

2011 -- H 5046

LC00126

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO FURNISH THE CITY OF PROVIDENCE WITH A SUPPLY OF PURE  
WATER

Introduced By: Representative Michael J. Marcello

Date Introduced: January 18, 2011

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 6 of Chapter 1278 of the 1915 Public Laws entitled "An Act to  
2 Furnish the City of Providence With a Supply of Pure Water" is hereby amended to read as  
3 follows:

4 Sec. 6. Said city of Providence is hereby authorized from time to time and in the manner  
5 hereinafter provided to acquire absolutely by condemnation, the waters of said branch of said  
6 river and its tributaries, or any part or parts thereof, included within said area shown within red  
7 lines on said plat, and any water or flowage rights or privileges appurtenant to or connected with  
8 said area or any part or parts thereof, and any waters following into such reservoir or reservoirs,  
9 and to there hold such waters and to appropriate and divert the same for such water supply:  
10 *Provided, however,* that said city shall not hold or divert any such waters until such a reservoir or  
11 reservoirs is or are ready for use; *and further provided,* that from the time when the city begins to  
12 hold or store water in such reservoir or reservoirs to the time when for the first time twenty billion  
13 gallons of water shall have been held and stored therein, said city shall not during any week day  
14 diminish the flow of such branch immediately below the dam of such reservoir as is farthest down  
15 stream below the amount which would run in such branch if the reservoir or reservoirs built by  
16 said city did not exist, except that when such flow of said branch would exceed twenty million  
17 gallons per day, said city may hold and store all the water in excess of said twenty million  
18 gallons, *and further provided,* that after said city has for the first time held and stored in such

1 reservoir or reservoirs twenty billions gallons of water, it shall draw from such reservoir or such  
2 of said reservoirs as is farthest down stream, in each month a quantity of water equivalent to not  
3 less than seventy million gallons daily, and all of the above monthly quantity of water which is  
4 not diverted for a water supply for said city of Providence, and for any territories now supplied,  
5 or hereafter supplied under the provisions of this act, in the city of Cranston, the towns of North  
6 Providence, Johnston and Warwick, or elsewhere, shall be discharged into said branch above the  
7 dam of the Hope Mills, so-called, in the town of Scituate, except that, if in any year such reservoir  
8 as is farthest down stream does not fill by the first day of June, thereafter until it does fill, the  
9 quantity of water to be drawn as aforesaid for the purposes aforesaid shall be equivalent to not  
10 less than sixty-five million gallons, daily, instead of to not less than seventy million gallons,  
11 daily; *and further provided*, that from the time said city begins to use such reservoir or reservoirs  
12 and to hold or divert any such waters, said city, although observing the foregoing limitations and  
13 requirements, shall not hold or divert the same to any extent that would prevent its observance of  
14 the following paramount limitations and requirements: That said city shall forever discharge from  
15 such reservoir or such of said reservoirs as is farthest down stream into said branch sufficient  
16 water to maintain a flow of water, in said branch below the lowest dam built by said city on said  
17 branch for storing and diverting water as aforesaid, of not less than five hundred thousand gallons  
18 each day; and such further quantity of water and at such times and in such manner as may be  
19 necessary to maintain, and so that there be maintained, a flow, in said branch into the pond  
20 formed by the Arkwright dam of the Interlaken Mills, so-called, in the town of Coventry, of not  
21 less than six million gallons each day, except Sunday; and such further quantity of water and at  
22 such times and in such manner as may be necessary to maintain, and so that there shall be  
23 maintained a flow, in said branch at the Clyde Bleachery and Print Works, in the town of West  
24 Warwick, of such quantity not exceeding seventy-two million gallons in each week, as the owner  
25 or owners of said Clyde Bleachery and Print Works from time to time shall certify to be  
26 necessary for use therein, and in other buildings now or hereafter owned by him or them on the  
27 premises, for manufacturing purposes other than the production of water power.

28 In complying with the aforesaid provisions relating to the discharge of water from such  
29 reservoir or reservoirs into said branch, said city shall so regulate the flow with respect to the  
30 hours and quantity thereof as to meet as far as it is practicable to do, the requirements of all those  
31 using water, especially the requirements of each of the persons, firms and corporations operating  
32 bleacheries, finishing or dye works thereon.

33 With reference to the flow of said branch to be maintained into the pond formed by said  
34 Arkwright dam of the Interlaken Mills, and at said Clyde Bleachery and Print Works, said city

1 shall establish and maintain at its own expense forever a proper gauging station or stations at each  
2 of said places or at such place or places on the stream above or below the same as would be  
3 convenient and practicable and give the most accurate results, and in the latter case proper  
4 allowance for any difference in the flow between the place at which the flow is to be maintained  
5 and the place or places of gauging shall be made; and said city shall take gaugings at said stations  
6 at such times as may be reasonably required to ascertain the flow of water into said pond formed  
7 by said Arkwright dam of said Interlaken Mills and at said Clyde Bleachery and Print Works and  
8 from time to time whenever reasonably requested shall furnish to said Interlaken Mills, its  
9 successors and assigns, and to the owner or owners of said Clyde Bleachery and Print Works or  
10 of any other manufacturing establishment on said branch, copies of the records of the gauging  
11 taken at such gauging stations, and shall also allow the same at all reasonable times to inspect  
12 such gauging stations and the apparatus connected therewith: *Provided*, said city shall be notified  
13 of the intention to inspect so that a representative of said city may be present at such inspection.

14 From time to time whenever reasonably requested said city shall furnish information to  
15 any person, firm or corporation owning or operating any manufacturing establishment on said  
16 branch as to the quantity of water discharged into said branch from such reservoir or such of said  
17 reservoirs as is farthest down stream, and the times and manner of discharging such water and  
18 regulating the flow thereof with respect to the hours and the quantity thereof, the quantity of  
19 water drawn from such reservoir, and the quantity of water diverted for a water supply for said  
20 city of Providence and for any other territories supplied under the provisions of this act, and its  
21 calculations or estimates as to the quantity of water contained in such reservoir or reservoirs.

22 Relative to the work of construction of such reservoir or reservoirs or any works  
23 connected therewith said city shall not do, or cause or suffer to be done, any act or thing which  
24 would result in the waters of said branch being polluted to any greater extent than said waters  
25 would have been polluted without such construction work, and in case it fails to observe this  
26 provision, any person or corporation owning or operating any manufacturing establishment on  
27 said branch may recover its damages suffered thereby in an action of the case in any court of  
28 competent jurisdiction.

29 ~~Before said city of Providence diverts any of said waters for said water supply for said~~  
30 ~~city, it shall build a masonry dam across the Pawtuxet river, in the village of Pawtuxet, on the~~  
31 ~~same site and of the same height as the present dam there situated, and shall so maintain the same.~~

32 SECTION 2. This act shall take effect upon passage.

EXPLANATION  
BY THE LEGISLATIVE COUNCIL

OF

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RELATING TO FURNISH THE CITY OF PROVIDENCE WITH A SUPPLY OF PURE  
WATER

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1           This act would further the Pawtuxet River Authority's mission to remove the Pawtuxet  
2 Village Dam (dam project). The dam project would serve a legitimate public purpose by  
3 providing for the upstream migration of native anadromous fish and, thereby restoring the river to  
4 its former status as a recreational asset. The dam project would serve a legitimate public purpose  
5 by providing for flood control by reducing the frequency and intensity of flood events in the  
6 lower stretch of the river and, thereby, providing protection and land conservation to properties,  
7 dwellings and buildings.

8           This act would take effect upon passage.

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