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

January 20, 2023

Dean Leasing Corporation
c/o Brad Dean, President
104 Burnt Swamp Road
Cumberland, RI 02864

RE: Application No. 17-0253 **Application for Renewal** for the site located:

> Approximately 240 north of Industrial Road (60 & 70 Industrial Road), by utility pole nos. 5 through 11; approximately 1,115 east-northeast of the intersection of Diamond Hill Road (RI Route 114) and Industrial Road; Assessor's Plat 24, Lots 289, 296, & 331, Cumberland, RI

Dear Mr. Dean:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Application for Renewal received on December 20, 2022.

It is our understanding that you are requesting renewal of the permit issued for Application No. 17-0253. The original permit was issued on October 3, 2019 to Brad S. Dean for alterations to freshwater wetlands at the above-referenced location. This permit has also been renewed twice already, most recently on November 5, 2021.

This Program has completed an inspection of the site and has found that your project, at this time, is generally in conformance with those conditions set forth in the original permit as well as the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1. It is our determination, therefore, that the permit may be renewed. This is the third and final renewal and is valid until it expires on October 3, 2023.

A copy of the original permit letter of **Permit to Alter Freshwater Wetlands** is enclosed for your convenience. It is your responsibility to maintain compliance with the conditions of the permit and to carry out this project in compliance with the Rules at all times. This renewal does not relieve you of any obligations to obtain any local, state, or federal approvals or permits as required by ordinance or law.

Please contact Rene Legault of this office (telephone: 401-222-4700, ext. 2777732) should you have any questions regarding this letter.

Sincerely,

Martin D. Wencek

Martin D. Wencek, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
MDW/RJL/rjl

Enclosure: Copy of original Permit to Alter Freshwater Wetlands

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

November 5, 2021

Dean Leasing Corporation & Berkeley Acquisition Corp.
c/o Brad S. Dean, President
104 Burnt Swamp Road
Cumberland, RI 02864

RE: Application No. 17-0253 **Application for Renewal** for the site located:

Approximately 240 north of Industrial Road (60 & 70 Industrial Road), by utility pole nos. 5 through 11; approximately 1,115 east-northeast of the intersection of Diamond Hill Road (RI Route 114) and Industrial Road; Assessor's Plat 24, Lots 289, 296, & 331, Cumberland, RI

Dear Mr. Dean:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Application for Renewal received on September 28, 2021.

It is our understanding that you are requesting renewal of the permit issued for Application No. 17-0253. The original permit was issued on October 3, 2019 to Dean Leasing Corporation & Berkeley Acquisition Corporation for alterations to freshwater wetlands at the above-referenced location.

This Program has completed an inspection of the site and has found that your project, at this time, is generally in conformance with those conditions set forth in the original permit as well as the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1. It is our determination, therefore, that the permit may be renewed. This renewal is valid until October 3, 2022 and expires on that date unless renewed pursuant to the Rules.

A copy of the original permit letter of **Permit to Alter Freshwater Wetlands** is enclosed for your convenience. It is your responsibility to maintain compliance with the conditions of the permit and to carry out this project in compliance with the Rules at all times. This renewal does not relieve you of any obligations to obtain any local, state, or federal approvals or permits as required by ordinance or law.

Please contact Rene Legault of this office (telephone: 401-222-4700, ext. 2777732) should you have any questions regarding this letter.

Sincerely,

Nancy L Freeman

Nancy L. Freeman, Principal Environmental Scientist
Office of Water Resources
Freshwater Wetlands Program
NLF/RJL/rjl

Enclosure: Copy of original Permit to Alter Freshwater Wetlands

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

CERTIFIED MAIL

October 3, 2019

Dean Leasing Corp. and Berkeley Acquisition Corp.
C/o Brad S. Dean
104 Burnt Swamp Road
Cumberland, RI 02864

PERMIT TO ALTER FRESHWATER WETLANDS

Re: Wetland Application No. 17-0253, and RIPDES File No. RIR101586 in reference to the location below:

> Approximately 240 feet north of Industrial Road by Utility poles numbers 5 through 11, approximately 1,225 feet east-northeast of of the intersection of Diamond Hill Road and Industrial Road, Assessors Plat 24, Lots 289, 296, and 331, Cumberland, RI.

Dear Mr. Dean:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application to Alter a Freshwater Wetland** regarding the proposed construction of three building additions, new parking areas, a new stormwater management system, utility work, a new fence, a new retaining wall, structure demolition, and landscaping as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on May 17, 2019. 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. Gen. Laws § 2-1-18 et seq.) and the procedures set forth in the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1, specifically in 250-RICR-150-15-1.10.

This Program received two letters relating to your application which were submitted during the public notice period. These letters expressed concern regarding your project's impacts to freshwater wetland values. This Program reviewed these letters together with all supporting documents and evaluated the potential impacts from the project upon the values mentioned in the letters. The Program has determined that the comments contained within these letters do not constitute an objection of a substantive nature per 250-RICR-150-15-1.10(D)(3). Therefore, a public hearing pursuant to R.I.G.L. Section 2-1-22 is not required.

Pursuant to the Program's review and evaluation of your application including all supporting information and material, as well as the record to date, the Program has determined that this project does not represent a random, unnecessary or undesirable alteration of freshwater wetlands. Therefore, this Program 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. 17-0253:

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 17, 2019. 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. Prior to commencement of permitted site alterations or construction activity, you must notify this office in writing of the anticipated start date and the contractor's contact information by submitting a Notice of Start of Construction Form. Forms may be downloaded from our website at dem.ri.gov/stormwaterconstruction. Once downloaded, the form can be submitted by email to: DEM.StwConstruction@dem.ri.gov. In addition to the Notice of Start of Construction Form, the submittal shall also include a verification from the contractor in writing assuming responsibility for implementation of the Soil Erosion and Sediment Control Plan (SESC) accompanying your application dated on September 18, 2017 and include any updates to the SESC Plan addressing the final construction phasing plan, locations of diversion swales to ensure runoff is directed to Temporary Sediment Basins, location of exits and entrances with proper sediment tracking controls, locations of material stockpiling and staging area with controls, practices employed for concrete washout, waste disposal, and spill prevention and response. The submittal should also include sizing calculations for temporary sediment basins (in accordance with SESC Handbook) and provisions for surface outlet controls.

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 Cumberland 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 one (1) year from the date of this letter unless renewed pursuant to 250-RICR-150-15-1.10(G)(6).

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 or 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. The Soil Erosion and Sediment Control Plan accompanying your application dated on September 18, 2017 must be strictly adhered to.

11. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls 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. 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.

15. Buffer zone and screening 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.

16. 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.

17. The long-term operation and maintenance plan must be strictly followed. The long-term O & M Plan shall be that entitled "Stormwater Management System Operation and Maintenance Plan (O & M) For The Development of the Proposed FedEx Terminal Improvements, 60 and 70 Industrial Road, Assessor's Plat 24, Lots 296, 289, and 331-Parcel A, Cumberland Rhode Island; Prepared for Dean Leasing Corporation, C/O Brad Dean, 70 Industrial Road, Cumberland, RI 02864...", dated March, 29, 2017, stamped by David D'Amico, P. E. of D'Amico Engineering Technology, Inc. 2080 Mineral Spring Avenue, North Providence, RI 02900.

Pursuant to the provisions in 250-RICR-150-15-1.7(A)(9) and 250-RICR-150-15-1.11(D) of the Rules, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property. Pursuant to the provisions in 250-RICR-150-15-1.7(A)(9)(c), within ten (10) days of any property transfer, the subsequent transferee must notify the Department by forwarding a certified copy of the deed of transfer.

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 2018 CGP. 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. **RIR101586**. 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 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/programs/benviron/water/permits/swcoord/pdf/cpg092618.pdf.

Please be aware that the RIDEM's Rules and Regulations Governing the Establishment of Various Fees (250-RICR-30-00-1) 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 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 against you by the DEM.

In permitting the proposed alterations, the Program 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"), One Capitol Hill, Second Floor, Providence, RI 02903. A copy of the request should also be forwarded to this Program and to the Office of Legal Services, at 235 Promenade Street, Providence, RI 02908. Your written request for an adjudicatory hearing must be timely filed and should conform to the requirements of 250-RICR-10-00-1.7(B) of the DEM Rules and Regulations for the Administrative Adjudication Division, 250-RICR-10-00-1. Section 250-RICR-10-00-1.7(B) provides:

> "The request for a 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 statues 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 250-RICR-10-00-1, R.I. Gen. Laws Chapter 42-35-1 et seq., 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 this matter.

If you have any questions regarding this matter, you may contact me or Dan Kowal of my staff at this office (telephone: 401-222-6820).

Sincerely,

Martin D. Wencek

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

Enclosure: Approved Site Plans

ec: Mary Dalton, Administrative Adjudication Division
Peter Scorpio, Town of Cumberland Building Official
Robert A. Anderson, Jr., Town of Cumberland Public Works
Elaine Manteiga
Daniel Wec
David D'Amico, D'Amico Engineering Technology, Inc.
Scott P. Rabideau, Natural Resource Services, Inc.