



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

December 16, 2014

Town of Bristol
Antonio A. Teixeira, Town Administrator
10 Court Street
Bristol, RI 02809



REVISED PERMIT

Re: Application No. 08-0395 in reference to the location below:

Along the length of "Tanyard Brook" located between Hope Street and Garfield Avenue Assessor's Plat 21, Lots 28,29,44 and 45; Assessor's Plat 26, Lots 20, 21, 30, and 31,; Assessor's Plat 161, Lots 11, 13, 15, 40, and 47, Bristol, RI

Dear Mr. Teixeira:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Permit Modification** and has evaluated your proposed modifications to the permitted Tanyard Brook culvert replacement by adding an additional inlet as illustrated and detailed on revised site plans submitted with your application. The site plans was received on November 25, 2014.

Based upon the Program's evaluation of the revised project and pursuant to Rule 11.03 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules), it is the Program's determination that a revised permit for the modified project may be issued under the following terms and conditions:

1. This letter is the DEM's revised permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This revised permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plan submitted with your application and received by the DEM on November 25, 2014. A copy of the site plan stamped approved by the DEM is enclosed. Changes or revisions to the project which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the revised permit conflict with the approved site plan, these terms and conditions shall be deemed to supersede the site plan.
4. A copy of the stamped approved site plan and a copy of this revised permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plan must be made available for review by any DEM representative upon request.

5. It is noted that the inlet that is subject to this application was already installed without a permit, and at an invert elevation lower than the previous normal high-water elevation in the adjacent wetland. The proposed weir is intended to restore the proper hydrology to the wetland. Accordingly, the weir wall must be completed no later than February 28, 2015. You must provide written certification from a registered land surveyor or registered professional engineer that the weir wall has been constructed in accordance with the site plans approved by this permit. This written certification must be submitted to this Program within twenty (20) days of its request or upon completion of the project.

Except as authorized in this revised permit pursuant to revised and approved site plans (enclosed), all terms and conditions previously specified in the Program's permit dated April 26, 2010 (copy enclosed) remain in effect.

Pursuant to the provisions in Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by the Program.

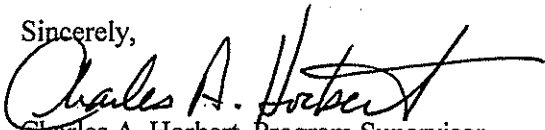
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

This revised permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Upon receipt of certification that the required weir has been installed, as noted above in Condition No. 5, and confirmation by this program that the work is completed, this Program will issue a Notice of Completion of Work pursuant to Section 2-1-22(f) of the RI Fresh Water Wetland Act.

Thank you for your cooperation and progress towards resolving the modification that was made to this project. Please contact Andrew Charpentier of this Program (telephone: 401-222-6820 Ext. 7414) should you have any questions regarding this letter.

Sincerely,


Charles A. Horbert, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
CAH/AC/ac

Enclosures: Approved revised site plan
Original Permit letter

ec: Brian Moore, P.E., Chief of Groundwater & Wetlands Protection
Stephen Tyrrell, DEM Office of Compliance & Inspection
Kevin Aguiar, P.E., BETA Group, Inc.



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

CERTIFIED MAIL

April 26, 2010

Town of Bristol
Diane C. Mederos, Town Administrator
10 Court Street
Bristol, RI 02809

PERMIT TO ALTER FRESHWATER WETLANDS

Re: Application No. 08-0395 in reference to the location below:

Along the length of "Tanyard Brook" located between Hope Street and Garfield Avenue Assessor's Plat 21, Lots 28,29,44 and 45; Assessor's Plat 26, Lots 20, 21, 30, and 31,; Assessor's Plat 161, Lots 11, 13, 15, 40, and 47, Bristol, RI

Dear: Ms. Mederos:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application to Alter a Freshwater Wetland** regarding the proposed stream relocation and channelization, replacement of existing culverts and realignment of a sewer line as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on January 19, 2010. These site plans describing the project were made available for public comment as part of the forty-five (45) day public notice period required in accordance with the Freshwater Wetlands Act (R.I. General Laws (R.I.G.L.) Section 2-1-18 et seq.) and the procedures set forth in Rule 10.04 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules).

The Program did not receive any written comments relating to this application during the public notice period.

Pursuant to the Program's review and evaluation of your application including all supporting information and material, as well as the record to date, the Program has determined that this project does not represent a random, unnecessary or undesirable alteration of freshwater wetlands. Therefore, this Program hereby issues this permit to alter freshwater wetlands subject to all controlling **Rules and the Terms and Conditions set forth herein.**

Permit Terms and Conditions for Application No. 08-0395:

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.



30% post-consumer fiber

2. This permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted as part of your application and received by the DEM on January 19, 2010. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. You must notify this Program in writing immediately prior to the commencement of site alterations and again upon completion of the project.
5. A copy of the stamped approved site plans and a copy of this permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this permit and the stamped approved plans must be made available for review by any DEM representative upon request.
6. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of Bristol and supply this Program with written documentation obtained from the Town showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires one (1) year from the effective date unless renewed pursuant to Rule 11.02.
8. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
9. Prior to commencement of site alterations, you shall erect or post a sign resistant to the weather and at least twelve (12) inches wide and eighteen (18) inches long, which boldly identifies the initials "DEM" and the application number of this permit. This sign must be maintained at the site in a conspicuous location until such time that the project is complete and the DEM issues a Notice of Completion of Work for the project.
10. Temporary erosion and sediment controls detailed or described on the approved site plans shall be properly installed at the site prior to or commensurate with site alterations. Such controls shall be properly maintained, replaced, supplemented, or modified as necessary throughout the life of this project to minimize soil erosion and to prevent sediment from being deposited in any wetlands not subject to disturbance under this permit.
11. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of sandbags, haybales and/or siltfence must be removed.
12. You are obligated to install, utilize and follow all best management practices detailed or described on the approved site plans or as otherwise may be necessary in the construction of the project to minimize or prevent adverse impacts to any adjacent freshwater wetlands and the functions and values provided by such wetlands.

13. All construction activities involving soil disturbances within watercourses must be limited to the low flow period (i.e., the period from July 1 to October 31 of any calendar year). Soil disturbance in these watercourses must temporarily cease in the event of any abnormally high stormwater runoff event during the low flow period.
14. All plantings of shrubs, trees or other forms of vegetation as shown or detailed on the approved plans, or detailed in this permit, must be installed as soon as possible after completion of final grading; weather and season permitting. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season. You must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.
15. Buffer zone plantings of trees and/or shrubs proposed between the project and any adjacent freshwater wetland areas, except for necessary replacement, must be allowed to develop naturally without being subjected to mowing or manicuring.
16. An environmental consultant, experienced in site assessments and measures necessary to protect sensitive aquatic environments or sensitive ecosystems, must be employed prior to the commencement of site alterations to monitor this project and to ensure compliance with the terms and conditions of this permit. This Program must be notified in writing of the consultant chosen to comply with this condition and must receive monthly written progress reports from the consultant regarding compliance with this permit until such time that the project is complete or this Program issues a Notice of Completion of Work.
17. You must provide written certification from a registered land surveyor or registered professional engineer that the new stormwater drainage system including any and all basins, piping systems, catch basins, culverts, swales and any other stormwater management control features have been constructed/installed in accordance with the site plans approved by this permit. This written certification must be submitted to this Program within twenty (20) days of its request or upon completion of the project.

Pursuant to the provisions in Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

This Permit also constitutes your authorization from the U.S. Army Corps of Engineers ("Corps") under Section 404 of the Clean Water Act for the work proposed. Your project qualifies as a Category II activity under the Rhode Island Programmatic General Permit (RI PGP, Permit No. NAE-2006-2711). You are, therefore, not required to file a separate application with the Corps.

Please note that the General Conditions within the enclosed RI PGP apply to all activities authorized under the RI PGP. Please review them carefully to thoroughly familiarize yourself with their contents. You may wish to discuss all permit conditions with your contractor to ensure that the work can be accomplished in a manner that conforms to all requirements.

You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action against you by the DEM and/or subject you to the enforcement provisions of the Corps' regulations.

In permitting the proposed alterations, the Program assumes no responsibility for damages resulting from faulty design or construction. This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

If you are aggrieved by this decision, you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), 235 Promenade Street, Providence, RI 02908. A copy of the request should also be forwarded to this Program and to the Office of Legal Services, at the same address. Your written request for an adjudicatory hearing must be timely filed and should conform to the requirements of Rule 7.00(b) of the "Administrative Rules of Practice and Procedure for the Department of Environmental Management Administrative Adjudication Division for Environmental Matters", (AAD Rules). AAD Rule 7.00(b) provides:

"The request for hearing shall state clearly and concisely the specific issues which are in dispute and the facts in support thereof, the relief sought if any, the license or permit sought or involved and any additional information required by applicable statutes and regulations."

The written request must be accompanied by an adjudicatory hearing fee of two thousand dollars (\$2,000.00); in the form of a certified bank check or money order made payable to the Rhode Island General Treasurer; however, in the event that the cost of the hearing exceeds the fee paid, the Program through the AAD will require an additional fee which the applicant must submit prior to the DEM's issuance of any final decision regarding this application. The adjudicatory hearing will be held before a Hearing Officer from the AAD. Such hearing will be held in compliance with the AAD Rules, Chapter 42-35-1 et seq. of the R.I.G.L., and other governing laws, rules, and regulations adopted by the DEM. Please note that you have the right to be represented by legal counsel in any proceeding which may be held in this matter.

If you have any questions regarding this matter, you may contact me or Andrew Charpentier of my staff at this office (telephone: 401-222-4700 ext. 7414).

Sincerely,



Charles A. Horbert, Permitting Supervisor
Office of Water Resources/Permitting Section
Freshwater Wetlands Program
CAH/AC/ac

Enclosure: Approved Site Plans
RI PGP Conditions

xc: David Kerins, Acting Chief, Administrative Adjudication Division
Russell Chateaufneuf, Chief of Groundwater & Wetlands Protection
Mary Kay, Acting Executive Counsel, DEM Office of Legal Services
Robert DeSista, U.S. Army Corps of Engineers
Neal Personeus, Water Quality Certification Program
Jeff Willis, Deputy Director, Coastal Resource Management Council
Kevin M. Aguiar, P.E., Beta Group, Inc.
Brandon B. Faneuf, Ecosystem Solutions, Inc.
Ronald Blanchard, P.E.