



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

March 12, 2020

Adam Beal  
c/o Turning Point Energy  
King Solar Landholdings, LLC  
3720 Dahlia Street  
Denver, CO 80237

**REVISED PERMIT**

Re: Wetland Application No. 18-0314; RIPDES File No. RIR101834 in reference to the location below:

Approximately 1900 feet northwest of Pound Hill Road, approximately 3400 feet west of the intersection of Pound Hill Road and Plain Road, Assessor's Plat 7, Lots 12, 14, 22, 123, 24, 101, and 105, North Smithfield, RI.

Dear Mr. Beal:

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 for 12 foot wide access drive, and minor panel and electrical line revisions for your previously permitted solar facility, as illustrated on revised site plans submitted with your application. The revised site plans were received by the DEM on January 16, 2020.

Based upon the Program's evaluation of the revised project and pursuant to 250-RICR-150-15-1.11(C) of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1, 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, R.I. Gen Laws. § 2-1-18 et seq.
2. This revised permit is specifically limited to the project, site alterations and limits of disturbance as shown on the revised site plans submitted with your application and received by the DEM on January 16, 2020. A copy of the revised 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 any of the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. A copy of the revised 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 revised plans must be made available for review by any DEM or city/town 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 North Smithfield and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. This revised permit expires one (1) year from the date of issue of the original permit letter unless renewed pursuant to 250-RICR-150-15-1.9(D)(5).
7. This Program has made specific revisions to the approved revised site plans. These revisions are clearly marked in red on the approved revised plans. This project must take place in compliance with these revisions. Specifically, all sheet numbers on the approved revised set of site plans have been adjusted to reflect a total of 37 sheets.
8. As noted in the Program's previous Modification letter dated September 13, 2019 (copy enclosed), upon the completion of construction, the proposed temporary laydown area shall be re-loaded, and a stable vegetative cover shall be re-established.
9. As noted in the Program's previous Modification letter dated September 13, 2019, so as to ensure strict compliance with the Soil Erosion and Sediment Control Plan and in light of the on-site contamination that has been brought to this Program's attention, a qualified 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 or within 20 days of receipt of this letter if site alterations have already commenced in order to monitor the project and ensure compliance with the terms and conditions of the permit. This Program must be notified on writing of the consultant chosen to comply with this condition and must receive monthly written progress reports from the consultant while site work is occurring regarding compliance with the permit until the project is completed, or DEM issues a Notice of Completion of Work. **Please be advised that the required reports from the environmental consultant have not been received by this Program as required and are overdue. Failure to provide these reports as noted may result in an enforcement action by this Department.**

Except authorized in this revised permit pursuant to revised and approved site plans, all terms and conditions previously specified in the Program's permit dated March 21, 2019 remain in effect.

Pursuant to the provisions in 250-RICR-150-15-1.7(A)(9) and 250-RICR-150-15-1.11(D), as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

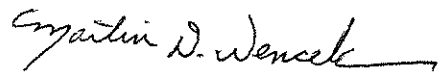
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with 250-RICR-150-15-1 at all times. Failure to do so may result in an enforcement action by the Program.

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 ext. 7420) should you have any questions regarding this letter.

Sincerely,



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

MDW/mdw

Enclosure: Approved revised site plan  
Original Permit Letter dated March 21, 2019  
Modified permit dated September 13, 2019

cc: Chuck Horbert, DEM Stormwater Program  
Raymond J. Pendergast, Jr., North Smithfield Director of Public Works  
Kerry Anderson, North Smithfield Building Official  
Stephen M. Loss, TRC Companies



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

September 13, 2019

William Horton King  
6201 SE Monticello Terrace  
Hope Sound, FL 33455

### **REVISED PERMIT**

**Re:** Wetlands Application No. 18-0314; RIPDES No. RIR101834 in reference to the property and proposed project located:

Approximately 1,900 feet northwest of Pound Hill Road, approximately 3,400 feet west of its intersection with Plain Road, Assessor's Plat 7, Lots 12, 14, 22, 23, 24, 101, 102, 103, 104, 105, North Smithfield, RI.

Dear Mr. King:

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 ground-mounted photovoltaic solar utility facility and associated clearing, grading, stormwater controls, underground electric conduit, fencing, and utility poles as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received by the DEM on July 18, 2019.

Based upon the Program's evaluation of the revised project and pursuant to 250-RICR-150-15-1.11(C) of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1, 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, R.I. Gen Laws. § 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 18, 2019. 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 or city/town 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 North Smithfield 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 permit letter unless renewed pursuant to 250-RICR-150-15-1.9(D)(5).
7. Upon the completion of construction, the proposed temporary laydown area shall be re-loaded, and a stable vegetative cover shall be re-established.
8. To ensure strict compliance with the Soil Erosion and Sediment Control Plan and in light of the on-site contamination that has been brought to this Program's attention, a qualified 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 or within 20 days of receipt of this letter if site alterations have already commenced in order to monitor the project and ensure compliance with the terms and conditions of the permit. This Program must be notified on writing of the consultant chosen to comply with this condition and must receive monthly written progress reports from the consultant while site work is occurring regarding compliance with the permit until the project is completed, or DEM issues a Notice of Completion of Work.

Except 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 March 21, 2019 remain in effect.

Pursuant to the provisions in 250-RICR-150-15-1.7(A)(9) and 250-RICR-150-15-1.11(D), as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

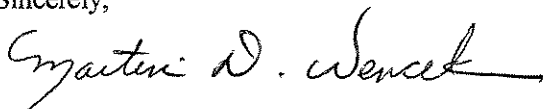
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with 250-RICR-150-15-1 at all times. Failure to do so may result in an enforcement action by the Program.

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 ext. 7420) should you have any questions regarding this letter.

Sincerely,



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

MDW/JEK/jek

Enclosure:     Approved revised site plans  
                  Letter dated March 21, 2019

cc:   Neal Personeus, DEM Stormwater Program  
      Stephen Tyrrell, DEM Office of Compliance and Inspection  
      Alfred M. and Sandra M. Caron  
      Cheryl A. Bator and Keith M. Stone  
      Raymond J. Pendergast, Jr., North Smithfield Director of Public Works  
      Kerry Anderson, North Smithfield Building Official  
      Audie Osgood, DiPrete Engineering  
      Brandon Faneuf, Ecosystems Solutions, Inc.  
      Scott Goddard, Goddard Consulting, LLC



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

March 21, 2019

William Horton King  
6201 SE Monticello Terrace  
Hope Sound, FL 33455

**Insignificant Alteration – Permit**

**RE:** Wetlands Application No. 18-0314; RIPDES No. RIR101834 in reference to the property and proposed project located:

Approximately 1,900 feet northwest of Pound Hill Road, approximately 3,400 feet west of its intersection with Plain Road, Assessor's Plat 7, Lots 12, 14, 22, 23, 24, 101, 102, 103, 104, 105, North Smithfield, RI.

Dear Mr. King:

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 ground-mounted photovoltaic solar utility facility and associated clearing, grading, stormwater controls, underground electric conduit, fencing, and utility poles as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on March 1, 2019.

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 250-RICR-150-15-1.9 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act, 250-RICR-150-15-1 (Rules), this project may be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

**Terms and Conditions for Wetlands Application No. 18-0314; RIPDES No. RIR101834:**

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, R.I. Gen. Laws § 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.
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 March 1, 2019. 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 again 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 North Smithfield 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 North 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 four (4) years from the date of this letter 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.
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 silt fence, reinforced silt fence, compost filter sock, erosion control blanket, 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 treatment facilities, and systems of treatment and control that are installed or used in compliance with this permit to prevent harm to adjacent wetlands until documentation is provided that this responsibility has been assigned to 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. The long-term operation and maintenance plan shall be strictly followed. The long-term O & M Plan shall be that entitled "Stormwater Management System Operation and Maintenance Plan Prepared for the TPE King Solar-North Smithfield, RI; Location: North Smithfield, RI; Owner: TPE Rhode Island Solar Holdings 1", Prepared by TRC, dated January 2019.
15. The proposed directional drilling shall be conducted so as not to impinge on any of the existing culverts within the wetland. Drilling shall be directed to run entirely beneath the culverts, inclusive of any culvert footings. Drilling shall not extend through any of the existing culverts. Any damage to any of the culverts shall be completely repaired prior to operation of the solar facility at owner's expense.

16. The project shall adhere to all requirements set forth by the RIDEM Office of Waste Management with respect to the protection of existing monitoring wells on the site.
17. Any soils that are excavated in association with the proposed directional drilling, including drilling tailings, shall be placed into containers. The containerized soils shall either be presumptively sent to an offsite disposal facility certified to accept the material or sampled to ascertain if offsite disposal is warranted.
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. As illustrated on the approved site plan, there will be a minimum six (6) inch clearance between the ground and the bottom of the chain link perimeter fence.

Pursuant to the provisions in 250-RICR-150-15-1.7(A)(9) and 250-RICR-150-15-1.11(D), 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 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. RIR101834**.

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/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 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.

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.

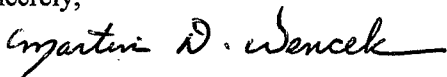
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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 250-RICR-150-15-1.8(C).

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,



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

MDW/JEK/jek

Enclosure: Approved site plans

- ec: ✓ Neal Personeus, DEM Stormwater Program  
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✓ Brandon Faneuf, Ecosystems Solutions, Inc.  
✓ Scott Goddard, Goddard Consulting, LLC