



STATE OF RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
BUREAU OF ENVIRONMENTAL PROTECTION  
OFFICE OF COMPLIANCE AND INSPECTION  
235 Promenade Street, Suite 220  
Providence, RI 02908-5767

July 12, 2022

CERTIFIED MAIL

91 7199 9991 7039 8097 3066

Colleen Conley  
1445 Wampanoag Trail, Suite 203  
East Providence, RI 02915

91 7199 9991 7039 8097 3080

PASCOAG FIRE DISTRICT  
c/o Christopher R. Alger, Esq., Registered Agent  
1300 Division Road  
Suite 206  
West Warwick, RI 02893

Pascoag Reservoir Dam Management District  
c/o Bud Leonhart III, President  
P.O. Box 1071  
Chepachet, RI 02814

Town of Burrillville  
c/o Michael C. Wood, Town Manager  
105 Harrisville Main Street  
Harrisville, RI 02830

91 7199 9991 7039 8097 3073

91 7199 9991 7039 8097 3097

RE: Public Law Chapters 170 and 171 titled *An Act Relating to Waters and Navigation – Dam Permits*

Dear Ms. Conley, Mr. Leonhart, Mr. Alger, and Mr. Wood,

According to records reviewed by the Rhode Island Department of Environmental Management (“RIDEM”), Colleen Conley (“Conley”), the Pascoag Fire District (“PFD”) and the Town of Burrillville (“Town”) own Pascoag Reservoir Upper Dam, State I.D. Number 016 (“Pascoag Dam”), and the Pascoag Reservoir Dam Management District (“PRDMD”) operates the Pascoag Dam.

On June 27, 2022, Governor McKee signed a law titled *An Act Relating to Waters and Navigation – Dam Permits*, which became effective upon the Governor’s signature.

The law reads as follows:

*Any person who owns or operates a dam that has the capacity to store greater than one thousand four hundred (1,400) normal storage acre feet of water shall apply to the director of the department of environmental management for a permit to raise or lower the water level behind the dam. The owner or operator shall apply for a permit, and until such time as a permit is issued by the director, the owner or operator shall operate the dam in a manner that is consistent with historic use as determined by the director. The director may enforce this section in accordance with chapters 17.1 and 17.6 of title 42. This section shall not apply to dams that impound water for a public water supply system as defined in § 46-13-2. The department may promulgate rules and regulations to implement the provisions of this chapter.*

I have enclosed a copy of the law with this letter.

RIDEM reviewed its records and determined that the Pascoag Dam has a storage capacity of 5,000 normal storage acre feet and does not impound water for a public water supply system as defined in the law. As such, Conley, PFD, and the Town as the owners of the dam and PRDMD as the operator of the dam must obtain a permit from RIDEM to raise or lower the water level behind the dam.

RIDEM will promulgate regulations to implement the permit requirements of the law in accordance with Rhode Island General Laws ("R.I. Gen. Laws") Chapter 42-35 titled *Administrative Procedures*, and Conley, PFD, PRDMD and the Town will be provided a copy of the draft regulations for review and comment as RIDEM proceeds through the rule making process.

In the interim, RIDEM is required to determine that the Pascoag Dam is being operated in a manner consistent with its historic use.

Based on a review of records for the Pascoag Dam, RIDEM believes that the dam has historically been operated in the following manner ("Historic Use"):

The pond elevation is measured via gage markings on the side of the gatehouse. In the summer months, the pond's target gage elevation is 9'-0" but may vary plus or minus 6 inches. In winter a 5 -foot drawdown is implemented and maintained by low-level outlet operation. The gate is also kept at least 2 inches open to pass the minimum required baseflow to the downstream channel.

If RIDEM determines that the Pascoag Dam is not being operated consistent with the Historic Use, the law authorizes RIDEM to assess penalties up to \$1,000 per day for each day of noncompliance.

RIDEM is providing an opportunity for any interested party, including Conley, PFD, PRDMD and the Town, to submit additional information related to the historic operation of the Pascoag Dam. RIDEM will review such information and make a final decision on the Historic Use per the requirements of this law.

Anyone wishing to submit information to RIDEM can send it electronically to [david.chopy@dem.ri.gov](mailto:david.chopy@dem.ri.gov) or by regular mail to the following address:

Rhode Island Department of Environmental Management  
Office of Compliance and Inspection  
235 Promenade Street, Room 220  
Providence, RI 02908-5767

RIDEM is requesting that any information be submitted by August 1, 2022.

Sincerely,  
  
David E. Chopy, Administrator  
RIDEM Office of Compliance and Inspection

enc: Public Law Chapters 170 and 171

cc. William E. Reichert, President, Glocester Town Council, w/enclosure

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