

# 111



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

91 7199 9991 7039 8097 3110

CERTIFIED MAIL

CITIZENS FOR THE PRESERVATION OF WATERMAN LAKE, INC.  
c/o Philip Viall, Registered Agent  
P.O. Box 82  
391 Putnam Pike  
Smithfield, RI 02829

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

Dear Mr. Viall,

According to records reviewed by the Rhode Island Department of Environmental Management (“RIDEM”), CITIZENS FOR THE PRESERVATION OF WATERMAN LAKE, INC. (“CPWL”) owns and operates Waterman Lake Dam, State I.D. Number 111 (“Waterman 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 Waterman Dam has a storage capacity of 2,430 normal storage acre feet and does not impound water for a public water supply system as defined in the law. As such, CPWL, as the owner and 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 CPWL 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 Waterman Dam is being operated in a manner consistent with its historic use.

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

Starting November 1, the water in the pond is lowered by 12 inches per week, until the level of the water is between 60 inches and 72 inches as measured from the top of the spillway. The water is maintained at this level until all ice is melted, and the possibility of more ice is deemed unlikely. Prior to raising the water level, the Dam Management Committee meets and agrees by majority vote that the possibility of more ice on the lake is unlikely. Beginning on the date of the above vote, the pond level is raised at the rate of 12 inches per week to a height of 36 inches below the spillway. The following levels are designated “target levels” for specific dates: April 30 – 24 inches below spillway; May 15 – 12 inches below spillway; and May 25 – at spillway.

If RIDEM determines that the Waterman 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.

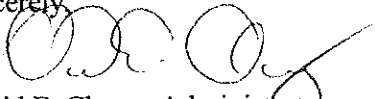
RIDEM is providing an opportunity for any interested party, including CPWL, to submit additional information related to the historic operation of the Waterman Dam. RIDEM will review such information and make a final decision on the Historic Use per the requirements of this law.

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. Randy R. Rossi, Town Manager, Town of Smithfield, w/enclosure  
William E. Reichert, President, Gloucester Town Council, w/enclosure

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July 15, 2022, 9:19 am

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