



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 3103

Dudley Development Corp.
c/o Paul Baillargeon, Registered Agent
P.O. Box 1168
77 Tift Road
Slatersville, RI 02876

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

Dear Mr. Baillargeon,

According to records reviewed by the Rhode Island Department of Environmental Management (“RIDEM”), Dudley Development Corp. (“Dudley”) owns and operates Slatersville Reservoir Upper Dam, State I.D. Number 043 (“Slatersville 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 Slatersville Dam has a storage capacity of 1,970 normal storage acre feet and does not impound water for a public water supply system as defined in the law. As such, Dudley, 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 Dudley 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 Slatersville Dam is being operated in a manner consistent with its historic use.

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

Aerial photographs from 2002 to present show water flowing over the spillway year-round. The water level of the pond is spillway height year-round.

If RIDEM determines that the Slatersville 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.

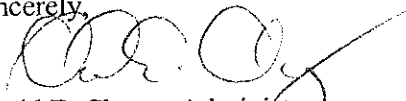
RIDEM is providing an opportunity for any interested party, including Dudley, to submit additional information related to the historic operation of the Slatersville Dam. RIDEM will review such information and make a final decision on the Historic Use per the requirements of this law.

Anyone wishing to submit information to RIDEM can send it electronically to david.chopy@dem.ri.gov 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. Paul Zwolenski, Town Administrator, Town of North Smithfield, w/enclosure
Michael C. Wood, Town Manager, Town of Burrillville, w/enclosure

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