered retail water sales on an annual basis and metered retail water sales by user category on an annual basis or area connection data (institutional);~~

~~A. (e) Metered wholesale water sales by interconnection on a monthly basis;~~

~~A. (f) Estimated volume of water used for fire fighting firefighting purposes on an annual basis;~~

~~A. (g) Estimated volume of non-account water on an annual basis.~~

~~A. (h) Any updates and amendments shall be consistent with the requirements by other regulatory agencies.~~

2.10 Plan Submittal

2.10.1 Time Schedule for Plan Submittal

- A. Each water supplier required by these regulations to prepare and maintain a water supply system management plan shall file such plan per a date determined by the Water Resources Board.
- B. Institutional water suppliers or water suppliers that obtain, transport, purchase, or sell an amount of water exceeding 50 million gallons per year are required to submit a water supply system management plan, under the rules set forth in these procedures. The Board allows 18 months from the end of the chronological year in which the 50 million gallons or more per year volume occurred for the development of these plans.
- C. In order to determine when a water supplier meets the 50 million-gallon per year threshold under WSSMP, the Board shall utilize the information from the water supplier, Rhode Island Department of Health, payment of state surcharges, and any other available information.

2.10.2 Plan Amendments

- A. ~~(a)~~ Each water supplier shall review its plans at least once every five (5) years from the date of Board approval or whenever a significant component of the plan is no longer valid, and shall amend or replace its plan as required ~~so as~~ to remain current. The Board may notify the water supplier in writing of any section(s) of the plan requiring revisions and of the reasons such revisions are necessary. Such revised plan shall be submitted to the Board in accordance with a negotiated schedule not to exceed one (1) year beyond the five (5) year due date.

- B. Circumstances under which a plan requires updating shall include but are not limited to the following:
1. The water supplier proposes to add or abandon a source of supply beyond those addressed in an existing plan;
 2. The water supplier projects water demand to be significantly greater than the demand projected in an existing plan;
 3. Existing or projected demand exceeds available water;
 4. A new contract for the sale or purchase of water is executed;
 5. Use of an existing or proposed source becomes infeasible;
 6. Significant changes in existing or potential sources of contamination to water supplies.
 7. New statutory requirements for water supply plans
- C. If only minor alterations to an existing plan are considered necessary for the plan to remain current, the water supplier may request a waiver of the plan amendment requirement from the Board. The request for waiver must be accompanied by written evidence supporting ~~theis conclusion including request~~ and shall include, but not necessarily be limited to, the following: a progress report on all items required by § 2.8 of this Part including progress on implementation, an updated emergency management component, and an updated executive summary. No waiver can be granted for the Emergency Management component. Upon approval by the Board, the waiver request, progress report, emergency management component update, and an updated executive summary, shall together meet the requirements of the five (5) year update.
- D. Plan amendments or request for waivers will include a report of progress in implementing priority measures.

2.10.3 Filing of Plans

- A. ALL WATER SUPPLY SYSTEMS MANAGEMENT PLANS SHALL BE TREATED AS CONFIDENTIAL DOCUMENTS. THE BOARD AND THE DESIGNATED REVIEW AGENCIES SHALL INDIVIDUALLY DEVELOP PROCEDURES FOR DOCUMENT SECURITY.
- B. Each water supplier, as defined herein, shall file at least two (2) electronic and ~~five-one~~ (51) paper copies of all plans revisions, responses to comments, and

amendments thereto to the Board. A paper copy of any maps larger than 8-1/2 X 11 inches shall accompany each electronic copy of the plan. The Board will transmit in a format acceptable review copy of the plan to the following agencies ~~an electronic and a paper copy of~~ any such submissions within fifteen (15) days of ~~their~~ its receipt by the Board ~~to the following~~:

1. The Office of Drinking Water Quality of the Department of Health;
2. The Statewide Planning Program of the Department of Administration;
3. The Administrator of the Division of Public Utilities and Carriers, if applicable and
4. The Office of Water Resources of the Department of Environmental Management.

C. The water supplier shall place an executive summary at its main office and shall as well as in the main library post the document on its website and the website of each municipality in which it serves on a retail basis. The locations of public review copies will be part of the legal notice requirements.

D. A total of one (1) electronic and one (1) paper ~~15 copies of the~~ Executive Summary shall be submitted to the Board and shall consist of a summary of each required content area of the plan as specified in R.I. Gen. Laws § 46-15.3-7.5-(1) ~~an introduction, (2) background, (3) a general system description containing (i) water supply sources, (ii) water treatment facilities, (iii) storage facilities, (iv) pumping stations, (v) raw water and finished water transmission facilities (vi) distribution facilities including low and high service, (vii) planned extensions, (viii) interconnections, (ix) populations served and projections, (x) major users, (xi) metering, (xii) legal agreements, (xiii) non-account water, (xiv) demand management, (xv) supply management, (xvi) available water, (xvii) safe yield, (xviii) anticipated future demands, (xix) capital improvement, (xx) rate structure, (xxi) financial management, (xxii) emergency management, (xxiii) water supply source protection, and (xxiv) general policies shall be developed.~~

1. THE EXECUTIVE SUMMARY SHALL BE DISTRIBUTED AS THE PUBLIC DOCUMENT and shall be updated and resubmitted whenever an amended or replacement plan is prepared.

E. The Board will implement appropriate security measures when transmitting electronic and paper versions of the plans.

2.10.4 Requests For Time Extensions

- A. ~~With the exception of~~Except for the emergency management section, wWater suppliers may request in writing that the Board extend the time in which to complete and submit its water supply system management plan, replacements, revisions, or amendments thereto, ~~30-month interim report~~ or other filings required by the Water Supply System Management Act, R.I. Gen. Laws ~~Chapter~~ § 46-15.3-1 *et seq.*, not to exceed one (1) year. Such requests for time extensions must be received no later than three (3) months prior to the required filing's scheduled submittal date.
- B. Approval of such requests shall be granted only upon demonstration that an extension is justified by extraordinary circumstances of the water supplier. An extension, if approved, shall not waive any of the requirements of § 2.12.2 of this Part.
- C. No extensions of time shall be granted for the submittal of emergency management plans.

2.11 Review of Plans

2.11.1 Review Process

- A. The Board shall coordinate the review of water supply system management plans and any replacements or amendments thereto, prepared by water suppliers subject to these rulesregulations.
- B. Upon receipt of a water supply system management plan, replacements, revisions, or amendments thereto, by the Board, the Board shall "date stamp" the plan. The "date stamped" date shall be used to determine the initiation of the ~~90-day and 180-day specified applicable~~ review periods.
- C. The Board shall accept comments on water supply system management plans and any replacements, responses to review comments and or amendments thereto from the Office of Drinking Water Quality of the Department of Health, the Statewide Planning Program of the Department of Administration, the Office of Water Resources of the Department of Environmental Management and the Division of Public Utilities and Carriers no later than 90 days from the date stamped by the Board, pursuant to § 2.11.2(C) of this Part.
- D. Upon consideration of the written comments by all agencies designated herein and any public comment (§ 2.11.2 of this Part) provided to the Board, the Board shall determine whether the plan complies with the requirements of these procedures. The Board shall approve plans found in compliance with these procedures.

- E. The Board shall notify the water supplier of its determination in writing. Unless extended by the issuance of a first notice of deficiencies, the determination shall be made within 180 days of the date stamped by the Board, pursuant to § 2.11.1(C) of this Part.
- F. Failure of the Board to notify a water supplier of its determination within the said time limit shall constitute approval of the submitted water supply system management plan. However, if plans, replacements or amendments thereto are submitted prior to the scheduled submittal date, the Board may opt to utilize the scheduled submittal date as the initial submission date for purposes of initiating the 180 day specified review period.
- G. The ~~time period~~time for the review of water supply system management plans, replacements, revisions, or amendments thereto submitted after the scheduled submittal date shall be as determined by the Board.
- H. The ~~time period~~time for the review of water supply system management plans amended as a result of an invalidation of a plan component shall be in accordance with a schedule as agreed to by the Board.

2.11.2 Public Comment

- A. The Board shall provide a 30-day period within the 180-day review period to receive comments from the ~~general public~~public on the executive summary of water supply system management plan.
- B. The Board shall publish the executive summary and a notice of the public comment period on the Water Resources Board's website. in a Rhode Island newspaper having daily statewide circulation and at the discretion of the Board, in a local newspaper having the largest daily circulation within the water supplier's service area.
- C. The Board shall accept written comment during the comment period.
- D. The plan shall be adopted by the governing board of each water supplier following a thirty (30)-day public ~~hearing-comment period. The supplier shall publish the Executive Summary and a notice of the public comment period on its website and shall forward any resulting revisions to the Water Resources Board. Notice of such public hearing shall be published once by the supplier at least 20 days before the date set for the public hearing in a newspaper of general circulation in the State of Rhode Island. Such notice shall set forth the date, time, and place of such hearing; means of public review of the plan, and a brief description of the matters to be considered at such hearing.~~

2.12 Determinations of Plan Compliance

2.12.1 Determination of Compliance

Upon consideration of the written comments by all agencies designated herein and any public comment received by the Board, the Board shall determine whether the plan is in substantial compliance with the objectives of the Water Supply System Management Act and the requirements of these regulations. Substantial compliance shall be defined as having achieved the Water Supply System Management Act's stated objectives, goals, and planning mandates or otherwise having committed resources, as evidenced by a schedule for the timely implementation of such actions necessary to achieve the Act's objectives, goals, and mandates, as further specified in § 2.8.8 of this Part. The Board shall issue a determination of compliance to water suppliers whose plans have been found in compliance with these regulations. The Board shall forward to each state review agency designated in § 2.10.3 of this Part a copy of each determination of compliance issued by the Board.

2.12.2 Determination of Non-Compliance

- A. The Board shall issue a determination of non-compliance should the following occur:
 - 1. A municipality or water supplier subject to the Water Supply System Management Act fails to submit a water supply system management plan, replacement, revisions, or amendments thereto, ~~or a 30-month interim~~ report or other filings required by the Water Supply System Management Act within specified time periods as provided herein;
 - 2. Any reviewing agency finds that substantive deficiencies prevent the water supply system management plan, replacements, revisions, or amendments thereto from meeting the requirements of the Water Supply System Management Act and the Board finds that these deficiencies constitute substantial non-compliance with the Act and this rule.
- B. The Board shall notify suppliers and other reviewing agencies of its determination of noncompliance in writing and shall specify areas of non-compliance.
- C. The date for re-submission of the revised or replacement plan shall be in accordance with a schedule as agreed to by the Board and the water supplier, not to exceed 1 year from the date of determination of non-compliance. Any subsequent revisions shall be re-submitted no later than 6 months from the date of any subsequent notification from the Board.

- D. Revised or replacement plans shall be filed with the Board, as specified in § 2.10.3 of this Part, unless instructed otherwise by the Board. Said review agencies shall review and may submit written comments to the Board.

2.12.3 First Notice of Deficiencies

- A. A first Notice of Deficiencies shall be issued if the Board finds that the water supply system management plan, replacement, revision or amendment thereto is deficient due to incorrect, inconsistent, or missing data or information but otherwise is in substantial compliance with the objectives of the Water Supply System Management Act.
- B. The water supplier shall have 120 days from the date of notification within which to correct the deficiencies and resubmit the replacement plan or filing to the Board.
- C. The Board shall have 90 days from the date of the resubmission to determine whether the replacement plan or filing ~~is in compliance with~~ follows the regulations.
- D. Failure by the Board to notify the water supplier of its determination in writing within 90 days of the date of resubmission shall constitute acknowledgement of compliance.
- E. The existing plan shall remain in effect ~~until such time as~~ until the 5-year update or amendments are approved.

2.13 Evaluation of Plan Implementation

2.13.1 General Policy

- A. The Board may issue a determination of non-compliance should the following occur:
1. Failure of a water supplier to implement their Board-approved plan.
 - ~~1. (b) Failure of a water supplier to submit a 30-month report as further specified in Section 9.01 § 2.9.1.~~
 2. The Board after reviewing progress made in implementing a plan, finds that plan implementation is not sufficient to achieve the objectives of the Water Supply System Management Act. In assessing progress made under an approved water supply system management plans, the Board shall consider the financial and technical resources available to the water supplier, factors that are and are not within the control of the water

supplier, changes occurring since the plan was adopted or most recently amended, and other matters relevant to the execution of a water supply system management plan.

2.14 Appeal Procedure

2.14.1 Filing of Appeal

All appeals shall be in writing and shall be filed with and received by the Board within thirty (30) days of the notification of non-compliance.

2.14.2 Contents of Appeal

Every appeal shall contain all information necessary and procedures required by the Board, and the water supplier's name and address, and the name of the chief executive officer, director or head of the agency.

2.14.3 Conduct of Hearing

The notice and conduct of the hearing by the Board shall comply in all respects with provisions of the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

2.14.4 Burden of Proof and Standard for Review

At the adjudicatory hearing, the water supplier shall have the burden of proof to demonstrate by clear and convincing evidence that the water supply system management plan complies with the requirements of these rules-regulations and procedures.

2.15 Enforcement

The Board shall forward any determinations of non-compliance made pursuant to § 2.12.2 and 2.13.1 of this Part to the Division of Public Utilities and Carriers for consideration of enforcement action as set forth in R.I. Gen. Laws § 39-4-3.