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

May 16, 2022

Colbea Enterprises, LLC.
c/o Michael Gazdacko
2050 Plainfield Pike
Cranston, RI 02921

Re: Freshwater Wetlands Application No. **22-0060** & RIPDES Application No. **RIR102320** in reference to the location below:

> Souza Road. Nearest intersection is Souza Road and Main Road, nearest utility pole is no. 113-84, Assessor's Plat 119, Lot 624, Tiverton, RI.

Dear Mr. Thomas:

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 Seasons Corner Market gas station with associated parking, gas pumps, two (2) underground storage tanks for fuel, and two (2) underground detention systems to treat stormwater as illustrated and detailed on revised site plans submitted in response to comments from the Program. These site plans were received by the DEM on April 12, 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.

3. The long-term operation and maintenance (O&M) plan shall be strictly followed. The long-term O&M Plan shall be that entitled "Stormwater System Operation & Maintenance Plan: Seasons Corner Market – Located in Tiverton, RI – Applicant: Colbea Enterprises, LLC." Submitted initially in February 2022 and revised in April 2022 by DiPrete Engineering located at 2 Stafford Court in Cranston, RI 02920.

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. **RIR102320**.

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 Rene Legault of this Office (telephone: 401-222-4700, ext. 2777732) should you have any questions.

Sincerely,

Nancy L. Freeman

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

NLF/RJL/rjl

Enclosure: Reviewed Site Plan

ec: Neal Personeus, DEM Stormwater Program
John M. Hoyle, Jr., Tiverton Town Building / Zoning Official
Richard F. Rogers, Jr., Tiverton Town Director of Public Works
Leonard Bradley, DiPrete Engineering, Inc.