



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

May 26, 2022

Aquidneck Group, LLC
Kerry McCormack, Dir. of Development
c/o Crosspoint Associates, Inc.
188 Needham Street Suite 255
Newton, MA 02464

Re: **Application No. 21-0253; RIPDES No. RIR102260 and UIC No. 002103 in reference to the location below:**

Approximately 300 feet south of East Main Road (RI Route 138), approximately 500 feet southeast of the intersection of East Main Road and West Main Road (RI Route 114), Utility Pole Nos. 892 and 893, Assessor's Plat 107SE, Lot 106, Middletown, RI.

Dear Mr. McCormack:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program, ("Program") has completed its review of your proposed construction of a new retail building, paved driveways and parking lot, and stormwater infiltration system, 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 May 3, 2022.

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.

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 proposed project does however require Rhode Island Pollutant Discharge Elimination System (RIPDES) and Groundwater Discharge/Underground Injection Control (UIC) authorization, which were reviewed concurrently with the wetland review.

Our review has concluded that the design of the proposed underground infiltration systems has satisfied the requirements of 250-RICR-150-05-4. Your Groundwater Discharge/UIC file number for future reference is **No. 002103**. The following terms and conditions apply to your UIC authorization:

1. Any alterations or modifications to the stormwater system from that approved herein, including permanent closure, must be reviewed and approved by RIDEM prior to being affected.
2. The property owner/applicant shall periodically inspect, clean, and maintain the stormwater collection and disposal system to ensure proper performance of all components as specified in the operation and maintenance plan entitled, "Stormwater System Operation & Maintenance Plan, Aquidneck Center, Located in Middletown, RI", dated 02-11-2022, Revised: 04-29-2022, as prepared by DiPrete Engineering.
3. This Groundwater Discharge/UIC Program registration expires four (4) years from the date of this Registration letter.

Additionally, the Program has determined that the project has been designed to meet the requirements of the 2020 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. RIR102260**. The following terms and conditions apply to your UIC authorization:

1. The stormwater system operation and maintenance plan shall be strictly followed.
2. All fill material shall be clean and free of matter that could cause pollution of the waters of the State, unless otherwise specified in the plans and report, or approved by the Office of Land Revitalization and Sustainable Materials Management.

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 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.

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 Groundwater Discharge/UIC Rules, 250-RICR-150-05-4, and 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. 277-7418) should you have any questions.

Sincerely,

Nancy L. Freeman

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
Joseph Camara, DEM Stormwater Program
Nick Noons, Environmental Engineer IV, DEM OLRSMM
DEM UIC Program
Chris Costa, Town of Middletown Building Official
Molly Titus, PE, DiPrete Engineering