



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

July 3, 2023

Courtney Masuishi, Secretary
Islander Solar, LLC.
396 Springfield Avenue
2nd Floor
Summit, NJ 07901

RE: Wetlands Application No. 22-0029 & RIPDES No. RIR102282 in reference to the location below:

Approximately 750 feet southwest of Iron Mine Hill Road, approximately 4,000 feet west of its intersection with Valley View Drive, Assessor's Plat 16, Lot 19, North Smithfield, RI.

Dear Ms. Masuishi:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program, ("Program") has completed its review of your proposed 5.5-acre ground-mounted solar array with associated gravel roads, equipment pad, electrical equipment, underground and overhead wires connecting to the grid, stormwater treatment structures, chain-link fence and associated 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 June 8, 2023.

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 shall be strictly followed. The long-term O & M Plan shall be that entitled "Stormwater Operation & Maintenance Plan - Pomham Solar AP 16, Lots 18 and 19: Off Iron Mine Hill Road - North Smithfield, Rhode Island 02896" submitted initially in January 2022 and revised in February 2023 and June 2023 by TRC Engineers, Inc. located at 404 Wyman Street, Suite 375 in Waltham, MA 02451.
4. The applicant must ensure that a registered Professional Engineer is on site to supervise the final grading of proposed basin 1 and verify that it is graded according to the approved site plans.

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.

The Program has also reviewed this project in accordance with the standards of the RIPDES General Permit for Stormwater Discharge Associated with Construction Activity ("CGP"). Construction Activities which disturb one (1) or more acres of land and where storm water runoff is directed, via a point source, into a separate storm sewer system or into the waters of the State, are required to seek coverage under the Rhode Island Pollutant Discharge Elimination System (RIPDES) storm water permit. Our review has determined that the project has been designed to meet the requirements of the 2018 CGP. This determination therefore 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. RIR102282**.

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/swcoord/pdf/cpg092618.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.

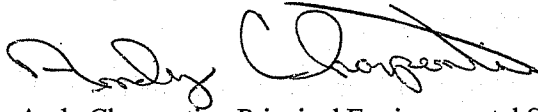
You are responsible for the proper installation, operation, maintenance, and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands until such time that you document that this 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 Rene Legault of this Office (telephone: 401-222-6820, ext. 2777732) should you have any questions.

Sincerely,



Andy Charpentier, Principal Environmental Scientist
Freshwater Wetlands Program
Office of Water Resources

AC/RJL/rjl

Enclosure: Reviewed Site Plan

ec: Neal Personeus, DEM Stormwater Program
Raymond J. Pendergast, Jr., North Smithfield Director of Public Works
Jason Gold, ESS Group, Inc.
Jason Ringler, ESS Group, Inc.