

2022 -- S 2480

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LC005309
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES MANAGEMENT

Introduced By: Senators Lombardo, F Lombardi, Ciccone, Felag, Sosnowski, Seveney,
DiPalma, Burke, Paolino, and McCaffrey

Date Introduced: March 01, 2022

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-15-2 of the General Laws in Chapter 46-15 entitled "Water
2 Resources Management" is hereby amended to read as follows:

3 **46-15-2. Approval of public water supply facilities.**

4 (a) No municipal water department or agency, public water system, including special water
5 districts or private water company, engaged in the distribution of water for potable purposes shall
6 have any power:

7 (1) To acquire or take a water supply or an additional water supply from an existing
8 approved source;

9 (2) To take or condemn lands for any new or additional sources of water supply or for the
10 utilization of supplies;

11 (3) To extend its supply or distribution mains into a municipality or special water district
12 wherein it has not heretofore legally supplied water;

13 (4) To construct any extension of its transmission mains;

14 (5) To extend the boundaries of a special water district; or

15 (6) To supply water in or for use in any other municipality or civil division of the state
16 which owns and operates a water supply system therein, or in any duly organized special water
17 district supplied with water by another municipal water department or agency, special water district,
18 or private water company, until the municipal water department or agency, special water district,
19 or private water company has first submitted the maps and plans therefor to the director of the

1 department of health, the state planning council and the board, as hereinafter provided, and until
2 the water resources board, after receiving the recommendations of the director of the department
3 of health and the division of statewide planning, shall have approved the recommendations or
4 approved the recommendation with modifications as it may determine to be necessary; provided,
5 however, this subsection shall not apply to any area presently served by any municipal water
6 department or agency, or special water district.

7 (b) Approval shall not be necessary of any plan or work for the extension of supply or
8 distributing mains or pipes of a municipal water supply plant or special district or private water
9 company into and for the purpose of supplying water in any territory within the limits of the
10 municipality or special district or within the franchise area of the private water company, owning
11 the plant, including territory within the municipal special district or franchise limits which has not
12 been heretofore supplied with the water by the plant, nor for the reconstruction or replacement of
13 existing facilities in connection with an existing plant, wherein the capacity of the plant is in no
14 way increased, nor for the construction of filtration or other treatment facilities which will not in
15 any way increase the amount of water which can be made available from the present sources of
16 supply. Notwithstanding any provision of this section to the contrary, a municipal water
17 department, agency, public water system governed under this section shall review applications for
18 plans or work for the extension of supply or distribution mains or pipes in accordance with the
19 following standards:

20 (1) Such application must not be prohibited by the specific language of the latest water
21 supply system management plan ("WSSMP") of the public water supply system;

22 (2) Such applications must comply with the design and construction standards and
23 specifications established by the public water supply system for the sizing and location for the
24 infrastructure;

25 (3) Such extensions shall not reduce the necessary level of fire protection for the
26 community;

27 (4) All water main and service connection materials, construction and inspection required
28 hereunder shall be at the sole cost and expense of the applicant;

29 (5) The public water supply system shall be granted an easement in a form acceptable to
30 them which shall permit the maintenance, repair or replacement of water lines and all other related
31 activities;

32 (6) For applications for single-family residential lots, the applicant must show that:

33 (i) The existing or proposed well for the property does not meet the well industry standard
34 as described in the department of environmental management regulations for "yield per depth of

1 well chart” which is required by the department of health for a dwelling unit; and

2 (ii) Due to the unique characteristics of the property that the drilling of a new well is not
3 feasible;

4 (7) For applications located within a public water supply system with limited capacity,
5 applicants for commercial uses/properties shall be governed by the rules established for such
6 connections by the public water supply system, which shall be in accordance with the system’s
7 approved WSSMP.

8 A public water supply system governed under this section may provide for lower standards
9 for approval for residential property if such standards meet the requirements of the agency’s state-
10 approved WSSMP, and such WSSMP is not expired.

11 (c) The water resources board shall enforce the provisions of this section, and the superior
12 court by injunction may, upon application of the water resources board, prevent any action to be
13 taken by any municipal water agency or department, special district, or private water company
14 without the approval of the water resources board as required by this section.

15 SECTION 2. Chapter 46-15 of the General Laws entitled "Water Resources Management"
16 is hereby amended by adding thereto the following section:

17 **46-15-2.1. Appeals.**

18 An applicant may appeal a denial by a public water supply facility made under § 46-15-
19 2(b) which shall be reviewable by the state agency or commission having jurisdiction over the
20 public water supply facility and thereafter by superior court pursuant to the standards and
21 timeframes set forth in § 42-35-15 ("administrative procedures").

22 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES MANAGEMENT

1 This act would provide the standards for reviewing applications for plans or work for the
2 extension of supply or distribution mains or pipes. This act would also add an appeal of a denial by
3 a public water supply facility pursuant to the administrative procedures act § 42-35-15.

4 This act would take effect upon passage.

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