



State of Rhode Island and Providence Plantations  
Water Resources Board  
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## The Big River Groundwater Development Project Ad Hoc Committee

### Minutes of Meeting June 19, 2006

**Members Present:**

Jon Schock, Chairman  
Paul Nordstrom  
William Penn  
Robert Griffith  
June Swallow  
Henry Meyer  
Harold Ward

**Members Absent:**

**Staff Present:**

Juan Mariscal  
Romeo Mendes  
Kathy Crawley

**1. Call to Order**

With a quorum present, Mr. Schock called the meeting to order at 10:03 AM.

**2. Approval of Minutes**

On a motion by Mr. Penn, second by Mr. Griffith, the committee unanimously approved the minutes of the June 5, 2006 meeting contingent upon the last sentence in paragraph six being modified to read as follows, "Basically, the project will not have a substantial revenue base for quite some time and may even have to be subsidized by the State but should still be explored to ensure the well being of the citizens of the State."

**3. Big River Groundwater Development Project: RFQ/P Review and Approval**

Mr. Mariscal relayed that he had spoken with the House fiscal advisor and was advised that it did not appear there was a demonstrated need for the funds requested for the project so the appropriation of funding during the current legislative session may not be possible. Mr. Mariscal indicted that this was a high priority project for the Board and the State so if funding doesn't materialize by the time technical issues of the RFQ/P are worked out, the Board will have to take a hard look at its budget to see where funds may be taken from to move the project along.

Mr. Mariscal then proceeded to describe the current working draft of the RFQ/P indicating that the document had been substantially reworked and was now much easier to read and more direct. In his opinion the document is a good outline of what the Board is looking for and what needs to be done. Upon completion of the description of the current working document, Mr. Schock asked if the premise of the document was a Design Build as opposed to just a design for a pumping, treatment and distribution system. He explained that design/build firms will not submit proposals without signed contracts in place to sell water. Mr. Mariscal explained that the document is focused on design/build however it can easily be focused on just design. Which way it is taken will be a major policy decision on the part of the committee and the Board. These types of policy decisions will have to be made routinely and quickly from this point forward. Mr.

Penn indicated that he agreed with Mr. Schock's point and that from his point of view many things regarding economic/financial analysis that had been included in the previous drafts had been left out. Mr. Mariscal replied that those items could and would be put back into the pertinent sections. Additionally, the term design/build/operate would be defined so that it would not imply that privatization was being sought. Mr. Meyer explained that the language regarding permitting specifically DEM permitting needs more detail. Based on his review of DEM's preliminary withdrawal regulations any pumping in excess of 20,000 GPD will require a permit. If 20,000 GPD is applied in the 8400 acre Big River Management Area the maximum withdrawal that could be allowed that protects first order streams would be 1.68 MGD. Basically we are no longer dealing with a basin wide analysis but a site specific analysis. The question is, will DEM allow a withdrawal greater than 1.68 MGD (the most protective standard that can be applied basin wide), if it means that specific sites will be adversely affected? The consultant should be made to realize that he or she will have to deal with something between 1.68 and 5 MGD.

Mr. Schock explained the long and short of it is that a starting point has been identified and a preliminary design plan should now be prepared and taken to DEM for a determination regarding permitting. This will complete the charge given to the Board. If the determination is that a permit is required then it will be between DEM and the Governor's office. Mr. Mariscal interjected that meetings with DEM have been held and some guidance on what will be required has been given. DEM's position is that the need for the supply will definitely have to be shown and environmental concerns will have to be addressed. Some of this language has been included in the current draft. The thinking in inserting the language was to limit the area that was required to be looked at. A 1750 foot radius was used because it was the greatest area mentioned in either DEM or Health regulations. Ms. Swallow commented that in order to be most protective of the well and or analyze the impacts of pumping, the wellhead protection area should be used. This area may not necessarily be circular. Mr. Meyer confirmed this using the Kingston wells as an example. Depending on the well, the protection area could extend thousands of feet from the wellhead. The point was that it was different for each well.

Mr. Penn summed up by saying that it appeared regulatory issues had to be resolved in order to come up with an initial design. It makes no sense to request proposals for a 10 MGD facility when there was a possibility that only 1.68 MGD could be withdrawn. Mr. Meyer explained that this was the reason he suggested filing a formal application with DEM. They would have to respond by detailing all necessary requirements and studies if an application using the scheme in MM-09 was proposed to withdraw 5- 10 MGD from Big River. Mr. Mariscal responded that based on what had been relayed by DEM already any application that did not include an assessment of need would be considered incomplete and would not be processed. This is why an update to the Big River Business plan was necessary. Ms. Crawley provided additional clarification regarding the environmental concerns that would definitely have to be addressed. The localized impacts that needed to be studied would be the groundwater protection area and the Flat River Reservoir. Various committee members indicated that both items now appeared to be included in the scope of work and since a copy of the document would go to the DEM member sitting on the Board, feedback would be obtained.

Mr. Griffith indicated that the committee needed to confront the Director of DEM whom is a member of the board and basically state that his organization started this process and now it appears that they are the greatest obstacle to getting it done. Mr. Meyer agreed

and again reiterated that an initial application should be filed that states this is what is desired to be done, what will DEM allow? Mr. Griffith suggested that an advisory from DEM be sought within thirty days so that the RFQ/P could be finalized. Additionally, the advisory information would eventually help the consultant to complete phase one of the detailed scope of work more quickly. On a motion by Mr. Griffith, second by Mr. Penn, the committee unanimously directed the General Manager to send a letter to the Director of DEM requesting that they provide a preliminary determination regarding the need for a permit and if the determination was that such would be necessary, detail what requirements needed to be satisfied.

Mr. Mariscal and Mr. Mendes will revise the current draft of the RFQ/P to reflect the changes noted during the discussion and distribute to the committee for comment prior to the next meeting.

The group agreed to meet again on July 10<sup>th</sup> at 10 a.m.

**4. New Business**-None

**5. Other Business**-None

**6. Adjournment**

On a motion by Mr. Penn, second by Mr. Meyer, the committee adjourned at 11:24 am.

Respectfully Submitted,

Romeo N. Mendes, P.E.  
Supervising Engineer