



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
235 Promenade Street, Providence, RI 02908-5767 TDD 401-222-4462

August 4, 2016

Carbide Realty, LLC
Attn: John F. Lombardi
339 Farnum Pike
Smithfield, RI 02917

Re: Application No. 16-0163, RIPDES #RIR101432 in reference to the location below:

339 Farnum Pike, approximately 450 feet northeast of Farnum Pike (Route 5 & 104) near utility pole No. 192-50, and approximately 3500 feet northwest of its intersection with Washington Highway (Route 116), Assessor's Plat 46, Lot 60C, Smithfield, RI.

Dear Mr. Lombardi:

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 construction of a 250 kilowatt DC solar array consisting of approximately 800 PV modules with 2.2 acres of tree clearing as illustrated and detailed on site plans submitted with your application. The most recently revised site plans were received on June 27, 2016.

Our inspection reveals that freshwater wetlands regulated by the DEM are present on or in close proximity to the subject property. Review of your proposed project, however, reveals that this project does not represent an alteration to these freshwater wetlands. Therefore, no freshwater wetlands permit for this project is required from the DEM pursuant to the Freshwater Wetlands Act (Rhode Island General Law Section 2-1-18 *et seq.*) or Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act. This Determination is specific to the proposed site alterations and subject property illustrated and detailed on the site plans on file with this Program and is further predicated on the following:

1. Adequate measures are employed during and after site alterations to control soil erosion and to prevent any sediment from such erosion being deposited in any freshwater wetlands. You should consult the Rhode Island Soil Erosion and Sediment Control Handbook for appropriate methods to control erosion and prevent sediment from leaving your project site.
2. This determination does not authorize you to modify your project in such a way as to result in the following:
 - a. An increase in the rate and/or volume of surface water runoff flowing into, or draining or diverting from these wetlands; or
 - b. A diversion of groundwater into or away from these wetlands; or
 - c. A modification to the quality of water reaching these wetlands, which could change their natural character.
3. This Program has made a specific revision to the approved site plans. A limit of disturbance has been added at the edge of proposed clearing. No alterations of any kind are permitted beyond the limit of disturbance. This revision is clearly marked in red on the approved plans. This project must take place in compliance with this revision.

Please note that this Determination is specific to this proposed project as illustrated on the reviewed site plans, is valid for a period of four (4) years, and does not remove your obligation to obtain any local, state or federal approvals or permits required by ordinance or law.

Kindly be advised that this determination 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.

Modification to your project, which would result in an alteration or allowing your project to result in an alteration to freshwater wetlands, requires a permit from this Program. Unauthorized alterations to freshwater wetlands are subject to enforcement action.

Additionally, the Program has reviewed this project in accordance with the standards of the RIPDES General Permit for Storm Water Discharge Associated with Construction Activity ("CGP"). 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. Our review has determined that the project has been designed to meet the requirements of the 2013 GP. This determination therefore includes your final authorization to discharge storm water associated with construction activity under the CGP. For future references and inquiry, your permit authorization number is RIPDES No. **RIR101089**.

Both the owner and the contractor retained to undertake the construction activity are required to comply with all terms and conditions of the CGP. This includes maintaining the Soil Erosion and Sediment Control (SESC) Plan, performing the required inspections and maintenance of the selected Best Management Practices (BMPs), and retaining inspection records. Further information on the requirements of the CGP are available at:

<http://www.dem.ri.gov/pubs/regs/regs/water/ripdesca.pdf>.

Please be aware that the RIDEM's Rules and Regulations Governing the Establishment of Various Fees require that RIPDES CGP permit holders to pay an Annual Fee of \$100.00. An invoice will be sent to the owner on record in May/June of each year if the construction was still active as of December 31st of the previous year. The owner will be responsible for the Annual Fee until the construction activity has been completed the site has been properly stabilized, and a completed Notice of Termination (NOT) has been received by the RIPDES Program. A copy of the NOT can be found attached to the CGP on the web page referenced above.

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. You are also responsible for ensuring that your project complies at all times with the RIPDES GP.

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

This determination 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.

Enclosed please find one (1) copy of your site plans stamped REVIEWED by this Program. Please contact Kate McPherson of this Office (telephone: 401-222-6820, ext. 7732) should you have any questions.

Sincerely,



Martin D. Wencek, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
MDW/KHM/khm

Enclosure: Reviewed site plans

cc: Traci Pena, DEM, RIPDES Program
Robert J. Bukowski, P.E., Amec Foster Wheeler Environment & Infrastructure, Inc.
Andrew P. Vardakis, P.E., Amec Foster Wheeler Environment & Infrastructure, Inc.
Michael A. Phillips, Smithfield Planning Director