



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

April 2, 2020

RIDOT
c/o Brian Moore
Two Capitol Hill, Room 246
Providence, RI 02903

Insignificant Alteration – Permit

Re: Wetland Application No. 19-0195; RIPDES File No. RIR101930, in reference to the location below:

Along Taunton Avenue from the intersection with Pawtucket Avenue to RI/MA State line, and approximately 150 feet north of Taunton Avenue, approximately 200 feet north of the intersection of Taunton Avenue and Commercial Way, Utility Pole Nos. 179-50; 181-50, East Providence, RI.

Dear Mr. Moore:

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 general improvements to a section of Taunton Avenue including milling and repaving the roadway, reducing and repaving the park and ride, adding stormwater improvements, and constructing a new drainage swale to alleviate road flooding in Taunton Avenue, as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on June 21, 2019 and November 8, 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. 19-0195; RIPDES No. RIR101930:

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. RIR101930**.
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 June 21, 2019 and November 8, 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
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 City/Town representative upon request.
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. 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>.
11. 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.
12. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.
13. 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. Operation and maintenance shall be as described in the plan entitled, "Memorandum-Stormwater O & M; project: Improvement to Taunton Avenue, (US Route 44), East Providence, RI (Green No. 16062.01XX); Subject: Stormwater Operation and Maintenance Plan", dated May 7, 2019, prepared by Green International Affiliates, Inc., (Green), 239 Littleton Road, Suite 3, Westford, MA 01886.

14. 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.
15. All construction activities involving soil disturbances within watercourses must be limited to the low flow period (i.e., the period from July 1 to October 31 of any calendar year). Soil disturbance in these watercourses must temporarily cease in the event of any abnormally high stormwater runoff event during the low flow period.
16. 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.
17. Please revise the silt fence design to use silt fence held in place by wire fence for increased stability (see Rhode Island Soil Erosion and Sediment Control Handbook Section Six, Sediment Control Measures, Silt Fence).
18. 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. **Some plan sheets have been renumbered sequentially to be consistent with the entire plan set.**

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 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.

If you have not already done so, or in order to check on the status of their review, please contact the U.S. Army Corps of Engineers to determine federal permit requirements on your project. Write the Corps' New England District, Regulatory Branch 696 Virginia Road, Concord, MA 01742-2751; website: <https://www.nae.usace.army.mil/Missions/Regulatory/> or email at cenae-r@usace.army.mil Please note that the Department of the Army authorization must be obtained before any work is initiated in areas subject to Corps jurisdiction.

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
Mike Wierbonics, U.S. Army Corps of Engineers
Stephen Coutu, Director of Public Works
Danielle Spicer, PE, Green International Affiliates, Inc.



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

September 27, 2019

RIDOT

David Fish, PE, Project Management Administrator
Two Capitol Hill, Room 246
Providence, RI 02903

Re: Application No. 19-0195 in reference to the location below:

Along Taunton Avenue from the intersection with Pawtucket Avenue to RI/MA State line, and approximately 150 feet north of Taunton Avenue, approximately 200 feet north of the intersection of Taunton Avenue and Commercial Way, Utility Pole Nos. 179-50; 181-50, East Providence, RI.

Dear Mr. Fish:

Kindly be advised that the Department of Environmental Management's Freshwater Wetlands Program ("Program") is unable to complete our review of your application at this time. The enclosed review comments indicate what must be revised and/or provided so that we may continue to process your application. Please provide this information as soon as possible. If the application you filed is a Request for a Preliminary Determination or Application to Alter, you must provide this information within (1) one year of the date of this letter. If the application you filed is a Request to Verify Wetland Edges, you must provide this information within two (2) years of the date of this letter. If we do not receive the information within the applicable time frame, your application will be considered closed pursuant to the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (250-RICR-150-15-1).

Please reference the application number provided above in all communications regarding your application. If you have any questions, please call Claire Swift at (401) 222-6820, ext. 7418.

*******THIS LETTER SHOULD NOT BE CONSTRUED AS A PERMIT TO ALTER WETLANDS OR AS ANY INDICATION THAT A PERMIT FOR THIS PROJECT WILL ULTIMATELY BE GRANTED.*******

Sincerely,

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

MDW/CVS/cvs

Enclosure: Review comments

ec: Danielle Spicer, PE, Green International Affiliates, Inc.
Brandon Faneuf, Ecosystem Solutions, Inc.

Telephone 401.222.4700 | www.dem.ri.gov | Rhode Island Relay 711

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
FRESHWATER WETLANDS PROGRAM**

Technical Review Comments of Documents Received by RI DEM on June 21, 2019

APPLICANT: RIDOT
APPLICATION NO: 19-0195
DATE: September 27, 2019
BIOLOGIST: Claire Swift
ENGINEER: Nicholas Pisani, PE

The following items must be addressed before review of your application can be completed:

BIOLOGIST REVIEW COMMENTS:

1. A thorough site inspection could not be completed because the limit of disturbance was not staked, and because the site is inaccessible due to dense vegetation and flooded conditions. Please provide cut paths to access the site, and please stake the limit of disturbance or route of the proposed swale. Staking of the limit of disturbance for the entire project is not needed. Please describe or indicate a safe access route or routes to the interior of the wetland.
2. Please describe the method of construction for the proposed swale, and indicate the access route on the site plan, including whether there will be any temporary disturbance beyond the indicated limit of disturbance for construction of the swale.
3. Based on aerial photo review, it appears that the route of the swale is not entirely phragmites, but also includes woody vegetation in some areas. Please clarify if trees or shrubs will be cut to construct the swale, and include a note on the site plan.
4. Please clarify the temporary disturbance shown in the middle of the proposed relief swale at Station 23 on Figure 7 in the narrative. It would appear that this area is part of the proposed swale and therefore would be a permanent disturbance. Please explain clearly in writing and on the site plan or correct this as necessary.

ENGINEER REVIEW COMMENTS:

- (1) Please provide a R.I. registered professional engineer's stamp on the submitted drainage analysis report.
- (2) The submitted 1.2" analysis has not been performed using the split pervious / impervious method in HydroCAD-TM. (Please note that the completed checklist erroneously indicates that this has been accomplished.) Please revise the submitted analysis to use the split pervious/impervious method (use "calculate separate pervious / impervious runoff" setting).
- (3) Please revise the submitted analysis of the proposed bioretention practice to model the flows which flow through the filter bed and exit via the proposed subdrain separately from the flows that discharge over the weir set at 18.25'.
- (4) With respect to the proposed Jellyfish Filter #2, please provide manufacturer's documentation with respect to the flow rating capacity for water quality treatment of this particular unit. Please note that this reviewer cannot locate the model number of the proposed Jellyfish Filter #2 unit on the list contained on the RIDEM Guidance bulletin of approved stormwater practices. Please

ensure that an adequate demonstration is presented for the sizing of this proposed stormwater treatment practice.

- (5) Please include the specification of the proposed bioretention soil mix on the bioretention plan detail sheet.
- (6) Please provide the specification for the proposed impervious liner on the site plan.

Regarding subwatershed maps:

- (7) Please note that the submitted existing and proposed condition subwatershed maps do not clearly depict the limits of pavement areas. These areas need to be depicted with sufficient accuracy to allow reviewer to be able to concur with the values used in the submitted analysis for design of the proposed stormwater treatment practices.

In order to adequately evaluate the required amount of water quality treatment and which impervious areas will require water quality treatment, please address the following items. For all areas of impervious cover on the proposed condition subwatershed map drainage area map, please label each area of impervious cover as being in one of the following categories:

- Pre-existing impervious areas that will not be altered in any way from the pre-project condition. These should include pre-existing pavement areas that will be unchanged and pre-existing parking areas that will be unchanged.
- Areas of pre-existing pavement that will be simply milled and overlain with new pavement, as opposed to being subject to a full-depth reconstruction.
- Areas of pavement that will be subject to full depth reconstruction and areas of pavement.
- Show all areas of pavement to be removed and converted to pervious cover. The submittal indicates that 0.54 acres of pavement will be converted to pervious cover.

- (8) Please revise the submitted subwatershed maps identified as "Existing Watershed Figure 8" and "Proposed Watershed Figure 9" to utilize at least a 1" = 100' scale. The submitted maps at 1" = 300' are at too small a scale to utilize for review purposes.
- (9) Please clearly depict the proposed condition areas of impervious cover that will be directed to each proposed stormwater management practice. Please also depict adequate detail of the storm drainage systems that will deliver the flows to the stormwater treatment practices.
- (10) The subwatershed maps also need to show sufficient grade details to support the watershed delineations depicted.

Re: Floodplain Analysis:

- (11) The submitted Application to Alter Freshwater Wetland report dated May 2019 includes Table 1: Compensatory Flood Elevations (100-Year Flood Elevation = 19.5'). Please provide the pertinent drawings and/or plan references that support these calculations.

Re: Soil Erosion and Sediment Control Plan:

- (12) Please include details regarding sedimentation and turbidity control for the in-wetland swale construction. Provide details and notes pertaining to handling of soils excavated from the wetland area associated with the swale construction. Please indicate by notes and plan details the methodology for removal of this excavated sediment and vegetation in a manner that will minimize impacts to the adjacent wetland areas. Please note that the construction should proceed in a manner to avoid directing flows through areas of ongoing excavation work.

Re: Operation and Maintenance Plan:

- (13) The response provided in the submitted Appendix A checklist is not sufficient. Please provide a long-term operation and maintenance plan that meets the standards of the Stormwater Rules. Please note that a draft O & M Plan has been submitted. Please submit this as a separately bound final document. Please be sure that all required elements are mandatory (use "shall" not "should") and provide an 8.5" x 11" stormwater practice location map.

CONCLUDING COMMENTS:

1. To minimize waste of paper, please submit three (3) sets of revised site plans and two (2) copies of revised documents, double sided when possible.
2. In order to facilitate the review of future revisions to your project, please address each of the above items in writing (2 copies please, double sided).
3. If you have any questions regarding this letter or the processing of your application, or with respect to any of the above-noted biological review comments, please contact Claire Swift at 401-222-6820, extension 7418.
4. If you have any questions with respect to the above engineering review comments, please contact Nicholas Pisani, PE at 222-4700 ext. 7423

Thank you for your anticipated cooperation in this matter.