



November 19, 2001

HAND DELIVERED

Donald Mehrens
Harrisville Fire District
115 Central Street
Burrillville, RI 02830

Re: Eccleston Field Well Site, Application No. 01-0172

Dear Mr. Mehrens:

Attached is a revised wetlands permit for the above referenced project, which amends and supersedes the permit issued on November 12, 2001. The specific amendments were made to conditions numbered 22 and 23. These modifications were necessary to clarify two key aspects of this permit, both of which reflect the unique circumstances under which this application was reviewed. First, the permit provides for a two-year period in which the District may operate the wells as proposed in its application, and during which the Department will not modify or impose additional conditions, provided the District uses this period to collect additional data and takes appropriate measures to minimize avoidable impacts to wetlands. Second, the permit requires the District to develop a management plan for long term operations, and allows the District to propose changes in the permit conditions, based on the additional data collected and the management plan.

The permit as issued on November 12 mistakenly retained earlier draft language which could cause confusion regarding these key provisions. I apologize for any inconvenience this may have caused.

Sincerely,

Russell J. Chateaufort, P.E.
Chief, Groundwater and Wetlands Protection
Office of Water Resources

Attachment

cc: Garry McCarthy, Dufresne Henry, Inc.
Richard Sinapi, Esq.
Jan Reitsma, DEM

Pursuant to the Program's review and evaluation of your application including all supporting information and material, as well as the record to date, the Program has determined that this project does not represent a random, unnecessary or undesirable alteration of freshwater wetlands. Therefore, this Program hereby issues this permit to alter freshwater wetlands subject to all controlling Rules and the Terms and Conditions set forth herein.

This Program received one (1) comment letter relating to your application submitted during the public notice period. This letter expressed concern regarding your project's impacts to freshwater wetland values. This Program reviewed this letter together with any supporting documents and evaluated the potential impacts from the project upon the values mentioned in the letter. The Program has determined that the comments contained within this letter do not constitute an objection of a substantive nature as defined in Rule 5.52. Therefore, a public hearing pursuant to R.I.G.L. Section 2-1-22 is not required.

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Application to Alter a Freshwater Wetland regarding the proposed installation and use of a public water supply wellfield with a pump station/equipment building and watering at the above referenced property ("subject property"/"site"). The proposed project is as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on September 20, 2001. These site plans describing the project were made available for public comment as part of the forty-five (45) day public notice period required in accordance with the Freshwater Wetlands Act (R.I. General Laws (R.I.G.L.) Section 2-1-18 et seq.) and the procedures set forth in Rule 9.05 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules).

Dear Mr. Mehrens:

PERMIT TO ALTER FRESHWATER WETLANDS

Re: Application No. 01-0172 in reference to the location below:
Approximately 350 feet north-northeast of Callahan School Street, near Utility Pole No. 10, approximately 400 feet north-northeast of the intersection of Foster and Callahan School Street, Assessor's Map 142, Lot 119, Burrillville, RI

Donald Mehrens
Harrisville Fire District
115 Central Street
Burrillville, RI 02830

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RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-831-5508

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the DEM on September 20, 2001. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. You must notify this Program in writing immediately prior to the commencement of site alterations and upon completion of the project.
5. A copy of the stamped approved site plans and a copy of this permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this permit and the stamped approved plans must be made available for review by any DEM representative upon request.
6. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of Burrillville and supply this Program with written documentation obtained from the Town showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires one (1) year from the effective date unless renewed pursuant to Rule 9.07. The permit will not require renewal if DEM issues a Notice of Completion of Work prior to the expiration date. Notwithstanding, all permit conditions remain in full force and effect.
8. Any material utilized in this project must be clean and free of matter which could pollute any freshwater wetland.
9. Prior to commencement of site alterations, you shall erect or post a sign resistant to the weather and at least twelve (12) inches wide and eighteen (18) inches long, which boldly identifies the initials "DEM" and the application number of this permit. This sign must be maintained at the site in a conspicuous location until such time that the project is complete or the DEM issues a Notice of Completion of Work for the project.
10. Temporary erosion and sediment controls detailed or described on the approved site plans shall be properly installed at the site prior to or commensurate with site alterations. Such controls shall be properly maintained, replaced, supplemented, or modified as necessary throughout the life of this project to minimize soil erosion and to prevent sediment from being deposited in any wetlands not subject to disturbance under this permit.
11. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of silt fence or staked haybales must be removed.
12. You are obligated to install, utilize and follow all best management practices detailed or described on the approved site plans in the construction of the project to minimize or prevent adverse impacts to any adjacent freshwater wetlands and the functions and values provided by such wetlands.

18. Hourly pumping measurements, including the day, time of day, amount pumped each hour, and total daily volume pumped, of the total withdrawals from all wells at the Eccleston Field

17. During the months July through September, when streamflow in the Clear River is ordinarily low, the applicant shall publish a notice in a local daily newspaper requesting that customers served by the Hartsville Fire District conserve water. The notice should include recommendations to consumers to limit water use, especially outside water use. A copy of the notice published in the local paper shall be forwarded to the DEM within ten days of initial publication. The notice shall be published biweekly during the (low flow) period. This condition is subject to revision based on the recommendations forthcoming in the management plan discussed in the final condition listed below.

16. Before July 1, 2002, a river stage recorder shall be installed (with input and field approval by DEM) to measure flow in the Clear River (S1). S1 is to be installed upriver of the wells outside the effects of the 0.1-foot drawdown as determined by a modeling study done by DH for this application. A suggested location is shown in RFD on the approved plan. S1 shall be equipped with a datalogger that automatically collects water level depth and temperature measurements on an hourly basis. Appropriate flow stage relationship methodologies, in accordance with USGS guidelines, shall be used to correlate streamflow rates based on water depth readings. All measurements shall be recorded and submitted to DEM annually within 30 days after the close of the calendar year.

An environmental consultant, experienced in wetland site assessments, aquatic environments and ecosystems, must be employed to ensure compliance with the terms and conditions of this permit relating to amphibian breeding habitats. This Program must be notified in writing of the consultant chosen to comply with this condition.

A report providing the data collected and the summary of the findings shall be submitted to the Department by November 12, 2003. Said report shall make a determination of the hydrogeologic conditions in the pools, detailing the existence or lack of the presence of a hydraulic connection between the pumping wells and the pools. If no hydraulic connection is shown to exist, no further monitoring of the amphibian breeding pools shall be required. If a connection does exist, DEM may require further evaluation of the pools and the impacts or require that measures be taken to reduce or eliminate impacts.

15. The applicant shall, prior to February 1st, 2002, identify all apparent temporary surface water pools (amphibian breeding pools) that may support an amphibian breeding population within 600 feet of the proposed wells. Historical temporary surface water pool levels should be estimated based on stained leaf litter and other field observations. Water levels within each potential amphibian breeding pool shall be monitored during the period between March 15 and August 31 for the two years following issuance of this permit (You may choose to use a transducer placed in the bottom of each pool or conduct biweekly site inspections to determine surface water elevations). A plan specifying the locations of the potential breeding sites and methods to be used for monitoring water levels shall be submitted to the Department by February 1st, 2002. The Department shall review and approve the plan and/or incorporate changes to the plan prior to March 15, 2002.

14. This Program has made specific additions to the approved site plans. These additions are clearly marked in red on the approved plans. Specifically, the sediment control/limit of disturbance line must be extended around the entire project to include work up to Callahan School Street.

13. This item left blank intentionally to preserve original numbering sequence.

*Paul
Clinko*

site, shall be recorded. Complete records shall be submitted to DEM annually within 30 days after the close of the calendar year.

19. Before March 15, 2002, establish and have operational an aquifer water level monitoring program consisting of at least five wells (A, B1, B2, C, and D) with dataloggers for measurement of water levels in the groundwate between the Eccleston Field well site and the Clear River (see approved site plans marked in red by DEM and description below for approximate locations). Temperature gauges recording water temperature must be included for each well. Well A is to be located north of the Clear River within the area of influence within the vegetated wetland area on the 1.0-foot drawdown contour (as modeled by Dufresene-Henry). Wells B1 and B2 are to be located north of the Clear River within a vegetated wetland area on the 0.1-foot drawdown contour. Well C is to be located south of well 1-95 within the area of influence within a vegetated wetland area on or near the 5.0-foot drawdown contour (between well-95 and the Clear River). Well D is to be located just north of School Street and east of Eccleston Field within a vegetated wetland area as 0.1-foot drawdown contour. All wells must also be installed in contributing aquifer areas as shown in the particle tracking studies. All wells must be fully screened and installed to a minimum depth of 25 feet.

Before March 15, 2002, establish a permanent vegetation monitoring plot adjacent to (as close as possible to) each of the five monitoring wells (A, B1, B2, C, and D). These observation plots must have a radius of five feet from the plot center and be located in vegetated wetland areas containing a herbaceous stratum. Beginning in the June 2002 growing season and continuing for each of five consecutive years, record from each plot the percent cover of each plant species, the relative abundance of each plant species, and the species richness (for herbaceous non-woody plant species only). The most current National Wetland Indicator Status for each species recorded should be used.

Water levels within all five observation wells shall be monitored throughout the year, during both the pumping and non-pumping periods, to identify background levels and fluctuations (>0.1 foot) attributed to pumping drawdown. The dataloggers shall record the water levels at 1-hour intervals.

A report detailing the results and findings of the groundwater level and vegetation monitoring shall be submitted to the DEM by the end of each calendar year. At any time, based on the submitted reports or a specific request from the applicant, DEM may alter, reduce, or eliminate the monitoring or require continuation of the monitoring depending on the results.

20. An environmental consultant, experienced in wetland site assessments, aquatic environments and ecosystems, must be employed to ensure compliance with the terms and conditions of this permit relating to wetland vegetation plots. This Program must be notified in writing of the consultant chosen to comply with this condition.

21. A vertical hydraulic conductivity study of the Clear River streambed shall be conducted to determine the interaction of the Clear River with groundwater. Streambed piezometers or seepage meters shall be installed to measure the hydraulic gradient and direction of the gradient between the stream and aquifer near the pumping wells at pre and post pumping periods. If DEM determines that the results are appreciably different than the assumptions used for the original study, the applicant shall recalibrate its MODFLOW model using the most current information gathered from monitoring wells, seepage meters, river flow data, precipitation data, vertical hydraulic conductivity, and any other information that would facilitated generating an accurate model. The results of the vertical hydraulic conductivity

Deposit
13
Dr. Wade
0 2.8
3 7.3
2 7.2
1 7.1
0 7.0
at 11:00 AM

1.0

This permit is valid for the original applicant only and is not transferable to another person unless the new owner completes and submits an Application for Permit Transfer in accordance with Rule 9.08.

The management plan shall incorporate and be based, in part, on the data and findings resulting from other studies or requirements given in the above conditions. The plan shall clearly indicate the anticipated need for water from the Eccleston wells, the maximum daily withdrawal volumes, and any restrictions including seasonal restrictions necessary to avoid or reduce impacts on wetland resources. The plan shall be submitted to DEM on or before November 12, 2003, along with specific recommendations, if any, to modify the conditions contained in this permit, including but not limited to ongoing monitoring or testing requirements. The plan shall be subject to approval by DEM.

23. The applicant shall complete a detailed management plan for the Harrisville Fire District that, at a minimum, includes the following requirements: a) the total daily volume of water supply desired from the Eccleston Field well site, including any needs that may arise as a result of the current Pascoag Utility District water emergency b) alternatives that would enable the District to meet its water needs during times that the Eccleston supply may need to be restricted or suspended to avoid detrimental impacts to the Clear River and other wetland resources, c) the watershed impact on the Clear River of withdrawals from all available supplies including export of water outside the watershed, recharge to groundwater within the watershed, and discharges to the Burrillville Wastewater Treatment Facility, and d) management measures to lower or conserve water use including: mandatory and voluntary conservation measures, public education and outreach, and leak detection and correction.

After the conclusion of the two year period, DEM shall revise or extend this condition in writing. DEM may relax this condition or impose further restrictions on pumping rates and total daily withdrawals during periods of low flow in the Clear River and at other times if, upon evaluation of the information and data forthcoming under several conditions contained in this permit, including the management plan outlined in Item No. 23, DEM determines that (1) such changes are appropriate or necessary to ensure adequate protection of the Clear River and other potentially affected wetlands, and (2) such changes do not unduly interfere with the applicant's ability to provide water in accordance with documented needs and with public health requirements.

- a. The total average daily withdrawal volume shall not exceed 576,000 gallon per day annually;
- b. Allowed withdrawal volumes shall be pumped at a uniform rate during any 24 hour period provided installed facilities and demand needs allow, and doing so is not disruptive to operations;
- c. The applicant shall be allowed to withdraw quantities of water necessary to meet the current demand of both the HFD and the Pascoag Utility District provided impacts to amphibian breeding habitats, other wetland resources, and induced infiltration from the Clear River and associated impacts are minimized to the extent possible.

22. For a period of two years from the date of approval of this permit the total daily withdrawal volume shall be limited as follows:
tests, including an analysis as to how the results relate to the model assumptions, shall be submitted to DEM by May 31, 2003.

You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action against you by the DEM.

In permitting the proposed alterations, the Program assumes no responsibility for damages resulting from faulty design or construction. This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

If you are aggrieved by this decision, you may, within Thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM

Administrative Adjudication Division ("AAD"), 235 Promenade Street, Providence, RI 02908. A copy of the request must also be forwarded to this Program. Your written request for an adjudicatory hearing must be timely filed and should conform to the requirements of Rule 7.00(b) of the "Administrative Rules of Practice and Procedure for the Department of Environmental Management Administrative Adjudication Division for Environmental Matters", (AAD Rules), AAD Rule 7.00(b) provides:

"The request for hearing shall state clearly and concisely the specific issues which are in

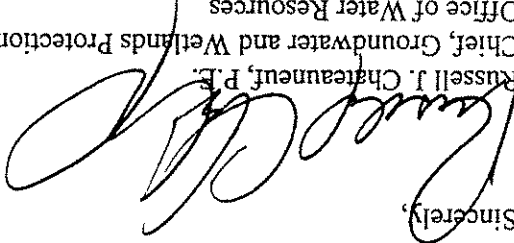
dispute and the facts in support thereof, the relief sought if any, the license or permit sought or involved and any additional information required by applicable statutes and regulations."

The written request must be accompanied by a fee of two thousand dollars (\$2,000.00); in the form of a certified bank check or money order made payable to the Rhode Island General Treasurer; however, in the event that the cost of the hearing exceeds the fee paid, the Program through the AAD will require an additional fee which the applicant must submit prior to the DEM's issuance of any final decision regarding this application. The adjudicatory hearing will be held before a Hearing Officer from the AAD. Such hearing will be held in compliance with the AAD Rules, Chapter 42-

35-1 et seq. of the R.I.G.L., and other governing laws, rules, and regulations adopted by the DEM. Please note that you have the right to be represented by legal counsel in any proceeding which may be held in this matter.

If you have any questions regarding this matter, you may contact me or Martin Wencsek of my staff at this office (telephone: 401-222-6820).

Sincerely,



Russell J. Chateaufort, P.E.
Chief, Groundwater and Wetlands Protection
Office of Water Resources

MDW/DMK/prd

Enclosure: Approved Site Plans

xc: Richard P. St. Sauveur, Director of Public Works

Randall Christensen

Garry McCarthy, Dufresne Henry, Inc.

William A. Botelho, Abutor

June Swallow, Chief, Drinking Water Protection, RIDH

Jan Reitsma, Director, DEM

Martin D. Wencsek, Wetland Permitting Supervisor, DEM

Gregory Schultz, Legal Counsel, DEM