



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

November 13, 2024

DPJ Realty, LLC; Kailan Enterprises I & II, LLC
Peter Arpin, Managing Partner
99 James P. Murphy Highway
West Warwick, RI 02893

REVISED PERMIT

RE: Application No. **22-0190**, **RIPDES No. RIR 102375**, and **UIC No. 002112** in reference to the location below:

Approximately 100 feet west of James P. Murphy Industrial Highway (at 215 James P. Murphy Industrial Highway), Utility Pole 46, and approximately 250 feet south of access from Maid Marion Lane, Assessor's Plat 12, Lots 2, 18, and 35, West Warwick, RI.

Dear Mr. Arpin:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Permit Modification** and has evaluated your proposed modifications to the permitted solar panel array and commercial development with stormwater practices as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on September 20, 2024.

Based upon the Program's evaluation of the revised project and pursuant to Rule 11.03 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, it is the Program's determination that a revised permit for the modified project may be issued under the following terms and conditions:

1. This letter is the DEM's revised permit for this project under the R.I. Fresh Water Wetlands Act, R.I. Gen. Laws § 2-1-18 et seq.
2. This revised 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 September 20, 2024. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project, which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. The long-term operation and maintenance plan shall be strictly followed. The long-term operation and maintenance plan shall be that entitled: "Stormwater System Operations and Maintenance Plan 215 James P Murphy Hwy Solar Project Assessor's Map 12, Lot 2 215 James P. Murphy Highway West Warwick, RI 02893 Prepared for DPJ Realty, LLC 99 James P. Murphy Highway West Warwick, RI 02893 revised June 21, 2024" submitted in July, 2024 by Northeast Engineers & Consultants, Inc. located at 6 Valley Road, Middletown, RI 02842.
4. Where the terms and conditions of the revised permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
5. A copy of the stamped approved site plans and a copy of this revised permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plans must be made available for review by any DEM representative upon request.

6. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the Town of West Warwick and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
7. This revised permit expires on March 3, 2027, unless renewed pursuant to the Rules.

Except as authorized in this revised permit pursuant to revised and approved site plans (enclosed), all terms and conditions previously specified in the Program's permit dated March 3, 2023 (copy enclosed) remain in effect.

You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with the Rules. Failure to do so may result in an enforcement action by the Program.

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

This revised 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 Rene Legault of this office at 401-537-4248 should you have any questions regarding this letter.

Sincerely,



Andy Charpentier, Environmental Scientist III
Freshwater Wetlands Program
Office of Water Resources
AC/RJL/rjl

Enclosure: Original permit letter dated March 3, 2023

- ec: Steven Deluca, Kalian Enterprises, LLC
Robert Assalone, West Warwick Building Official
Jeff Caldwell, West Warwick Director of Public Works
Neal Personeus, DEM Stormwater Program
Michelle McLarney, DEM Office of Land Revitalization & Sustainable Materials Management
Jeremy Rosa, PE, Northeast Engineers & Consultants, Inc.
Andrew Labell, Northbridge Development



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

March 3, 2023

DPJ Realty, LLC; Kailan Enterprises I, LLC; and
Kailan Enterprises II, LLC, Steven DeLuca, Managing Partner
c/o DPJ Realty, LLC
Peter J. Arpin, Managing Partner
99 James P. Murphy Highway
West Warwick, RI 02893

**Insignificant Alteration – Permit
Corrected Permit**

Re: Wetlands Application No. 22-0190; RIPDES No. RIR102375; and Groundwater Discharge/UIC File No. 002112 in reference to the property and proposed project located:

Approximately 100 feet west of James P. Murphy Industrial Highway (at 215 James P. Murphy Industrial Highway), near Utility Pole 46, and extending north to approximately Maid Marion Lane, Assessor's Plat 12, Lots 2, 18, and 35, West Warwick, RI.

Dear Mr. Arpin and Mr. DeLuca:

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 solar array with 5,000 ft² commercial building, 2,000 ft² maintenance garage, paved parking, perimeter fencing, tiered boulder retaining wall, crushed stone access drive, equipment pads, stormwater management plan with stone trenches, vegetated berms, two (2) detention basins and interconnection with clearing, grading, soil disturbance and landscaping as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on October 11, 2022.

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, 250-150-15-1, 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. 22-0190; RIPDES No. RIR102375; Groundwater Discharge/UIC No. 002112:

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. This application review has also included review of any stormwater infiltration system subject to the DEM Groundwater Discharge Rules (Rules for the Discharge of Non-Sanitary Wastewater and Other Fluid to or Below the Ground Surface), 250-RICR-150-05-4.
2. This determination also includes your final authorization to discharge storm water associated with construction activity under the 2020 RIDPES General Permit for Stormwater Discharge

During Construction Activity (“CGP”). For future references and inquiry, your permit authorization number is RIPDES No. **RIR102375**.

3. 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 October 11, 2022. 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.
4. 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.
5. 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
6. 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 or town representative upon request.
7. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of West Warwick and supply this Program with written documentation obtained from the Town showing this permit was recorded.
8. 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.
9. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
10. 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.
11. 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 is available at:
<http://www.dem.ri.gov/programs/benviron/water/permits/ripdes/pdfs/cgp092620.pdf>
12. 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.

13. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans on Sheets 8 and 9 of 13. Specifically, the erosion controls located within the Limit of Disturbance adjacent to Detention Basin D-1 (upslope of Hawkinson Brook and associated Swamp), upslope of the Forested Wetland (Flags D32 through D-35) and along the toe of the boulder wall and portions of Basin D-2 (upslope of Hawkinson Brook and associated Swamp) are to be reinforced with a double row of erosion controls (supplemented as necessary) and anywhere else needed on-site for the duration of the project until soils are stabilized. This project must take place in compliance with these revisions.
14. An environmental consultant, experienced in soil erosion and sediment control, and preferably a Certified Professional in Erosion & Sediment Control, must be employed prior to the commencement of site alterations to monitor this project and to ensure compliance with the terms and conditions of this permit as well as the implementation of the Soil Erosion & Sediment Control Plan. This Program must be notified in writing of the consultant chosen to comply with this condition and must receive immediate written notification of any sedimentation or disturbance beyond the approved limits of disturbance, with a written explanation of all actions taken to correct such problems.
15. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.
16. 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. The long-term operation and maintenance plan shall be strictly followed. The long-term O & M Plan shall be that entitled "Stormwater System Operations and Maintenance Plan; 'Northbridge West Warwick Solar,' Proposed Solar Field and Commercial Structure, Assessor's Map 12, Lot 2, 215 James P. Murphy Highway, West Warwick, RI 02893" dated Revised October 2022 and stamped received by the Program October 11, 2022.
17. 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.
18. Artificial lighting installed must be directed away from all vegetated wetland areas. Where this is not possible, the use of deflectors to concentrate lighting away from vegetated wetlands must be employed.
19. You must provide written certification from a registered land surveyor or registered professional engineer that the stormwater drainage system including any and all basins, piping systems, catch basins, culverts, swales, and any other stormwater management control features have been constructed/installed in accordance with the site plans approved by this permit. This written certification must be submitted to this Program within twenty (20) days of its request or upon completion of the project.
20. Perimeter fencing adjacent, and upslope of freshwater wetlands must be installed with at least a 6-inch gap (8-inch preferred) between the bottom of the perimeter fencing and the ground to facilitate small wildlife passage.

21. If the Memorandum of Understanding (MOU) with the property owner on Maid Marion Lane with regards to an easement for the interconnection route is not obtained, and an alternate interconnection route is required, you must submit a permit modification for the revised interconnection route (or a new permit application if the route increases impacts to jurisdictional areas).
22. If any additional off-site poles and overhead wires or trenching are proposed that require vegetative clearing in off-site Freshwater Wetlands for the interconnection route to the regional grid (i.e., they do not meet the Exempt Activities per the Rules), a new application would be required.

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.

Please be aware that the RIDEM'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 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.

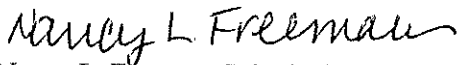
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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

Sincerely,



Nancy L. Freeman, Principal Environmental Scientist
Office of Water Resources
Freshwater Wetlands Program
NLF/RJL/rjl

Enclosure: Approved site plans

cc: Steven DeLuca, Co-Applicant
Neal Personeus, DEM Stormwater Program
Michelle McLarney, Environmental Engineer I, DEM OLRSM (#SR-37-2052)
Jeff Caldwell, West Warwick, Director of Public Works

Telephone 401.222.4700 | www.dem.ri.gov | Rhode Island Relay 711

Robert Assalone, Building Official, West Warwick
Andrew Labell, Northbridge Development
Jeremy Rosa, PE Northeast Engineers & Consultants, Inc.