



STATE OF RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
BUREAU OF ENVIRONMENTAL PROTECTION  
OFFICE OF COMPLIANCE AND INSPECTION  
235 Promenade Street, Suite 220  
Providence, RI 02908-5767

July 13, 2022

CERTIFIED MAIL

Soscia Holdings, LLC  
c/o Richard Fleury, Resident Agent  
33 College Hill Road, Building 20  
Warwick, RI 02886

RE: **ORDER TO CEASE & DESIST**  
File Name: Flat River Reservoir Dam

Dear Mr. Fleury:

As referenced in a letter from the Rhode Island Department of Environmental Management (“RIDEM”) that was sent to you earlier this week, on June 27, 2022, Governor McKee signed a law titled *An Act Relating to Waters and Navigation – Dam Permits*, which became effective upon the Governor’s signature.

As the owner and operator of the Flat River Reservoir Dam, State I.D. Number 167 (“Flat River Dam”), Soscia Holdings, LLC (“Soscia”) is subject to this law and became subject to this law on June 27, 2022. Until such time as a permit is issued by RIDEM, the law requires that Soscia operate the dam in a manner consistent with historic use. Pursuant to the law, RIDEM has determined that historic use, consistent with the previous Consent Agreement between RIDEM and Quidnick Reservoir Company and the current Lease Agreement between the Town of Coventry and Soscia, is to “maintain the water level in the pond at spillway level. If the water level in the pond is below spillway level, reduce the streamflow to 40 cfs.”

RIDEM inspected the Flat River Dam on June 30, 2022 and July 11, 2022 and determined that the water level in the pond was 4 inches below and 13 inches below spillway level, respectively. RIDEM also reviewed the available data from the United States Geological Survey (“USGS”) streamflow gauge data for the south branch of Pawtuxet River and determined from that review that streamflow has been maintained at levels exceeding 40 cfs from June 20, 2022 to present, including in the days since RIDEM sent its letter on July 11, 2022. There is also historic precedent for a further reduction of stream flow to account for drought or drier than normal rainfall conditions, as outlined in RIDEM’s April 20, 2021 letter and the July 11, 2022 letter. Given the present dryer than normal conditions, RIDEM believes the appropriate stream flow should be 24 cfs, to allow the pond to come up to spillway level. This additional reduction was provided for in Section 13 of the former Consent Agreement, and in paragraph 22 of the current Lease Agreement.

Please be advised that it is a violation of Rhode Island's dam permitting law referenced above (RIGL § 46-19.1-1) to raise or lower the water level behind a dam in any manner that is not consistent with historic use, until such time as a permit is issued by RIDEM. RIDEM is in the process of developing regulations regarding this permitting program, so until such time as those regulations are in place, all dams subject to the law must maintain water levels consistent with historic use.

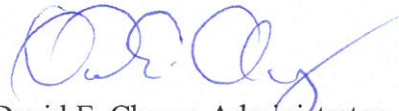
RIDEM has determined that the water levels at Flat River Reservoir are currently at historic lows for this time of year, and not consistent with historic use. These low levels pose a threat to the wetlands surrounding the pond; the habitat, flora, and fauna of the pond; and present a threat to recreational uses of the pond, such as fishing, boating, and swimming.

Hence, at this time, **Soscia is HEREBY ORDERED TO CEASE AND DESIST from operating the Flat River Dam in a manner inconsistent with historic use as outlined in RIDEM's July 11, 2022 letter by IMMEDIATELY reducing the streamflow to 24 cfs, without first obtaining a proper permit from RIDEM.**

Please note that any failure to comply with (i.e., violation of) this Order is punishable by a fine of one thousand dollars (\$1,000) per day that the non-compliance continues, and subject to enforcement via injunctive relief in Superior Court.

Within five (5) days of receipt of this letter, Soscia must notify RIDEM in writing of its intent to comply with the above requirements. If Soscia has any questions concerning this letter, you may contact David E. Chopy at 222-1360, extension 2777400 or at david.chopy@dem.ri.gov.

Sincerely,



David E. Chopy, Administrator  
RIDEM Office of Compliance and Inspection

xc: Terrence Gray, Director, RIDEM  
Susan Forcier, Deputy Chief Legal Counsel, RIDEM/Office of Legal Services  
Patrick Dougherty, Esq.