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## **PRESS RELEASE**

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**FOR IMMEDIATE RELEASE**

### **Boil Water Advisory, currently in its Sixth Year, Extended Indefinitely for Prudence Island Community**

The Prudence Island Water District (PIWD) Board of Directors (Board) has recently discovered that their efforts to comply with the installation of chlorination and iron-manganese treatment systems on the PIWDs water distribution system, which were mandated by the state, has met a second major roadblock. The cause of both major roadblocks in a word (or more accurately an acronym)? RIDOH. Substantial and unanticipated delays by the Rhode Island Department of Health (RIDOH) in its review of the PIWDs preliminary engineering design and, more recently, of its environmental assessment has led to a significant delay in a project initially anticipated to be completed in May 2024, has drastically increased project costs which are anticipated to increase yet again, and will necessitate a repeat of many of the PIWDs prior work in order to move this project forward.

In September 2018, a routine sample tested positive for *E. coli*, but its presence was not confirmed by repeat sampling. Although typically a single sample would trigger an immediate boil water advisory, subsequent 'clean' samples in which *E. coli* were not found to be present, would allow the boil water advisory to be lifted. In this instance, RIDOH mandated that the PIWDs distribution system be chlorinated, claiming that the presence of total coliform bacteria in multiple samples over time was suggestive of a major issue. It is worth noting that the PIWD has taken more than 165 samples since October 2018, and all were confirmed by an independent laboratory to be absent of *E. coli* bacteria.

The PIWD has signed multiple consent orders with RIDOH. The first, in February 2019, allowed the PIWD to implement its cross-connection control plan over a very short eighteen-month period as an alternative to chlorination (extended by three months in the first amended consent order, dated June 2020, to allow for the challenges in implementation due to Covid). Although the PIWD conducted this work in accordance with a corrective action plan submitted to RIDOH in March 2019, RIDOH deemed the PIWD to be out of compliance and again mandated that the system be chlorinated by November 2021. Note that the primary objection provided by RIDOH for non-compliance was that the PIWD did not use certified backflow inspectors when confirming customer compliance. The PIWD pointed out that no such thing as a certified

inspector of dual check valves exists as they are non-testable devices, but RIDOH staff were not, apparently, aware of this. Since signing the consent order had waived the PIWDs mechanisms and rights of appeal, the PIWD was forced to accept this RIDOH decision, unreasonable as it was.

The Board then successfully argued that the introduction of chlorine would cause far more significant problems, primarily a decrease in water quality due to elevated levels of iron and manganese in its primary production well. Despite numerous other expressed concerns about the impact of chlorination, the PIWD signed a second amended consent order in September 2021. This obligated the PIWD to install an iron-manganese pre-treatment system before it implements chlorination treatment at each of its wells. The initial estimated cost of this project was \$603,000. The timeline for these treatment system installations was revised in a third amended consent order dated June 2022 to reflect RIDOHs ongoing delay in reviewing the preliminary engineering plans required to be submitted to RIDOH by the PIWD in December 2021, which made the original timeline impractical. RIDOHs review of the preliminary engineering plans took an additional ten months (sixteen months in total) to complete.

In the meantime, while the PIWD waited for RIDOH to perform its review of the engineering plans, it did not remain idle. The required application for Rhode Island Infrastructure Bank (RIIB) funding was submitted in October 2022, the PIWDs contracted engineering firm performed numerous required supplemental studies, a household survey of PIWD customers was conducted to provide documentation that would qualify the PIWD for some degree of principal forgiveness, the required boil water notices were mailed to its customers quarterly, and an Environmental Assessment was submitted to RIDOH in November 2022. Although not directly related to this treatment project, since the signing of the consent order in 2021, the PIWDs all-volunteer Board has, within the same general time period, successfully applied for and was awarded \$1,350,000 of Congressional Directed Spending funds (administered by the EPA), completed one of the targeted projects for which these funds were allocated and have two other projects currently in progress. Additionally, the PIWD has made numerous unfunded, RIDOH mandated corrections/upgrades to the distribution system.

In January 2023, the PIWD was told that the Environmental Assessment review would be completed within the next two months and, with the preliminary approval of its engineering plans finally completed in April 2023, the PIWD solicited bids for the project and, after some negotiation, accepted a bid for the project which exceeded the original cost estimate by more than 430% (recently at \$2,650,000). The PIWD applied to RIIB a second time in February 2024 to reflect the new higher project cost and sent a notice of intent to award to RIDOH. It was at this point that we discovered that RIDOH had not yet completed the required Environmental Assessment review (which was submitted twenty months ago) and would not be able to provide the certificate of approval required for the project to proceed.

So, what does this mean for the PIWD and the possibility of lifting the boil water advisory in the foreseeable future? We do not yet know. The Board no longer has a contractor bid (it expired in the past four months while waiting on RIDOH to complete its Environmental Assessment review which, at last check, will take at least a month more). Certainly, PIWD will have to solicit bids again and, as the costs of the project will almost definitely go up, we will have to reapply for RIIB funding. Whether the PIWD will have to repeat the household survey (typically only valid for a period of 1-2 years) and/or find supplemental funding remains to be determined. As the PIWD only serves 328 households, we know that it would not be possible to pass on even a small percentage of the extreme (and ever increasing) cost of this state mandated project to its customers beyond what will be necessary to cover the increased costs of operations associated with the two treatment systems.

Did RIDOH forget that the PIWD has been under a prolonged boil water advisory? Definitely not. They have regularly received reminders from both the PIWD and the RIIB that this project cannot be completed until they perform their required tasks. The PIWD can only conclude that RIDOH does not actually believe that the water provided by the PIWD poses a public health threat but has not admitted that the obligation to chlorinate could simply be lifted. The people of

Prudence Island deserve action, either forward progress from RIDOH or abandonment of mandates that cannot otherwise be met.