



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

June 19, 2020

Town of Smithfield
Kevin Cleary, P.E., Town Engineer
64 Farnum Pike
Smithfield, RI 02917

Insignificant Alteration – Permit

RE: Application No. 20-0054 in reference to the location below:

Esmond Mill Drive, Utility Pole No.2, approximately 500 feet west of Waterman Avenue, Assessor's Plat 26, Lots 35 & 138, Smithfield, RI.

Dear Mr. Cleary:

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 reconstruction of Esmond Mill Drive Bridge, construction of a temporary access road, and associated landscaping as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on June 17, 2020. The site plan set includes sheets 1-11 of 32, sheet 20 of 32, sheets 21 and 22 of 32 (corrected), and sheets 23 and 24 of 32.

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, 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. 20-0054:

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 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 17, 2020. 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 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. The Start of Construction Form can be found on the webpage: dem.ri.gov/stormwaterconstruction
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 town representative upon request.
6. 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.
7. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
8. 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.
9. 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.
10. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.
11. 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.
12. 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.
13. 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.

14. 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, a limit of disturbance has been added to Sheet 7 of 32 to enclose the proposed riprap and temporary gas line; and the numbering of sheets 21 and 22 of 32 have been corrected.
15. All soil material excavated from below the high-water level of the river shall be dewatered in a manner that will not discharge sediments or turbidity to the river. Disposal of this material shall be at a RIDEM-approved off-site location and shall be disposed of in conformance with all requirements of the RI DEM Office of Waste Management and all requirements of the RI DEM Water Quality Certification Program.
16. Any river sediment dredged during the project should be assumed to be contaminated until such time that sampling proves otherwise, which includes the process for stockpiling and dewatering. Should sampling indicate that contamination is present in excess of relevant criteria, then the Department's Water Quality Certification Program shall be sent copies of the waste manifest sheets provided by the disposal facility as proof of proper disposal. If sampling indicates that river sediment is clean, or than any identified contaminates are at concentrations that will allow disposal as either clean fill or at the RI Resource Recovery Corporation facility in Johnston, it should be disposed of according to normal RIDOT procedures.

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.

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.

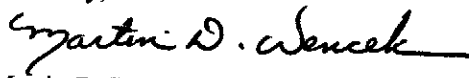
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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 Andrew Charpentier of this office (telephone: 401-222-4700, ext.7414) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
MDW/AC/ac

Enclosure: Approved site plans

cc: Michael Weirbonics, U.S. Army Corps of Engineers, New England District
Danielle Spicer, P.E., Green International Affiliates, Inc.
Brandon Faneuf, Ecosystems Solutions, Inc.