



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

MEMORANDUM

TO: Jason McNamee, Deputy Director, Bureau of Natural Resources
Frank Floor, Administrator, Bureau of Natural Resources and Parks
Megan Diprete, Chief, Division of Planning and Development

FROM: David E. Chopy, Administrator, Office of Compliance and Inspection ("OCI")

DATE: July 11, 2022

SUBJECT: Public Law Chapters 170 and 171 titled *An Act Relating to Waters and Navigation – Dam Permits*
Olney Pond Dam, State I.D. Number 102 ("Olney 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 memorandum .

OCI reviewed its records and determined that the Olney Dam has a storage capacity of 1,490 normal storage acre feet and does not impound water for a public water supply system as defined in the law. As such, RIDEM, as the owner and operator of the dam, must obtain a permit 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 you will be provided a copy of the draft regulations for review and comment as we proceed through the rule making process.

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

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

The dam contains a stoplog controlled primary spillway, and a low-level outlet gate whose valve was repaired in summer 2021. The water level in the pond is managed by operating the gate and removing stoplogs. OCI has very little information about when and how these have been operated historically; however, we believe the water level in the pond is typically at spillway height with one stoplog in place most of the year.

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

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

cc. Terrence Gray, Director

enc.: Public Law Chapters 170 and 171