



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

HAND DELIVERED

September 25, 2013

Mr. Phillip Parsons
Vice President
New Institute of Technology
1 New England Tech Boulevard
East Greenwich, RI 02818

PERMIT TO ALTER FRESHWATER WETLANDS

Re: Application No. OCTA 13-014 and RIPDES # RIR101049 in reference to the location below:

Approximately 1500 feet south of the intersection of New England Tech Boulevard and Division Road and approximately 2000ft southwest of the intersection of Rt. 2 (South County Trail) and Division Road in East Greenwich. Property known as 1 New England Tech Boulevard, Town of East Greenwich Tax Assessors Plat 70-12 Lots 16, 75, 576, 577, 578 and Plat 80-12 Lots 31, 76, 126, and 128.

Dear Mr. Parsons,

The Department of Environmental Management ("DEM") has completed its review of your **Application to Alter a Freshwater Wetland** regarding the proposed expansion of portions of the New England Institute of Technology campus located in East Greenwich. The proposed project includes re-development of the existing campus as well as adding new buildings, parking areas, roadways, and recreational areas. This proposed project includes the crossing of two wetlands identified on site plans as the "southern crossing" and the "northern crossing" and constitutes filling in wetlands. Other project components propose alterations to riverbank and perimeter wetlands. These aforementioned proposed alterations are described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on May 20, 2013 revised June 21, 2013. 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 DEM did not receive any comments relating to your application.

Pursuant to the DEM's review and evaluation of your application including all supporting information and materials, as well as the record to date, the DEM has determined that this project does not represent a random, unnecessary or undesirable alteration of freshwater wetlands. Therefore, DEM 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.: OCTA 13-014

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 May 20, 2013 and June 21, 2013. 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 the Office of Technical and Customer Assistance 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 of East Greenwich 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 East Greenwich and supply DEM 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. 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, 2015. ~~This permit expires on July 1, 2016 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 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 staked hay bales and silt fence 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

Permit Terms and Conditions for Application No.: OCTA 13-014

adverse impacts to any adjacent freshwater wetlands and the functions and values provided by such wetlands.

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. You must notify DEM in writing upon completion of the required plantings for a compliance inspection by a DEM representative.
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. 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 Office 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 Office issues a Notice of Completion of Work.
18. Prior to the commencement of site alterations, permanent buffer zone markers (to demarcate the 50 ft perimeter wetlands and 100 ft riverbank wetlands) must be installed along the limit of disturbance depicted on site plans. Acceptable permanent markers include 4"X 4" pressure treated timber posts, galvanized fence posts with cap, or granite or concrete bounds. Markers must extend a minimum of 24" above grade. A permanent-type tag or sign labeled RIDEM Buffer Zone must be placed on each marker. No alterations of any kind are permitted beyond these markers without first obtaining the necessary permits from this Office.
19. Immediately upon installation of the buffer zone markers, this Office must be contacted to arrange an on-site inspection. Once proper installation has been confirmed by this Office, work may be initiated on the project as approved herein.
20. Artificial lighting authorized by this permit must be directed away from all vegetated wetland areas. Where it is not possible, the use of deflectors to concentrate lighting away from vegetated wetlands must be employed.
21. All construction activities involving soil disturbance 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.
22. 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 1.C.2.b of the *General Permit RIPDES Stormwater Discharge Associated with Construction Activity* (RIPDES 0000, effective September 2008) point source discharges of storm water shall be limited to the low flow period.

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 Office of Customer and Technical Assistance 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 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.

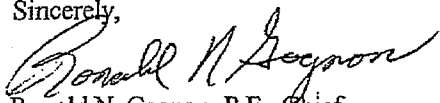
If you are aggrieved by this decision, you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), 235 Promenade Street, Providence, RI 02908. A copy of the request 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 connection

If you have any questions regarding this matter, you may contact me or Ann Battersby of my staff in this office (telephone: 401-222-4700 ext. 7284).

Sincerely,



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

Enclosure: Approved Site Plans
Construction Checklist

xc: Nicole Reilly, DiPrete Engineering
Mike Elliot, USACE
Erica Sachs, EPA
Scott Rabideau, Natural Resource Services