



## Rhode Island Department of Health

### NOTICE OF PUBLIC HEARING

The Director of the Rhode Island Department of Health has under consideration proposed amendments to the *Rules and Regulations Pertaining to Public Drinking Water (R46-13-DWQ)* promulgated pursuant to the authority conferred under Chapters 46-13 and 42-35 of the Rhode Island General Laws, as amended. Generally, the purpose of the proposed changes is to revise public water system initial and annual renewal licensure fees.

Notice is hereby given in accordance with the provisions of Chapter 42-35 of the Rhode Island General Laws, as amended, that the Director will hold a public hearing on the above mentioned matter, in the **AUDITORIUM** of the Rhode Island Department of Health (on the lower level of the Cannon Building), Three Capitol Hill, Providence, Rhode Island on **TUESDAY, 15 APRIL 2008 at 10:00 a.m.** at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

In the development of the rules and regulations, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach, duplication, or overlap was identified based upon available information.

For the sake of accuracy, it is requested that statements to be made relative to any aspect of the regulations, including alternative approaches or overlap, be submitted in writing at the time of the hearing or mailed prior to the hearing date to: David R. Gifford, M.D., M.P.H., Director, Rhode Island Department of Health, #401 Cannon Building, 3 Capitol Hill, Providence, Rhode Island 02908-5097.

Copies of the regulations are available for public inspection in the Cannon Building, Room #404, Rhode Island Department of Health, 3 Capitol Hill, Providence, Rhode Island, on the Department's website: [www.health.ri.gov/hsr/regulations/index.php](http://www.health.ri.gov/hsr/regulations/index.php) or the Secretary of State's website: <http://www.sec.state.ri.us/rules/> by calling 401-222-1039, or by e-mailing: [Elizabeth.Shelov@health.ri.gov](mailto:Elizabeth.Shelov@health.ri.gov)

*The Department of Health is accessible to the handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-222-1039 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.*

Signed this 6th day of March 2008


A handwritten signature in black ink, appearing to read "D. Gifford", with a long horizontal line extending to the right.

David R. Gifford, M.D., M.P.H., Director of Health

*State of Rhode Island and Providence Plantations  
Department of Administration  
Budget Office  
Memorandum*

**TO:** The Honorable Steven Costantino  
House Finance Committee Chair

The Honorable Stephen Alves  
Senate Finance Committee Chair

**FROM:** Rosemary Booth Gallogly   
Executive Director/State Budget Officer

**DATE:** February 27, 2008

**SUBJECT:** Fiscal Note for Administrative Rule Change

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Enclosed please find a copy of a fiscal note for the Department of Health's proposed Rules and Regulations Pertaining to Public Drinking Water. According to the Department, the regulation changes will result in a revenue increase to the state of \$105,868 in FY 2010. The impact to the cities and towns will be \$57,651 on a statewide basis. Please contact Christy Healey at 222-6419 with any questions regarding the fiscal note.

Cc: Michael O'Keefe, House Fiscal Advisor  
Russell Dannecker, Senate Fiscal Advisor  
Helen Drew, Department of Health  
Christy Healey, Budget Office

*State of Rhode Island and Providence Plantations  
Department of Administration  
Budget Office*

Fiscal Note for Proposed Administrative Rules (R.I.G.L. 22-12-1.1)

Name of Administrative Rule: Rules and Regulations Pertaining to Public Drinking Water [R46-13-DWQ]

Date of Notice: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_

RIGL: 46-13

**FISCAL IMPACT**

<i>Revenues</i>	<i>General Revenue</i>		<i>All Funds</i>		<i>City/Town</i>		
	<i>Expenditures</i>		<i>Expenditures</i>		<i>Expenditures</i>		
FY 2008	\$0	FY 2008	\$0	FY 2008	\$0	FY 2008	\$0
FY 2009	\$0	FY 2009	\$0	FY 2009	\$0	FY 2009	\$0
FY 2010	\$105,868	FY 2010	\$0	FY 2010	\$0	FY 2010	\$57,651

**Summary of Policy Change:** PWS annual license fees are being increased by a nominal 30%. Specifics for each of the three PWS license types are detailed below.

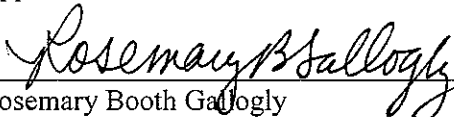
**Summary of Fiscal Impact:** Annual license fees for *Transient-Non Community* water systems are being increased from \$150 to \$200. There are currently 310 water systems in this category.

Annual license fees for *Non Transient-Non Community* water systems are being increased from \$250 to \$330. There are currently 76 water systems in this category.

The annual license fee for *Community* water systems is assessed on a "per connection" basis, with both a minimum and maximum annual fee that will be assessed. The current minimum (\$250), maximum (\$25,000) and per connection (\$1.10) fees are being increased to minimum (\$330), maximum (\$32,500) and per connection (\$1.50). There are currently 82 water systems in this category, with a total annual license fee increase ranging from \$80 to \$7,500.

**City or Town Impact:** The most significant fiscal impact to cities and towns is likely to be in the *Community* water system category. While cities and towns manage approximately 24.1% (20/83) of the licenses in this category, they will be responsible for 68.4% (\$57,651) of the fee increase for this category. This is primarily due to the fact that most of the major *Community* water systems are managed by cities and towns. The fee increase for an individual city or town will range from \$80 to \$7,500. A table which details the annual license fees for cities and towns that manage *Community* water systems is attached.

Approved:

  
\_\_\_\_\_  
Rosemary Booth Gallogly  
Executive Director/State Budget Officer

Feb 29, 2008  
\_\_\_\_\_  
Date

<b>Reconciliation of Water Systems Increase</b>						
<b>Original Estimate for Calculation of Increased Revenue in FY 08 Budget</b>						
Type	Number	Old Fee	New Fee	Old Revenue	New Revenue	Increase
Public Water Systems Transient-Non Community	324	150	200	\$48,600	\$64,800	\$16,200
Public Water Systems Non Transient-Non Community	76	250	330	\$19,000	\$25,080	\$6,080
Public Water Systems Community	83	250 plus \$1.10 per connection	330 plus \$1.50 per connection	\$231,482	\$303,907	\$72,425
<b>Total Increase</b>						<b>\$94,705</b>
<b>New Estimate for Calculation of Increased Revenue in FY 10 Budget</b>						
Type	Number	Old Fee	New Fee	Old Revenue	New Revenue	Increase
Public Water Systems Transient-Non Community	310	150	200	\$46,500	\$62,000	\$15,500
Public Water Systems Non Transient-Non Community	76	250	330	\$19,000	\$25,080	\$6,080
Public Water Systems Community	82	250 plus \$1.10 per connection	330 plus \$1.50 per connection	\$250,761	\$335,049	\$84,288
<b>Total Increase</b>						<b>\$105,868</b>
<b>Difference old to new</b>						<b>\$11,163</b>

ANNUAL FEE COMPARISON - COMMUNITY WATER SYSTEMS - CITIES & TOWNS

PWS NAME	#CONNECT	CURRENT FEES				PROPOSED FEES				INCREASE
		MIN	MAX	CONNECT	CHARGED	MIN	MAX	CONNECT	CHARGED	
PROVIDENCE WATER	72,245	\$250	\$25,000	\$79,469.50	\$25,000.00	\$330	\$32,500	\$108,367.50	\$32,500.00	\$7,500.00
WARWICK-CITY OF	26,500	\$250	\$25,000	\$29,150.00	\$25,000.00	\$330	\$32,500	\$39,750.00	\$32,500.00	\$7,500.00
PAWTUCKET WATER SUPPLY BOARD	23,000	\$250	\$25,000	\$25,300.00	\$25,000.00	\$330	\$32,500	\$34,500.00	\$32,500.00	\$7,500.00
CITY OF EAST PROVIDENCE	14,995	\$250	\$25,000	\$16,494.50	\$16,494.50	\$330	\$32,500	\$22,492.50	\$22,492.50	\$5,998.00
CITY OF NEWPORT	14,699	\$250	\$25,000	\$16,168.90	\$16,168.90	\$330	\$32,500	\$22,048.50	\$22,048.50	\$5,879.60
WESTERLY WATER DEPARTMENT	11,487	\$250	\$25,000	\$12,635.70	\$12,635.70	\$330	\$32,500	\$17,230.50	\$17,230.50	\$4,594.80
WOONSOCKET WATER DEPARTMENT	9,485	\$250	\$25,000	\$10,433.50	\$10,433.50	\$330	\$32,500	\$14,227.50	\$14,227.50	\$3,794.00
NORTH KINGSTOWN DEPARTMENT OF WATER SUPPLY	9,200	\$250	\$25,000	\$10,120.00	\$10,120.00	\$330	\$32,500	\$13,800.00	\$13,800.00	\$3,680.00
CUMBERLAND WATER DEPARTMENT	8,850	\$250	\$25,000	\$9,735.00	\$9,735.00	\$330	\$32,500	\$13,275.00	\$13,275.00	\$3,540.00
LINCOLN WATER COMMISSION	6,600	\$250	\$25,000	\$7,260.00	\$7,260.00	\$330	\$32,500	\$9,900.00	\$9,900.00	\$2,640.00
NARRAGANSETT WATER SYSTEM-POINT JUDITH	3,353	\$250	\$25,000	\$3,688.30	\$3,688.30	\$330	\$32,500	\$5,029.50	\$5,029.50	\$1,341.20
SOUTH KINGSTOWN-SOUTH SHORE	2,429	\$250	\$25,000	\$2,671.90	\$2,671.90	\$330	\$32,500	\$3,643.50	\$3,643.50	\$971.60
NARRAGANSETT WATER DEPARTMENT-NORTH END	1,817	\$250	\$25,000	\$1,998.70	\$1,998.70	\$330	\$32,500	\$2,725.50	\$2,725.50	\$726.80
JOHNSTON WATER CONTROL FACILITIES	1,742	\$250	\$25,000	\$1,916.20	\$1,916.20	\$330	\$32,500	\$2,613.00	\$2,613.00	\$696.80
JAMESTOWN WATER DEPARTMENT	1,340	\$250	\$25,000	\$1,474.00	\$1,474.00	\$330	\$32,500	\$2,010.00	\$2,010.00	\$536.00
WARWICK-POTOWOMUT	850	\$250	\$25,000	\$935.00	\$935.00	\$330	\$32,500	\$1,275.00	\$1,275.00	\$340.00
SLATERSVILLE PUBLIC SUPPLY	300	\$250	\$25,000	\$330.00	\$330.00	\$330	\$32,500	\$450.00	\$450.00	\$120.00
SOUTH KINGSTOWN-MIDDLEBRIDGE	284	\$250	\$25,000	\$312.40	\$312.40	\$330	\$32,500	\$426.00	\$426.00	\$113.60
BLOCK ISLAND WATER COMPANY	247	\$250	\$25,000	\$271.70	\$271.70	\$330	\$32,500	\$370.50	\$370.50	\$98.80
GLOCESTER HOUSING AUTHORITY	5	\$250	\$25,000	\$5.50	\$250.00	\$330	\$32,500	\$7.50	\$330.00	\$80.00
<b>TOTALS:</b>					<b>\$171,696</b>				<b>\$229,347</b>	<b>\$57,651</b>

**PROPOSED AMENDMENTS TO  
RULES AND REGULATIONS  
PERTAINING TO  
PUBLIC DRINKING WATER**

[R46-13-DWQ]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

September 1977

***AS AMENDED:***

January 1983	August 1996
September 1989 (E)	September 1999
December 1990	April 2000 (T)
May 1991 (E)	June 2001
July 1991	January 2002 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)
August 1991 (E)	
November 1991 (E)	
February 1992	
February 1992 (E)	
July 1992 (E)	January 2003
December 1992 (E)	January 2005
March 1993 (T)	January 2007 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)
April 1993 (E)	
June 1993	
September 1993	
March 1994	
July 1994	<b>March 2008 (Proposed)</b>
January 1995	
February 1996 (E)	
June 1996 (E)	

**COMPILER'S NOTES:**

**Proposed Additions: Underlined**

**Proposed Deletions: ~~Strikeouts~~**

## INTRODUCTION

These ~~amended~~ proposed amendments to *Rules and Regulations Pertaining To Public Drinking Water (R46-13-DWQ)* are promulgated pursuant to the authority conferred under Section 46-13-18 of the General Laws of Rhode Island, as amended, for the purpose of adopting ~~standards compatible with the 1986 standards of the United States Environmental Protection Agency~~ revised PWS initial and annual renewal licensure fees.

Pursuant to the provisions of Section 42-35-3(c) of the General Laws of Rhode Island, as amended, the following were given consideration in arriving at the amended regulations: (1) alternative approaches to the regulations; and (2) duplication or overlap with other state regulations; ~~and (3) significant economic impact placed on small business as defined in Chapter 42-35 of the General Laws which would result from the regulations.~~ No alternative approach, duplication, or overlap was identified based on available information. ~~The health, safety and welfare of the citizens of this state overrides any economic impact which may result from these amended regulations.~~ Consequently, these rules are adequate in the best interest of the health and safety of the public.

Upon promulgation of these amendments, these amended regulations shall supersede all previous *Rules and Regulations Pertaining to Public Drinking Water* promulgated by the Department of Health and filed with the Secretary of State.

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## **SECTION 2.0 COVERAGE**

- 2.1 These regulations apply to any PWS unless a PWS meets all of the following conditions:
- a) The system consists only of distribution or storage facilities (and does not have any collection or treatment facilities);
  - b) The system obtains all of its water from a PWS to which these regulations apply; and
  - c) The system does not sell water to any person.
- 2.2 General Requirements
- a) No person shall develop, maintain, or operate a public water supply system unless said system is approved by the Director. Further, all public water supply systems must be developed, operated and maintained in accordance with the requirements and provisions of these regulations in order for a public water supply system to maintain approval by the Director.
  - b) Should the Director find that a public water supply system is not developed, maintained, or operated in compliance with regulatory provisions, s/he may revoke, suspend or otherwise limit the approval previously granted.
  - c) The Director is authorized to enter at all reasonable times in or upon any private or public property for the purpose of carrying out the provisions of these regulations or making an inspection or investigation of a condition which the Director believes may be hazardous to the health of the consumers serviced by any public water supply system or in violation of the regulations or orders promulgated under Chapter 46-13.
- 2.3 Licensing Requirement
- a) Applicability  
Pursuant to the provisions of Section 46-13-2.1 of the General Laws of Rhode Island, as amended, no person shall operate or maintain a public water supply system unless the system is licensed by the Director under the provisions of this subsection.  
Persons subject to licensure shall be assessed initial and annual renewal licensure fees in accordance with the fee schedule listed for each category of PWS in Paragraph 2.3 c)2) of this subsection.
  - b) License Application
    - 1) To apply for a license, a PWS shall submit a completed application to the Director on forms provided for this purpose. The application shall include all information required by these regulations, as well as by the form and the accompanying instructions. Applications for a new community or nontransient non-community PWS shall include a water system

management plan that demonstrates the financial, managerial, and technical capacity to comply with statutory and regulatory requirements.

- 2) The Director may at any time after filing of the original application require further information in order to determine whether the application should be approved or denied.
- 3) Each application for a PWS license shall be signed by the applicant or a person duly authorized to act on behalf of the applicant.
- 4) No new PWS shall be licensed until: the application has been approved, the PWS has been constructed in accordance with the approved plans and the water has been sampled and found to be in compliance with the requirements of these regulations.

c) License Fees

- 1) Pursuant to the provisions of Section 46-13-2.1 of the General Laws of Rhode Island, as amended, the Director shall grant a license to a PWS that meets the licensure requirements set forth in these regulations and upon submission of the license fee as listed in Paragraph 2.3 c)2) of these regulations made payable by check to the General Treasurer, State of Rhode Island. Said license, unless sooner suspended or revoked, shall expire on the 30th day of June following its issuance and must be renewed from year-to-year.

- 2) Effective 1 July 2009, the annual fee for licensure shall be as follows:

Transient non-community water system: ~~\$150~~ two hundred dollars (\$200.00).

Nontransient non-community water system: ~~\$250~~ three hundred and thirty dollars (\$330.00).

Community water system: ~~\$1.10~~ one dollar and fifty cents (\$1.50) per connection:

minimum fee = ~~\$250~~ three hundred and thirty dollars (\$330.00).

maximum fee = ~~\$25,000~~ thirty two thousand-five hundred dollars (\$32,500.00).

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