



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

January 4, 2013

FGX International, Inc.
Gerald Kitchen, Vice President of Operations
500 George Washington Highway
Smithfield, RI 02917

REVISED PERMIT

RE: Application No. 12-0140 and RIPDES No. RIR100959 in reference to the property and proposed project located:

Approximately 600 feet north of George Washington Highway (Route 116), approximately 500 feet east of the intersection of George Washington Highway (Route 116) and Rocky Hill Road, Assessor's Plat 48, Lot 17B, Smithfield, RI.

Dear Mr. Kitchen:

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 expansion of an existing warehouse and offices, including the construction of three additions; new paved roadway access and associated culvert installation across a stream; installation of two additional culverts across a stream to provide a sufficient turning radius for trucks utilizing loading docks; two additional paved parking areas; and installation of a stormwater control system as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received by the DEM on December 4, 2012 (sheets 1 through 9, 11 through 13, 15 through 21 and 23 through 28 of 28) and December 18, 2012 (sheets 10, 14 and 22 of 28).

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 plans submitted with your application and received by the DEM on December 4, 2012 (sheets 1 through 9, 11 through 13, 15 through 21 and 23 through 28 of 28) and December 18, 2012 (sheets 10, 14 and 22 of 28). A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project that 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 plans, these terms and conditions shall be deemed to supersede the site plans.

4. A copy of the stamped approved site plans 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 plans must be made available for review by any DEM representative upon request.
5. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the Town of Smithfield and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. This revised permit expires on July 1, 2017 unless renewed pursuant to Rule 9.04(E).

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 November 9, 2012 (copy enclosed) including the RIPDES Program conditions 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.

Please contact Jane Kelly of this Program (telephone: 401-222-6820 x7420) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Permitting Supervisor
Freshwater Wetlands Program
Office of Water Resources

MDW/JEK/jek

Enclosure: Approved revised site plans
Letter dated November 9, 2012

xc: Traci Pena, RIPDES Program
Mike Elliott, U.S. Army Corps of Engineers, New England District
Peter R. Scorpio, Smithfield Building Official
Richard Lipsitz, Waterman Engineering Company
Steven Cabral, P.E., Crossman Engineering



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

November 9, 2012

FGX International, Inc.
Gerald Kitchen, Executive Vice President – Operations
500 George Washington Highway
Smithfield, RI 02917

Insignificant Alteration – Permit

RE: Application No. 12-0140 and RIPDES No. RIR100959 in reference to the property and proposed project located:

Approximately 600 feet north of George Washington Highway (Route 116), approximately 500 feet east of the intersection of George Washington Highway (Route 116) and Rocky Hill Road, Assessor's Plat 48, Lot 17B, Smithfield, RI.

Dear Mr. Kitchen:

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 expansion of an existing warehouse and offices, including the construction of three additions; new paved roadway access and associated culvert installation across a stream; installation of two additional culverts across a stream to provide a sufficient turning radius for trucks utilizing loading docks; two additional paved parking areas; installation of a stormwater control system; off-site roadway improvements and all associated landscaping as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on November 7, 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. 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. 12-0140:

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 7, 2012. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project that 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 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 Smithfield 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 on July 1, 2017.
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 hay bales and/or silt fence must be removed.
12. You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, stormwater facilities, and systems of treatment and control that are installed or used in compliance with this permit to prevent harm to adjacent wetlands until you have documented that this responsibility has been assumed by another entity.
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. 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.
15. 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.

16. 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.
17. Artificial lighting authorized by this permit must be directed away from all vegetated wetland areas. Where this is not possible, the use of deflectors to concentrate lighting away from vegetated wetlands must be employed.
18. 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.
19. The long term operation and maintenance plan (O & M Plan) for the stormwater management infrastructure included in the proposed project shall be that entitled "Stormwater Management System-Maintenance Operation, FGX International, Inc., RIDEM Permit No. 12-0140" dated November 2, 2012, indicated as prepared by Crossman Engineering. This O & M plan shall be strictly followed.

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.

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 (1) activity under the Rhode Island General Permit (General Permit No. NAE-2011-2402), (RI GP). You can view this permit at http://www.nae.usace.army.mil/Regulatory/SGP/RI_PGP.pdf. You are, therefore, not required to file a separate application with the Corps.

Please note that the General Conditions within the RI GP apply to all activities authorized under the RI GP. 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 which conforms to all requirements.

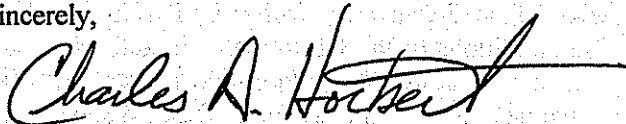
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department (and/or subject you to the enforcement provisions of the Corps' regulations.)

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 Jane Kelly of this office (telephone: 401-222-6820 x 7420) should you have any questions regarding this letter.

Sincerely,



Charles A. Horbert, Permitting Supervisor
Office of Water Resources
Freshwater Wetlands Program
CAH/JEK/jek

Enclosure: Approved site plans

xc: Traci Pena, RIPDES Program
Michael Elliott, U.S. Army Corps of Engineers, New England District
Peter R. Scorpio, Smithfield Building Official
Richard Lipsitz, P.L.S., Waterman Engineering Company
Steven Cabral, P.E., Crossman Engineering
Scott Rabideau, Natural Resource Services, Inc.