

2015 -- H 5970

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LC002242
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO WATERS AND NAVIGATION - PUBLIC DRINKING WATER SUPPLY
SYSTEM PROTECTION

Introduced By: Representatives Messier, Johnston, Coughlin, Barros, and Tobon

Date Introduced: March 25, 2015

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 46-15.3-9, 46-15.3-11 and 46-15.3-25 of the General Laws in
2 Chapter 46-15.3 entitled "Public Drinking Water Supply System Protection" are hereby amended
3 to read as follows:

4 **46-15.3-9. Collection of charges.** -- (a) A record shall be maintained by every supplier
5 showing the amounts of water sold, and the amounts of water quality protection charges billed.
6 The records shall be subject to public review. The water quality protection charges shall be
7 deemed to be trust funds for the purposes of this chapter and shall be held in a ~~separate account~~
8 restricted receipt account maintained by each supplier.

9 (1) For all suppliers, other than the city of Providence acting through the Providence
10 water supply board, or suppliers purchasing water from the city of Providence acting through the
11 Providence water supply board, ~~thirty six and one tenth percent (36.1%) of the amount billed~~
12 ~~each month shall be remitted to the treasurer of the water resources board on or before the~~
13 ~~twentieth (20th) day of the second month following the month of billing~~ shall be transferred into
14 the designated restricted receipt account maintained by each supplier by the tenth day of the
15 month following billing.

16 (2) For suppliers purchasing water from the city of Providence acting through the
17 Providence water supply board, for that portion of such supplier's retail billings representing
18 water furnished to the purchasers from the Providence water supply board, ~~thirty six and one~~

1 ~~tenth percent (36.1%) of~~ the amount billed each month shall be remitted to the Providence water
2 supply board, on or before the twentieth (20th) day of the second month following the month of
3 billing, and for that portion of such supplier's retail billings representing water furnished to the
4 purchasers from sources other than the Providence water supply board, ~~thirty six and one tenth~~
5 ~~percent (36.1%) of~~ the amount billed each month shall be ~~remitted to the treasurer of the water~~
6 ~~resources board on or before the twentieth (20th) day of the second month following the month of~~
7 ~~billing~~ transferred into the designated restricted receipt account maintained by each supplier by
8 the tenth day of the month following billing.

9 (3) The amounts remitted by suppliers purchasing water from the city of Providence to
10 the Providence water supply board and ~~treasurer of the water resources board~~ those amounts
11 being transferred to restricted receipt accounts pursuant to ~~the previous sentence~~ this section shall
12 be based pro rata on metered water production originating from the Providence water supply
13 board and from all other sources in accordance with rules and regulations to be finally
14 promulgated by the water resources board on or before September 1, 1992.

15 ~~(b) For all suppliers, including the city of Providence acting through the Providence~~
16 ~~water supply board, fifty seven percent (57.0%) of the amount billed each month shall be~~
17 ~~remitted through the water resources board to the general treasurer of the state of Rhode Island on~~
18 ~~or before the twentieth (20th) day of the second month following the month of billing and shall be~~
19 ~~deposited as general revenues.~~

20 ~~(e)~~(b) All suppliers may disburse an amount not to exceed the six and nine tenths percent
21 (6.9%) of the charges collected and retained by the supplier as an administrative charge for any
22 purpose relating to the operation of the supplier. All suppliers shall use or pledge ~~the thirty six~~
23 ~~and one tenth percent (36.1%) of~~ the charges collected to pay principal or interest on bonds,
24 notes, or other obligations issued for the purposes of this chapter or lease payments in connection
25 with any bonds, notes, or obligations or for the purposes set forth in § 46-15.3-11. It shall not be
26 necessary for any supplier of public drinking water whose rates may be regulated by the public
27 utilities commission, pursuant to chapter 1 of title 39, to obtain approval from the commission for
28 billing of the water quality protection charge. The public utilities commission shall not, in
29 determining rates for any supplier hereunder, consider the funds billed hereunder when
30 determining revenue requirements for the supplier.

31 ~~(d)~~(c) In no event shall any supplier be responsible to collect or pay more than a single
32 water quality protection charge with respect to water sold by such supplier, whether the date of
33 sale was on, before, or after July 1, 1992.

34 **46-15.3-11. Disbursements from the funds Use of funds.** -- (a) ~~Only suppliers which~~

1 ~~withdraw water from wells, reservoirs, springs, or other original sources of potable water shall be~~
2 ~~entitled to disbursements from the first of the two (2) mentioned funds created under section 46-~~
3 ~~15.3-10 administered by the water resources board. From amounts available from bond proceeds~~
4 ~~held by the water resources board, that board shall disburse to each supplier contributing to the~~
5 ~~fund a proportional amount based upon each supplier's pro rata withdrawal of water by volume~~
6 ~~from wells, reservoirs, springs, or other original sources of water averaged over the three (3)~~
7 ~~calendar years preceding disbursement as determined by the water resources board.~~ Suppliers
8 shall be required to expend ~~this money~~ proceeds from bonds supported by these funds as follows:

9 (1) Not less than fifty-five percent (55%) shall be spent for acquisition of land or rights
10 in land or physical improvements to acquired land required to protect the quality of raw water of
11 the water supply system. Expenditures for maintenance, administration, and payment of taxes on
12 land acquired under this chapter shall be included within this subdivision.

13 (2) Any remaining funds may be used for any eligible expenditures as defined in section
14 46-15.3-4.

15 (b) The city of Providence shall make expenditures from amounts available in the fund
16 held by the city of Providence based on the same formula as in subdivisions (a)(1) and (a)(2)
17 above; provided, however, the city of Providence shall be exempt from participating in the use of
18 an alternate deicing mixture within the Scituate watershed unless drinking water supply sodium
19 levels exceed fifteen (15) ppm (parts per million) for three (3) consecutive years or seventeen
20 (17) ppm (parts per million) for one year. The city of Providence will monitor sodium levels and
21 report sodium testing results to the Rhode Island department of health and the public on a yearly
22 basis. If drinking water supply sodium levels exceed fifteen (15) ppm for three (3) consecutive
23 years or seventeen (17) ppm for one year, the city of Providence shall immediately participate in
24 the use of an alternative deicing mixture within the Scituate watershed. In December of 2008, the
25 city of Providence will provide a three (3) year report to the Rhode Island department of
26 environmental management, the general assembly and the public. Every three (3) years, the city
27 of Providence will submit a report to the general assembly on monitoring data for sodium levels
28 within the Scituate watershed. This report will include monitoring data from the previous three
29 (3) year period.

30 (c) In making decisions about the expenditure of money under the provisions of this
31 chapter, suppliers shall take into account the following factors:

- 32 (1) The likelihood of development of the specific parcel proposed for acquisition;
33 (2) The existing land uses, as well as the likelihood of development, in the watershed;
34 (3) The potential threat to public drinking water sources posed by development in the

1 watershed including, but not limited to, the intensity of development, the types of land uses,
2 proximity to reservoirs and/or well heads, and the buffering and filtration capacity of the natural
3 systems;

4 (4) Whether alternative protection measures are available and/or have been attempted,
5 including local land use regulations;

6 (5) The number of persons who presently depend on the sources for their drinking water,
7 as well as the number of persons who may depend on it in the future;

8 (6) The anticipated cost of the parcel proposed to be purchased, and whether less than a
9 fee interest may be acquired which would reduce the cost significantly while still providing
10 protection to the source;

11 (7) Other cost effectiveness considerations, including whether protection of the source
12 can be provided by the construction of physical improvements;

13 (8) Whether acquisition of the specific parcel, and the protection of the watershed of
14 which it is a part, is consistent with other planning considerations;

15 (9) Proposed management techniques for the parcel proposed to be acquired which will
16 maximize its capacity to protect the source.

17 (d) The costs of issuance of notes and bonds authorized by section 46-15.3-10 may be
18 payable from any monies in the water quality protection funds.

19 ~~46-15.3-25. Transfer of charges to Rhode Island clean water finance agency.--~~

20 **Transfer of charges.** -- Notwithstanding any law, rule or regulation to the contrary, upon the
21 dissolution of the water resources board (corporate) pursuant to section 46-15.1-22, any charges
22 [previously](#) remitted to the water resources board (corporate) pursuant to this chapter shall be
23 ~~remitted to the Rhode Island clean water finance agency, a body politic and corporate and public~~
24 ~~instrumentality of the state established pursuant to chapter 46-12-2~~ [maintained and retained by](#)
25 [each supplier to support each supplier's water quality protection program.](#)

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO WATERS AND NAVIGATION - PUBLIC DRINKING WATER SUPPLY
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1 This act would make a number of changes in the procedure for the remittance and
2 disbursement of water charges. This act would also provide that upon dissolution of the water
3 resources board (corporate), charges previously remitted to the board would be maintained and
4 retained by each supplier to support water quality protection programs.

5 This act would take effect upon passage.

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