



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

June 10, 2021

JPM Trust, LLC  
John P. Morris, III, Trustee  
65 Mill Cove Road  
Warwick, RI 02889

**REVISED PERMIT**

Re: **Wetland Application No. 18-0330 & RIPDES No. RIR101839** in reference to the location below:

Approximately 2,000 feet north of Ten Rod Road, approximately 2,340 feet northwest of its intersection with South County Trail (Route 2), Assessor's Plat 26, Lot 1-1, Exeter, RI.

Dear Mr. Morris:

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 12.5 MW solar facility including solar panels, crushed stone access roads, equipment pad, underground electric line, chain link fence, site grading, restoration plantings, and stormwater management system, as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received by the DEM on April 9, 2021, with sheet 12 of 21 received on May 11, 2021.

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 April 9, 2021, with sheet 12 of 21 received on May 11, 2021. 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 Exeter 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 March 26, 2020 unless renewed pursuant to 250-RICR-150-15-1.9(D)(5).
7. The long-term "Operation and Maintenance Plan" (O & M Plan) shall be strictly followed. The long-term O & M Plan shall be that entitled "Stormwater Operation & Maintenance Plan Proposed Solar Development Project at Morris Farm AP 26-1-1 89 Ten Rod Road Exeter, RI Project No. 3653180038" w/Date Issued December 2018 Last Revised April 2021.
8. If at any time during this project there is evidence of a "Recognized Environmental Concern" as defined in ASTM E-1527-13, soils must be sampled to determine if they exceed the soil objectives outlined in 250-RICR-140-30-1, "Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases", Rule 1.6.1(c) effective 1-8-19, ("Remediation Regulations"). If the soil sampling exceeds Table 1 or Table 2 in Rule 1.9.2 of the Remediation Regulations, the RIDEM Office of Water Resources (OWR) and Office of Land Revitalization and Sustainable Materials Management (OLRSMM) must be notified.

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 March 26, 2020 (copy enclosed) remain in effect.

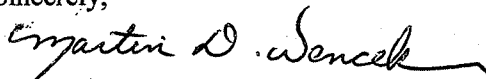
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with 250-RICR-150-15-1 at all times. Failure to do so may result in an enforcement action by the Program.

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 Claire Swift of this office at (telephone: 401-222-6820 ext. 77418) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Program Supervisor  
Freshwater Wetlands Program  
Office of Water Resources  
MDW/CVS/cvs

Enclosure: Approved revised site plan  
Original permit dated March 26, 2020

cc: Neal Personeus, RIDEM Stormwater Program  
Ronald A. DeFrancesco, Town of Exeter Building Official  
Christine N. Beaulieu-Shea, PE, Wood Environment & Infrastructure Solutions, Inc.



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

March 26, 2020

Exeter Renewables 1, LLC  
c/o Frank A. Epps  
260 West Exchange Street, Suite 102A  
Providence, RI 02903

**Insignificant Alteration – Permit**

Re: Wetland Application No. 18-0330; RIPDES File No. RIR101839 in reference to the location below:

Approximately 2,000 feet north of Ten Rod Road, approximately 2,340 feet northwest of its intersection with South County Trail (Route 2), Assessor's Plat 26, Lot 1-1, Exeter, RI.

Dear Mr. Epps:

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 12.5 MW solar facility including solar panels, crushed stone access roads, equipment pad, underground electric line, chain link fence, site grading, restoration plantings, and stormwater management system, as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on November 28, 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. 18-0330; RIPDES No. RIR101839:**

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.
2. This determination also includes your final authorization to discharge storm water associated with construction activity under the **2018 RIDPES General Permit for Stormwater Discharge During Construction Activity ("CGP")**. For future references and inquiry, your permit authorization number is **RIPDES No. RIR101839**.
3. 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 November 28, 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.

4. 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.
5. You must notify this Program in writing of the anticipated start date, and of your contractor's contact information, by submitting the Notice of Start of Construction Form prior to commencement of any permitted site alterations or construction activity. You must also notify this Program in writing upon completion of the project, including submittal of the Notice of Termination Form. The Start of Construction Form and the Notice of Termination can be found on the webpage: [dem.ri.gov/stormwaterconstruction](http://dem.ri.gov/stormwaterconstruction)
6. 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 representative upon request.
7. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of Exeter and supply this Program with written documentation obtained from the Town showing this permit was recorded.
8. 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.
9. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
10. 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.
11. 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>.
12. 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.
13. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.
14. 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.  
**"Stormwater Operation and Maintenance Plan Proposed Solar Development Project at Morris**

Farm AP 26-1-1 89 Ten Rod Road Exeter, RI Project No. 3653180038" w/Date Issued December 2018 **Revised March 2020**, as prepared by Wood Environmental & Infrastructure Solutions, Inc.

15. 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.
16. 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 this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.**
17. Buffer zone 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.
18. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
19. Artificial lighting is not authorized along the driveway/roadway where it crosses freshwater wetlands.
20. 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.
21. 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.
22. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. This project must take place in compliance with these revisions. **Specifically, the word "onside" has been corrected to read "on-site" on plan sheet 4 of 15, Note #2, and on plan sheets 5 through 10 of 15, Note #1.**
23. If at any time during this project there is evidence of a "Recognized Environmental Concern" as defined in ASTM E-1527-13, soils must be sampled to determine if they exceed the soil objectives outlined in 250-RICR-140-30-1, "Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases", Rule 1.6.1(c) effective 1-8-19, ("Remediation Regulations"). If the soil sampling exceeds Table 1 or Table 2 in Rule 1.9.2 of the Remediation Regulations, the RIDEM Office of Water Resources and Office of Waste Management must be notified.
24. **Any clearing or cutting of trees or shrubs in any wetland for any reason that outside of the approved limit of disturbance will require a new wetland permit.**

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.

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.

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.

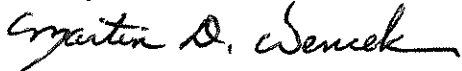
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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

Sincerely,



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

MDW/CVS/cvs

Enclosure: Approved site plans

cc: Charles Horbert, DEM Stormwater Program  
Bruce Ahern, DEM Office of Compliance and Inspection  
Ronald A. DeFrancesco, Town of Exeter Building Official  
Christine N. Beaulieu-Shea, PE, Wood  
Scott P. Rabideau, Natural Resource Services, Inc.