



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

April 27, 2021

William E. McIntosh, IV
Two Morning Road
West Kingston, RI 02892

Re: **Application No. 20-0259 and RIPDES No. RIR102131** in reference to the location below:

Approximately 1000 feet north of Old Mountain Road, approximately 1800 feet northeast of the intersection of Old Mountain Road and Carolina Nooseneck Road, Utility Pole Nos. 94 and 98, Assessor's Plat 3C, Lot 7-2 and Lot 8, Richmond, RI.

Dear Mr. McIntosh:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program, ("Program") has completed its review of your proposed four-lot residential subdivision with a new cul de sac road, a stormwater management system, and three new single-family homes, each including a driveway, onsite wastewater treatment system (OWTS), private well, vegetated swales, drywells, recreational yards, with clearing, grading and landscaping as illustrated and detailed on site plans submitted with your application. The site plans referenced by this letter and on file with this Program were received on March 10, 2021.

Our inspection reveals that freshwater wetlands regulated by the DEM are present on or in close proximity to the subject property. Review of your proposed project, however, reveals that this project does not represent an alteration to these freshwater wetlands. It is our determination therefore that a permit for this project pursuant to the Freshwater Wetland Act (R.I. Gen. Laws § 2-1-18 *et seq.*) or the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1, is not required. **This Determination is specific to the proposed site alterations illustrated and detailed on site plans on file with this Program and is further predicated on the following:**

1. Adequate measures are employed during and after site alterations to control soil erosion and to prevent any sediment from such erosion being deposited in any freshwater wetlands. You should consult the Rhode Island Soil Erosion and Sediment Control Handbook for appropriate methods to control erosion and prevent sediment from leaving your project site.
2. This determination does not authorize you to modify your project in such a way as to result in the following:
 - a. An increase in the rate and/or volume of surface water runoff flowing into, or draining or diverting from these wetlands; or
 - b. A diversion of groundwater into or away from these wetlands; or
 - c. A modification to the quality of water reaching these wetlands, which could change their natural character.

3. 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 Management System Operation & Maintenance Plan Prepared for McIntosh Farm 22 Old Mountain Road Assessor's Plat 3C, Lots 7-2 & 8 Richmond, RI" w/Date Issued October 2020/Revised February 2021.
4. 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.

Please note that this Determination is specific to this proposed project as illustrated on the reviewed site plans, is valid for four (4) years from the date of this letter and does not remove your obligation to obtain any local, state or federal approvals or permits required by ordinance or law.

Kindly be advised that this determination is not equivalent to a determination of the type or extent of freshwater wetlands on the subject property. Should you wish to obtain such verification, you may submit an application in accordance with 250-RICR-150-15-1.

The Program has also reviewed this project in accordance with the standards of the 2020 RIPDES General Permit for Stormwater Discharge Associated with Construction Activity ("CGP"). This determination includes your final authorization to discharge stormwater associated with construction activity under the CGP. For future references and inquiry, your permit authorization number is **RIPDES No. RIR102131.**

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

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 are available at: <http://www.dem.ri.gov/programs/benviron/water/permits/ripdes/pdfs/cgp092620.pdf>.

Please be aware that the DEM's Rules and Regulations Governing the Establishment of Various Fees, 250-RICR-30-00-1, require that RIPDES CGP permit holders 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 responsible for the proper installation, operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands until such time that you document that this responsibility has

been assumed by another person or organization. You are also responsible for ensuring that your project complies at all times with the RIPDES CGP.

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

Any modification to your project that would result in an alteration to freshwater wetlands or allowing your project to result in an alteration to freshwater wetlands, requires a permit from this Program. Unauthorized alterations to freshwater wetlands are subject to enforcement action.

Enclosed please find one (1) copy of your site plans stamped REVIEWED by this Program. Please contact Claire Swift of this Office (telephone: 401-222-6820, ext. 77418) should you have any questions.

Sincerely,



Nancy L. Freeman, Principal Environmental Scientist
Freshwater Wetlands Program
Office of Water Resources

NLF/CVS/cvs

Enclosure: Reviewed Site Plan

ec: Neal Personeus, DEM Stormwater Program
Mohamed Freij, PE, PLS, Supervising Sanitary Engineer, DEM OWTS Program
Anthony Santilli, Town of Richmond Building Official
Patricia K. Walker, PE, Walker Engineering, Ltd.
Alfred W. DiOrio, RLS
Joseph Klinger, Wetland Biologist, Ecotones, Inc.