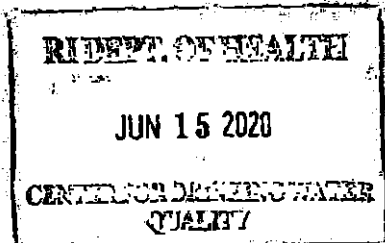


State of Rhode Island and Providence Plantations Department of Health
Center for Drinking Water Quality



**IN THE MATTER OF:
PRUDENCE ISLAND WATER DISTRICT
PUBLIC WATER SYSTEM # RI 1592023**

**FIRST AMENDMENT AND RESTATEMENT OF THE CONSENT ORDER BETWEEN
RHODE ISLAND DEPARTMENT OF HEALTH CENTER FOR DRINKING WATER
QUALITY AND PRUDENCE ISLAND WATER DISTRICT**

Whereas the Rhode Island Department of Health Center for Drinking Water Quality (hereinafter "RIDOH") and the Prudence Island Water District, PWS #RI 1592023 (PIWD), desire to amend and restate the Consent Order entered into on February 28, 2019 in order to revise a deliverable deadline, Both Parties wish to make this necessary change in this FIRST AMENDMENT AND RESTATEMENT OF THE CONSENT ORDER.

Pursuant to R.I. Gen. Laws § 46-13-1 *et seq.* and 216-RICR-50-05-1, RIDOH and PIWD enter into this FIRST AMENDMENT AND RESTATEMENT OF THE CONSENT ORDER.

This Amendment was requested by PIWD because of challenges to achieving the August 1, 2020 Compliance Date in the February 28, 2019 Consent Order due to the COVID-19 pandemic. This FIRST AMENDMENT AND RESTATEMENT replaces and supersedes the first CONSENT ORDER.

FINDINGS OF FACT

1. The PIWD is licensed by RIDOH as Public Water System #RI 1592023 and is required to comply with the provisions of R.I. Gen. Laws § 46-13-1 *et seq.* and 216-RICR-50-05-1.
2. During the period July 1, 2018 to July 31, 2018, the PIWD violated Section 17.1 of R46-13-DWQ in that it exceeded the microbiological Maximum Contaminant Level for the Total Coliform Rule.

¹ R46-13-DWQ was superseded by 216-RICR-50-05-1 on 10/31/2018.

3. During the period September 1, 2018 to September 30, 2018, the PIWD violated Section 16.4(c)(6)(B) of R46-13-DWQ in that it exceeded the microbiological Maximum Contaminant Level for the Total Coliform Rule.
4. During the period September 1, 2018 to September 30, 2018, the PIWD violated Section 16.4(c) of R46-13-DWQ and 40 CFR § 141.860(a) of the National Primary Drinking Water Regulations in that it exceeded the microbiological Maximum Contaminant Level for the Total Coliform Rule and the Revised Total Coliform Rule.
5. By email dated October 4, 2018 RIDOH notified the PIWD that the PIWD was required to provide public notice of a boil water advisory because *E. coli* bacteria was found in the water supply.
6. By letter dated October 19, 2018, RIDOH notified the PIWD that RIDOH had concluded that despite the implementation of several corrective actions to attempt to remedy recurring coliform presence in the distribution system, the coliform issue still remained, had been assessed as a sanitary defect and significant deficiency that was expected to continue, and required the PIWD to install permanent chlorination at all wells in order to maintain a disinfect residual of at least 0.2 mg/L throughout the distribution system pursuant to Sections 13.4, 16.4 (c) and 10.1 of R46-13-DWQ. RIDOH stated that this permanent chlorination system must reliably achieve 4-log (99.99%) inactivation of viruses before the first customer for each groundwater source in accordance with Section 13.4. RIDOH stated that the permanent chlorination system must be installed and approved by May 17, 2019.
7. By letter dated October 29, 2018, the PIWD filed a timely request for a hearing on the issue of whether RIDOH was justified in ordering plans for permanent chlorination at all PIWD wells.
8. During the period October 1, 2018 to October 31, 2018, the PIWD violated Section 16.4(c) of R46-13-DWQ in that it exceeded the microbiological Maximum Contaminant Level for the Total Coliform Rule.

9. The PIWD admits to the jurisdiction of RIDOH.

10. The PIWD has read this FIRST AMENDMENT AND RESTATEMENT OF THE CONSENT ORDER and understands that this FIRST AMENDMENT AND RESTATEMENT OF THE CONSENT ORDER shall become binding and a public record once signed by the PIWD and RIDOH.

11. The PIWD hereby acknowledges and waives:

- a. The right to an administrative hearing on whether RIDOH was justified in ordering plans for permanent chlorination at all PIWD wells;
- b. The right to legal representation at said hearing;
- c. The right to produce testimony, witnesses, and evidence on its behalf at said hearing; and
- d. Any and all rights of appeal.

ACCORDINGLY, AND BASED ON THE FOREGOING

Pursuant to RI Gen. Laws § 46-13-1 *et seq.* and 216-RICR-50-05-1, the parties agree on the following deliverables from the February 28, 2019 Consent Order, or as amended in bold, as follows:

1. The PIWD has until August 1, 2020 (the "Compliance Date") to attain compliance through implementation of a cross connection control plan, including the inspection of existing backflow preventers and installation and inspection of backflow preventers at locations where a proper backflow preventer is not present, at each service connection in accordance with the plan referenced below, and is not required to install a permanent chlorination system as described in the October 19, 2018 Rhode Island Department of Health letter to PIWD (the "RIDOH Letter") prior to the Compliance Date.

- **NEW COMPLIANCE DATE: December 1, 2020**

2. PIWD will submit its corrective action plan for cross-connection control to RIDOH on or before March 22, 2019, to include the revised cross connection control plan.

- **COMPLETED**

3. The corrective action plan will include a plan for ensuring compliance by the customers, procedures to remedy non-compliance by customers, and ongoing maintenance, inspection, and replacement of the backflow preventers in accordance with manufacturer recommendations.

- **COMPLETED**

4. PIWD will submit quarterly progress updates to RIDOH by the last day of each quarter (or the next business day if the last day is on a weekend or holiday) from April of 2019 through July of 2020.

- **NEW TIMELINE: Future quarterly progress updates will be due July 10, 2020 and October 10, 2020. A final update will be due December 10, 2020.**

5. By October 31, 2019, PIWD will complete the inspection/installation of Forty Percent (40%) of all service connections that are determined to need backflow preventers.

- **NOT COMPLETE**

6. If PIWD is not in compliance by the Compliance Date, it must apply for approval of a permanent chlorination system as described in the RIDOH Letter by September 13, 2020 and such system must be installed by July 1, 2021.

- **NEW DEADLINES:** If PIWD is not in compliance by the amended Compliance Date, it must apply for approval of a permanent chlorination system as described in the RIDOH Letter by January 13, 2021 and such system must be installed by November 1, 2021.

7. PIWD customers will remain on a boil water advisory until the system attains compliance. PIWD will provide Public Notice Distribution and Posting to consumers on or before fifteen (15) days after the execution of this Consent Order by the parties (the "Execution Date") and every three (3) months thereafter, until further notice, and Public Notice Certification to RIDOH within ten (10) days of each such distribution and posting, until further notice.

- **UP TO DATE**

8. PIWD is obligated to comply with all applicable statutes and regulations, including monitoring requirements, public notices and assessments.
9. This Consent Order will be binding on the PIWD, its legal representatives, successors, and assigns, and cannot be terminated or modified by the PIWD Board without written consent of RIDOH.

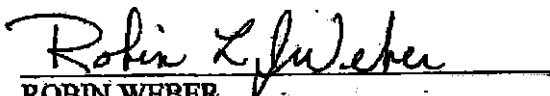
- **AMENDED:** This FIRST AMENDMENT AND RESTATEMENT OF THE CONSENT ORDER will be binding on the PIWD, its legal representatives, successors, and assigns, and cannot be terminated or modified by the PIWD Board without written consent of RIDOH.

10. All previous Notices of Violation issued to date, including without limitation those dated October 19 and October 31, 2018, and any and all appeals thereof, are hereby dismissed/null and void with no assessments.


- **NOT APPLICABLE AFTER FEBRUARY 28, 2019**

11. Should Respondent fail to meet the requirements of this FIRST AMENDMENT AND RESTATEMENT OF THE CONSENT ORDER and the written requirements of any additional fully executed Amendments, the Respondent would be subject to full regulatory compliance by RIDOH under R.I. Gen. Laws § 46-13-1 *et seq.* and 216-RICR-50-05-1. Non-Compliance with this FIRST AMENDMENT AND RESTATEMENT OF THE CONSENT ORDER may include violations and increased administrative penalties, and a Notice of Hearing on Violations of the RI *Rules and Regulations Pertaining to Public Drinking Water* pursuant to RI Gen. Laws §42-35-1 *et seq.* requesting the Hearing Officer to order compliance with this FIRST AMENDMENT AND RESTATEMENT OF THE CONSENT ORDER.
12. Upon the satisfaction of the requirements of this FIRST AMENDMENT AND RESTATEMENT OF THE CONSENT ORDER, this matter shall be resolved.
13. This FIRST AMENDMENT AND RESTATEMENT replaces and supersedes the first CONSENT ORDER.
14. This FIRST AMENDMENT AND RESTATEMENT OF THE CONSENT ORDER shall become a public record.

Signed this 10 day of June, 2020.


ROBIN WEBER
PWS # RI1592023
PRUDENCE ISLAND WATER DISTRICT

Ratified by the RI Department of Health
on the 15th day of June, 2020.


JUNE A. SWALLOW, CHIEF
CENTER FOR DRINKING WATER QUALITY
RHODE ISLAND DEPARTMENT OF HEALTH