



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

Certified Mail/Hand Delivered

July 2, 2012

Mr. Christopher Spencer
Town Planner
Town of Tiverton
343 Highland Road
Tiverton, RI 02878

Insignificant Alteration – Permit

Re: Application No. OCTA 12-006 and RIPDES Permit# RIR 100938, in reference to the property and proposed project located at:

Approximately 2,000 feet east of the intersection of Fish Road and Route 24 and immediately north and south of Progress Road, tax assessor's Plat 107 Lot 105 & Plat 109 Lot 101, in the Town of Tiverton, RI.

Dear Mr. Spencer:

Kindly be advised that the Department of Environmental Management ("DEM") has completed its review of your **Request for Preliminary Determination** application. This review included a site inspection of the above referenced property (the "Subject Property") and an evaluation of the proposed project, as illustrated and detailed on site plans submitted with your application. Initial site plans were received on March 16, 2012 as well as a revised set of site plans on April 27, 2012.

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 per the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act (Rules). However, pursuant to Rule 9.00 of the 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. OCTA 12-006:

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 April 27, 2012. 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 office 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/Town 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 Tiverton, RI and supply this office with written documentation obtained from the Town showing this permit was recorded.
7. Pursuant to R.I. General Law 42-17.1-2.5, the expiration date on applications relating to the development of property shall be tolled until June 30, 2013. Tolling shall begin to apply only to permits in effect on November 9, 2009 and those issued between November 9, 2009 and June 30, 2013. The effective date of this permit is the date the letter was issued. This permit expires on 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 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. 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.
15. You must provide written certification and an as-built drawing from a registered land surveyor or registered professional engineer that the storm water drainage system including any and all BMPs, piping systems, catch basins, culverts, swales and any other storm water management control features have been constructed/installed in accordance with the site plans approved by this permit. This written certification must be submitted to DEM within twenty (20) days of its request or upon completion of the project.
16. All operation and maintenance (short term/long term) plans for the designed BMPs must be followed as specified on the approved site plans, Stormwater Pollution Prevention Plan and The Stormwater Management Report.
17. 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.
18. **Special Condition for the General Permit for Storm Water Discharge Associated with Construction Activity** - 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 ("RIPDES CGP") (effective September 2008)*, 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. Please be aware that not all aspects of the proposed project have been reviewed by the DEM Freshwater Wetlands Program for conformance with the requirements of the RIPDES CGP. The owner/operator is required to comply with all terms and conditions of the RIPDES CGP 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 complying with all applicable record keeping and retention requirements. The DEM RIPDES permitting program in cooperation with the DEM Office of Customer and Technical Assistance has developed a Construction and Development Activity Storm Water Compliance Checklist ("Checklist") as a compliance assistance tool. In the future, the use of this tool will be mandatory. Despite the fact that the use of the Checklist is not mandatory at this time, owners and operators may begin using this tool to satisfy the inspection requirements of the 2008 RIPDES CGP. Please be advised that if your site is the subject of a DEM inspection, the Checklist will also be used by DEM Inspector(s) to determine whether or not your site is in compliance with the 2008 RIPDES CGP.

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.

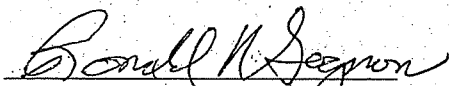
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department.

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 Andrew Manca of this office (telephone: 401-222-6822, ext. 2022) should you have any questions regarding this letter.

Sincerely,



Ronald N. Gagnon, P.E., Chief
Office of Customer and Technical Assistance

Enclosure: Approved site plans
Stormwater Workbook

cc: Eric Beck, P.E., Supervising Engineer, DEM/OWR
Nicole Reilly, DiPrete Engineering