

RESOLUTION OF THE CITY COUNCIL

No. 201

Approved April 15, 1994

RESOLVED, That the City Council endorses and urges passage by the General Assembly of Senate Bill 94-S 2464 and House Bill 94-H 9271 relating to Water Supply Management, in substantially the form attached.

IN CITY COUNCIL
APR 7 1994
READ AND PASSED
James H. Pignelli
PRES.
Richard L. Clement
CLERK

APPROVED
APR 15 1994
Vincent A. Cianci
MAYOR

IN CITY COUNCIL

READ AND PASSED

_____ PRES.

_____ CLERK

IN CITY COUNCIL

March 17 1994

FIRST READING

REFERRED TO COMMITTEE ON

~~Finance~~

Legislative Matters

Michael R. Jones CLERK

THE COMMITTEE ON

Legislative Matters

Approves Passage of

The Within Resolution *As Amended*

Barbara A. Parris

3/31/94 Clerk

Councilman Blanes, Lombardi and Sylezje (By request)

#73

NO Senate
Bill

ARMANDO PARILO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

JAMES LOMBARDI
Secretary

FERNANDO S. CLUNIA, ESQ.
Legal Advisor

BOYCE SPINELLI
Ex-Officio



VINCENT A. CIANCIERI
Mayor

RICHARD O. RAFANOVIC
General Mgr./Chief Eng.

PETER S. MANCINI
City Councilman

EVELYN V. FARGNOLI
City Councilwoman

MARY A. NOCERA
Member

JOYCE TESSERIS
Member

March 17, 1994

RE: BRIEF EXPLANATION OF BILL 94-H-9271

Act reassigns duties from DEM for water supply management and planning to the State Water Resources Board. Would also restore "Water Resources Operating Fund" as initially provided for.

Companion Bill S-2464 not with package.

9 4 --

PD1834/2

STATE OF RHODE ISLAND

94-H 9271

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1994

A N A C T

RELATING TO WATER SUPPLY MANAGEMENT

94-H 9271

Introduced By: Rep. Edward J. Smith

Date Introduced: February 17, 1994

Referred To: Joint Committee on
Environment and Energy

RECEIVED

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 46-15.4-3, 46-15.4-4, 46-15.4-5, 46-15.4-10,
2 46-15.4-11, 46-15.4-13 and 46-15.4-14 of the General Laws in Chapter
3 46-15.4 entitled "Water Supply Management" are hereby amended to read
4 as follows:

5 46-15.4-3. Content of water supply management plans. -- A water
6 supply management plan shall be prepared in the format, and shall ad-
7 dress each of the topics, listed in this section, to the extent that
8 each is relevant to the municipality or water supplier, the water
9 source(s), the water system(s), and the area served or eligible to be
10 served. Notwithstanding any other provisions of this chapter, water
11 supply management plans shall be in conformity with all applicable
12 provisions of the Federal Safe Drinking Water Act [U.S.C. section 300f
13 et seq.], chapter 13 of this title, Public Drinking Water Supply and
14 chapter 14 of this title, Contamination of Drinking Water, as adminis-
15 tered by the department of health. Any other topic of interest may be
16 included.

17 (a) A water supply management plan shall include, without limita-

1 tion:

2 (1) A statement of the goals that the plan is designed to
3 achieve.

4 (2) A description of the water system(s) covered, including
5 sources of water, the service area, present and anticipated future
6 users, and other important characteristics.

7 (3) Data collection in a form that can be accepted directly into
8 the Rhode Island Geographic Information System. Monitoring of system
9 operations shall be performed at intervals approved by the director of
10 the department of environmental management water resources board in
11 coordination with the office of strategic planning of the division of
12 planning so as to evaluate all critical aspects of the system, compare
13 performance with capabilities and expectations, and provide a basis
14 for continuing water supply planning at the system, municipal, region-
15 al, and state levels.

16 (4) Demand management measures that will achieve a high level of
17 efficiency in the use of a limited resource, through the application
18 of metering of one hundred percent (100%) of the water used; sanitary
19 device retrofit; technical assistance to and performance of water use
20 audits for major industrial, commercial, institutional, government,
21 and agricultural and other customer water users; education and informa-
22 tion; and use of appropriate fees, rates, and charges to influence
23 use.

24 (5) System management measures to insure that the following ele-
25 ments are optimally operated and maintained, including: leak detection
26 and repair; meter installation and replacement; and frequency of
27 reading meters. Maintenance or reduction of non-account water to
28 stated goals shall be considered an essential component of system man-
29 agement.

30 (6) Supply management measures to insure present and future
31 availability of drinking water in adequate quantity and quality,
32 including protection of the capacity and quality of drinking water
33 sources; retaining water sources for standby or future use that are or

1 can be improved to drinking water quality; reactivation of any water
2 sources not in use; interconnection of systems for ongoing, standby,
3 or emergency use; and supply augmentation.

4 (7) Emergency management, including risk assessment; responses to
5 temporary or permanent loss of supplies due to natural or manmade
6 causes; extraordinary treatment processes; interruptions in the deliv-
7 ery system; and contamination of water sources or delivery systems.

8 (b) The water supply management plans of water suppliers shall
9 document that coordination has been accomplished with those plans of
10 other suppliers in the vicinity and with operators of wastewater
11 treatment and disposal facilities serving all or part of the same area
12 or that a good faith effort to do so has been made. Plans shall be
13 consistent with applicable local comprehensive plans and shall be
14 integrated into the water supply plans of the municipality or munici-
15 palities in which the service area is or is planned to be located.
16 Conversely, the local comprehensive plans shall be consistent with
17 water supply plans.

18 (c) Water supply management plans shall designate the person or
19 organization responsible for taking each action, others who must par-
20 ticipate, and the time period in which each action is to be taken.
21 The capital, operating, and maintenance cost (if any) of each action
22 shall be estimated and the anticipated source of funds shall be
23 identified.

24 46-15.4-4. Completion and filing of water supply management
25 plans. -- Each party required by this chapter to prepare and maintain
26 a water supply management plan shall complete and adopt an initial
27 plan by October 1, 1993, except as provided in this section. In its
28 discretion, ~~the water supply management division~~ the water resources
29 board may be regulation schedule the submittal of water supply manage-
30 ment plans over a nine (9) month period starting on October 1, 1993.

31 (a) Municipalities shall adopt each plan and each amendment
32 thereto and shall submit the plan or amendment to the director of
33 administration as provided for by sections 45-22.2-8 and 45-22.2-9.

1 Decisions of the director of administration thereon shall be subject
2 to appeal as provided by chapter 22.3 of title 45.

3 (b) Municipalities and water suppliers subject to the require-
4 ments of section 46-15.4-2(b) of this chapter shall file a copy of all
5 plans and amendments thereto with the following:

6 (1) ~~The water supply management division of the department of~~
7 ~~environmental management or its successor~~ Water resources board.

8 (2) The division of drinking water quality of the department of
9 health.

10 (3) The division of planning of the department of administration.

11 (4) The public utilities commission or chief administrator of the
12 division of public utilities and carriers if the agency is subject to
13 regulation under title 39.

14 (c) Municipalities and water suppliers subject to section
15 46-15.4-2(b) shall review their plans at least once every five (5)
16 years, and shall amend or replace their plan as required so as to
17 remain current.

18 (d) A municipality or water supplier subject to section
19 46-15.4-2(b) of this chapter may request, in writing, that the water
20 supply management division of the department of environmental manage-
21 ment or its successor extend the time in which to complete its water
22 supply management plan, not to exceed one (1) year. A request shall be
23 approved only upon demonstration that an extension is justified by
24 extraordinary circumstances beyond the control of the municipality or
25 water supplier. An extension, if approved, shall not waive any of the
26 requirements of sections 46-15.4-5, 46-15.4-10, or 46-15.4-11. This
27 provision does not apply to the section on emergency management.

28 46-15.4-5. Expeditious review of water supply management plans.

29 ~~The water supply management division of the department of environ-~~
30 ~~mental management or its successor~~ water resources board shall coordi-
31 nate the expeditious review of water supply management plans prepared
32 by water suppliers and all other subject to section 46-15.4-2(B) of
33 this chapter.

1 (a) Upon receipt of water supply management plans prepared by
2 water suppliers under this chapter the division of drinking water
3 quality, of the department of health, the division of planning ~~or~~ of
4 the department of administration and the public utilities commission
5 shall have ninety (90) days to review said plans and submit comments
6 thereon to the ~~water-supply-management-division~~ water resources board.

7 (b) Upon consideration of written comments by all agencies desig-
8 nated herein the ~~water--supply--management-division~~ water resources
9 board shall determine whether the plan complies with the requirements
10 of this chapter. This determination shall be made within one hundred
11 eighty (180) days of the initial submission. A thirty day public com-
12 ment period shall be included in this one hundred eighty (180) day
13 review period. Failure by the ~~water-supply-management-division~~ water
14 resources board to notify the municipalities water supplier of its
15 determination within said time limit shall constitute approval.

16 (c) Upon the submission of plans prior to the scheduled submittal
17 date, as established by regulation by the ~~water--supply--management~~
18 ~~division~~ water resources board, the scheduled submittal date may be
19 used as the initial submission date for purposes of initiating the one
20 hundred eighty (180) day review period.

21 ~~46-15.4-10. Actions by the water supply management division of~~
22 ~~the department of the environment --- 46-15.4-10. Actions by the~~
23 water resources board. -- The water supply management division of the
24 department of environmental management or its successor shall. The
25 water resources board shall:

26 (a) Evaluate the water supply management program being conducted
27 to implement the management plan ~~as approved by the Department of~~
28 ~~Environmental Management or its successor~~ prior to acting on any
29 requests for approval of plans, issuance of permits or licenses, or
30 application for grants or loans under its jurisdiction. This evalu-
31 ation shall be completed within thirty days of receipt of a complete
32 request or application. The ~~water-supply-management-division~~ water
33 resources board must find in writing that the water supply management

1 plan and implementation thereof are sufficient to achieve the objec-
2 tives of this chapter prior to approving any such request or applica-
3 tion.

4 ~~(b) Advise the water resources board of its evaluation and find-~~
5 ~~ings made under this section prior to any action by the board on any~~
6 ~~request or application under its jurisdiction. The department of~~
7 ~~environmental management or its successor~~ The water resources board
8 must find in writing that the water supply management plan and imple-
9 mentation thereof are sufficient to achieve the objectives of this
10 chapter prior to the Water Resources Board approving any such request
11 or application. Water suppliers that meet or exceed the state goals
12 for non-account water shall be eligible for up to a five percent (5%)
13 increase to the amount of any grant administered by the Water
14 Resources Board.

15 46-15.4-11. Actions by the division of drinking water quality of
16 the department of health. -- The division of drinking water quality of
17 the department of health shall:

18 (a) As provided in section 46-15.4-5, review each water supply
19 management plan or amendment thereto filed with it, submit comments in
20 writing to the ~~water supply management division of the department of~~
21 ~~environmental management~~ water resources board, as to its complete-
22 ness, appropriateness for the area served, and adequacy to achieve the
23 objectives of this chapter, and, as appropriate, to meet the require-
24 ments of the federal safe drinking water act, [42 USC section 330f et
25 seq.] chapter 46-13, public drinking water supply, and chapter 46-14,
26 contamination of drinking water.

27 (b) Evaluate the water supply management program being conducted
28 to implement the management plan as approved by the department of
29 ~~environmental management~~ water resources board or its successor prior
30 to acting on any requests for approval of plans or issuance of permits
31 or licenses under its jurisdiction. This evaluation shall be com-
32 pleted within thirty days of receipt of a complete request or applica-
33 tion. The Division of Drinking Water Quality of the Department of

1 Health must find in writing that the water supply management plan
2 implementation is sufficient to achieve the objectives of this chap-
3 ter, and is consistent with the provisions of chapters 46-13 and
4 46-14, prior to approving any such request or application, unless such
5 approval is necessary to alleviate an immediate threat to public
6 health.

7 46-15.4-13. Actions by the division of public utilities and car-
8 riers and the public utilities commission. -- The division and the
9 commission shall:

10 (a) As provided in section 45-15.4-9, review each water supply
11 management plan or amendment thereto filed with it by a regulated
12 water supplier submit comments in writing to the ~~water-supply-manage-~~
13 ~~ment-division-of-the-department-of-environmental-management~~ water
14 resources board as to its completeness, appropriateness for the area
15 served and adequateness to achieve the objective of this chapter.

16 (b) Evaluate the capability of the water supply management pro-
17 gram being conducted to implement the relevant management plan and
18 submit comments in writing to the ~~water-supply-management-division~~
19 water resources board.

20 (c) The commission must find in writing that the water supply
21 management plan implementation is sufficient to achieve the objectives
22 of this chapter prior to approving any request or application over
23 which it has jurisdiction. The commission shall, however, approve
24 proposed rates and charges that it finds are necessary and reasonable
25 for the preparation and maintenance of water supply management plans
26 without making the evaluation and findings required by this section.

27 46-15.4-14. Rules governing review and evaluation. -- The
28 ~~department-of-environmental-management-or-its-successor~~ water
29 resources board shall promulgate rules and regulations for the review
30 of water supply management plans. Agencies designated in sections
31 46-15.4-11 through 46-15.4-13 shall promulgate the criteria or stan-
32 dards which these respective agencies will use to evaluate the imple-
33 mentation of approved water supply management plans.

1 SECTION 2. Section 46-15.3-10 of the General Laws in Chapter
 2 46-15.3 entitled "Public Drinking Water Protection" is hereby amended
 3 to read as follows:

4 46-15.3-10. Water quality protection funds. (a) There are
 5 hereby created three (3) water quality protection funds: one of which
 6 shall be administered by and be in the custody of the treasurer of the
 7 water resources board, one of which shall be administered by and be in
 8 the custody of the city of Providence acting through the Providence
 9 water supply board, and one of which shall be in the custody of the
 10 general treasurer. The first two mentioned funds shall consist of
 11 such amounts as the state, or the city of Providence may from time to
 12 time appropriate, all water quality protection charges other than the
 13 seven and eight-tenths percent (7.8%) and the fifty-one and five-
 14 tenths percent (51.5%) portions referred to in section 46-15.3-9, pro-
 15 ceeds from the sale of bonds and notes, as provided in subsection (b)
 16 below, and any monies which may have been obtained as grants,
 17 bequests, donations, gifts, or fines which are intended to be used for
 18 purposes consistent with this chapter. This third mentioned fund
 19 shall be hereby established as an account within the general fund to
 20 be known as the "Water Resources Operating Fund", which funds shall
 21 consist of the fifty-one and five-tenths (51.5%) portion referred to
 22 in subsection 46-15.3-9, derived from the water quality protection
 23 charge referred to in subsection 46-15.3-5;

24 The "Water Resources Operating Fund" shall be used for the admin-
 25 istration and support of the water resources board and the water
 26 supply management division of the department of environmental manage-
 27 ment. No more than five hundred thousand dollars (\$500,000) received
 28 in any fiscal year shall be provided to the water supply management
 29 division;

30 (b) The water resources board shall borrow money and issue its
 31 notes and bonds therefore, for the purposes set forth in this chapter
 32 and pursuant to the authority and the procedures set forth in chapter
 33 15.1 of this title, which shall be secured by pledging or assigning,

1 in whole or in part, the revenues and other monies held or to be
2 deposited in the water quality protection funds and any other revenues
3 derived under this chapter.

4 (c) Any supplier with its own water quality protection fund may
5 borrow money, and/or issue its bonds or notes therefor, or may lease
6 public facilities or public equipment for the purposes set forth in
7 this chapter. The supplier must secure any borrowings, bonds, notes,
8 or leases by pledging or assigning, in whole or in part, the revenues
9 and other monies held by it in its own water quality protection fund.

10 (d) All amounts in the water quality protection fund, water qual-
11 ity protection charges, and any other revenues of the water resources
12 board received under the provisions of this chapter shall be deemed to
13 be trust funds to be held and applied solely as provided in this chap-
14 ter and chapter 15.1 of this title.

15 (e) Any monies which may accumulated in the water quality protec-
16 tion funds which is in excess of that pledged to repayment of out-
17 standing bonds or notes or lease payments or loan repayments at any
18 given time may be used directly for eligible expenditures from the
19 fund and shall be disbursed for these purposes in accordance with
20 section 46-15.3-11.

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

PD1834/2

94-H 9271

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO WATER SUPPLY MANAGEMENT

1 This act transfers the duties of the Department of Environ-
 2 mental Management under the Water Supply Management Act to the
 3 Water Resources Board.

4 The act would also provide that the "Water Resources Oper-
 5 ating Fund" would be used solely for the administration and sup-
 6 port of the water resources board.

7 This act would take effect upon passage.

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