



## RHODE ISLAND

## DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

November 9, 2011

Warwick Mall, LLC and  
Warwick Mall OP, LLC  
c/o Mark Brennan & Co.  
Mark T. Brennan  
400 Bald Hill Road  
Warwick, RI 02886

### Insignificant Alteration – Permit

**Re: Freshwater Wetland Application No. 11-0162; UIC No. 001495; and RIPDES No. RIR100867** in reference to the location below:

At the Warwick Mall, approximately 1500 feet south of the intersection of Lambert L. Lind Highway (Route 5) and West Natick Road, Assessor's Plat 386, Lot Nos. 4 & 5, Warwick, RI.

Dear Mr. Brennan:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Request for Preliminary Determination** application. This review included a site inspection of the above referenced property ("subject property") and an evaluation of the proposed 18,621 (+/-) store addition within existing paved parking, reconfiguration of the existing parking layout, utilities, construction of underground floodplain compensatory storage units, stormwater drainage to include underground infiltration with grading, landscaped islands and associated site alterations as illustrated and detailed on site plans submitted with your application. These site plans were received on November 1, 2011.

Our observations of the subject property, review of the site plans and evaluation of the proposed project reveals that alterations of freshwater wetlands are proposed. However, pursuant to Rule 9.00 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act (Rules), this project may be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

Terms and Conditions for Application No. 11-0162:

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.
2. This permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the DEM on November 1, 2011. 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 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 or City 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 City of Warwick and supply this Program with written documentation obtained from the City showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires July 1, 2017 unless renewed pursuant to the Rules.
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.
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 silt fabric, filter bags and fiber rolls must be removed.
12. You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands until such time that you document that this responsibility has been assumed by another person or organization.
13. You are obligated to install, utilize and follow all best management practices detailed or described on the approved site plans 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.
14. Excavation to compensate for loss in flood storage and the installation of underground floodplain compensation chamber system as provided on the approved site plans is mandatory and must be completed prior to or concurrent with any filling or construction alterations within flood plain or areas subject to flooding on the subject property. Written certification must be provided to this Program by a registered land surveyor that such excavation and grading has been accomplished as permitted. Such certification shall be submitted within twenty (20) days of completion of the required excavation and grading.

15. The underground floodplain compensation system must be constructed so as to be watertight against infiltration by groundwater. A written certification to this shall be provided to this Program by a registered professional engineer (P.E.) upon completion of construction. Also, biannual inspections and re-certifications by a registered P.E. shall be provided to this Program attesting to the continued state of this underground compensation system being watertight.
16. You must provide written certification from a registered land surveyor or registered professional engineer that the 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

Kindly be advised that this permit is not equivalent to a determination of the type or extent of freshwater wetlands on the subject property. Should you wish to obtain such verification, you may submit an application in accordance with Rule 8.03.

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 by this Department.

**Special Condition Related to RIPDES General Permit for Storm Water Discharge Associated with Construction Activity (GP)** - Construction Activities which disturb one (1) or more acres of land and where storm water runoff is directed, via a point source, into a separate storm sewer system or into the waters of the State, are required to seek coverage under the Rhode Island Pollutant Discharge Elimination System (RIPDES) storm water permit. In accordance with Part I.C.2.b. of the *General Permit RIPDES Stormwater Discharge Associated with Construction Activity (effective September 2008 (GP))*, point source discharges of storm water associated with construction activity that disturb > 1 acre are automatically authorized upon the applicant's receipt of a Freshwater Wetlands Permit. The owner/operator is required to comply with all terms and conditions of the GP to maintain authorization. This includes but is not limited to developing and maintaining a Storm Water Pollution Prevention Plan (SWPPP), performing the required inspections and maintenance of the selected Best Management Practices (BMPs), and record keeping and retention. Further information on the requirements, or terms and conditions, of the GP are available at <http://www.dem.ri.gov/pubs/regs/regs/water/ripdesca.pdf>."

RIDEM strongly recommends that you obtain written assurances from contractors or subcontractors retained to undertake construction activity that they will comply with all applicable requirements of the RIPDES GP. Owners and operators of construction sites authorized to discharge under the RIPDES GP are encouraged to participate in the RIDEM's Voluntary CONSTRUCTION SITE STORMWATER COMPLIANCE PROGRAM. More detailed information about the program can be found on the RIDEM's Office of Customer and Technical Assistance (OCTA) website:

<http://www.dem.ri.gov/programs/benviron/assist/ms4/index.htm>.

Participation in this program will ensure that your site is less likely to cause environmental impacts due to erosion or impact the local drainage system and is prepared for regulatory compliance inspections. If you would like to discuss how you might participate in the voluntary program, please call Michelle McCaughey from the RIDEM – Office of Technical and Customer Assistance at (401) 222-6822 ext.

7269 or Brian Lafaille from the RIDEM – Office of Water Resources RIPDES Permitting Program at (401) 222-4700 ext. 7731.”

**This freshwater wetlands permit will also serve as the UIC Program permit for this project, which has been assigned the UIC file number 001495 for any subsurface disposal of stormwater on the site.** The following conditions are specific to this UIC Program Permit:

- 1) Any alterations or modifications to the disposal system from that approved herein, including permanent closure, must be reviewed and approved by the UIC Program prior to being effected.
- 2) Any inadvertent or deliberate discharge of waste oil or any other pollutant to the subsurface disposal system requires the immediate notification of the UIC Program.
- 3) The UIC Program must be provided the name and address of any new property owner in writing within thirty (30) days upon any future transfer of the property.”

In permitting the proposed alterations, the DEM 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.

Please contact me (telephone: 401-222-6820, ext. 7408) should you have any questions regarding this letter.

Sincerely,

*Nancy L. Freeman*

Nancy L. Freeman, Senior Environmental Scientist  
Office of Water Resources  
Freshwater Wetlands Program  
NLF/nlf

Enclosure:      Approved site plans

xc: Thomas M. DiCicco, Chief Civil Engineer, P.E., RJ O'Connell & Associates  
Ann B. McMenemy, ERM  
John Pagliaro, Warwick Building Official  
Traci Pena, RIPDES Program  
Emie Panciera, UIC Program