



**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**OFFICE OF WATER RESOURCES**  
235 Promenade Street  
Providence, Rhode Island 02908

June 16, 2017

John & Cindy Duncan  
419 Kingstown Road  
West Kingston, RI 02892

**Insignificant Alteration – Permit**

Re: Wetland Application Number 17-0069; and RIPDES File Number RIR101563 in reference to the location below:

Approximately 600 feet south of Kingstown Road (Route 138), approximately 1000 feet southwest of the intersection of Kingstown Road (Route 138) and Heaton Orchard Road, Utility Pole No. 27, Assessors Plat 6E, Lot 35, Richmond, RI.

Dear Mr. & Mrs. Duncan:

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 new solar photovoltaic system including a permeable access drive, site grading, fence installation and incorporation of a stormwater management system as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on May 24, 2017.

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. 17-0069 & RIPDES No. RIR101563:**

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. This application review has also included review related to the RIPDES "General Permit for Storm Water Discharge Associated with Construction Activity".
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 24, 2017. 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 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 Richmond 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 four (4) years from the date of issue.
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 operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control that are installed or used in compliance with this permit to prevent harm to adjacent wetlands.
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. 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.
15. 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.
16. The long term operation and maintenance plan shall be strictly followed. The long term O & M Plan shall be that entitled "Operation & Maintenance Plan, WED Solar II, Located in Richmond, RI; Applicant: WED Solar II, LLC", dated Revised 5/15/2017, prepared by DiPrete Engineering.

17. The bottom of the chain-link fence shall be raised six (6) inches above the ground surface to allow for passage of small wildlife species.

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.

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. **RIR101563**.

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 is 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 31<sup>st</sup> 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.

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

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.

Kindly be advised that this permit is not equivalent to a verification of the type or extent of freshwater wetlands on site. Should you wish to have the types and extent of freshwater wetlands verified, you may submit the appropriate application in accordance with Rule 8.03.

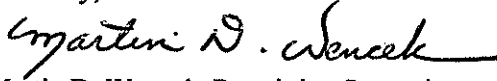
This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Application No. 17-0069

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Please contact Claire Swift of this office (telephone: 401-222-6820 x 7418) should you have any questions regarding this letter.

Sincerely,



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

MDW/CVS/cvs

Enclosure: Approved site plans

xc: Joseph St. Lawrence, Town of Richmond Building Official  
Kevin Demers, PE, DiPrete Engineering



**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**OFFICE OF WATER RESOURCES**  
235 Promenade Street  
Providence, Rhode Island 02908

October 30, 2018

John Duncan  
419 Kingstown Road  
West Kingston, RI 02892

**REVISED PERMIT**

Re: Application No. 17-0069 in reference to the location below:

Approximately 600 feet south of Kingstown Road (Route 138), approximately 1000 feet southwest of the intersection of Kingstown Road (Route 138) and Heaton Orchard Road, Utility Pole No. 27, Assessors Plat 6E, Lot 35, Richmond, RI.

Dear Mr. Duncan:

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 permitted solar energy facility as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on July 23, 2018.

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 July 23, 2018. 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 Richmond and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.**

6. This revised permit expires four (4) years from the date of issue of the original letter of June 16, 2017.
7. Soil Erosion and Sediment Control (SESC) inspections must continue in accordance with the RIPDES CGP until final stabilization is achieved and until a Notice of Termination is submitted to terminate the RIPDES permit (RIR101563).
8. You must submit documentation that proposed plantings at the northeast property line have been planted as proposed on Sheets 4 and 5 of 7 of the approved plans.

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 July 16, 2017 (copy enclosed), remain in effect.

This revised permit is valid for the original applicant only unless transferred pursuant to Rule 7.09 of the Rules.

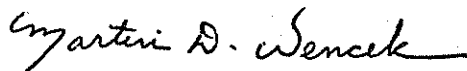
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by the Program.

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 Claire Swift of this Program (telephone: 401-222-6820 ext. 7418) should you have any questions regarding this letter.

Sincerely,



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

MDW/CVS/cvs

Enclosure: Approved revised site plans

cc: Joseph St. Lawrence, Town of Richmond Building Official \*C  
Kevin DeMers, PE, DiPrete Engineering Associates, Inc.