



State of Rhode Island and Providence Plantations  
Coastal Resources Management Council  
Oliver H. Stedman Government Center  
4808 Tower Hill Road, Suite 116  
Wakefield, RI 02879-1900

(401) 783-3370  
Fax (401) 783-2069

ASSENT

CRMC File No.: 2019-08-014 CRMC Assent No.: A2019-08-014

Whereas, **The Narragansett Electric Company d/b/a National Grid**  
of **40 Sylvan Road**  
**Waltham, MA 02451**

has applied to the Coastal Resources Management Council for assent to: Implementation of a remedy on the former Tidewater Site to achieve compliance with the RI Department of Environmental Management's Remediation Regulations. Active remedial activities will extend across 6 parcels: 5 parcels owned by National Grid and one owned by the City of Pawtucket. The remedy includes installation of engineered caps, a subsurface containment wall along a portion of the riverfront, installation of revetments consisting of riprap underlain by reactive core matting in other portions of the riverfront, recovery of non-aqueous phase liquids, and long term natural attenuation groundwater monitoring and buffer restoration., and represents that they are the owner(s) of the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: **Implementation of a remedy on the former Tidewater Site to achieve compliance with the RI Department of Environmental Management's Remediation Regulations. Active remedial activities will extend across 6 parcels: 5 parcels owned by National Grid and one owned by the City of Pawtucket. The remedy includes installation of engineered caps, a subsurface containment wall along a portion of the riverfront, installation of revetments consisting of riprap underlain by reactive core matting in other portions of the riverfront, recovery of non-aqueous phase liquids, and long term natural attenuation groundwater monitoring and buffer restoration.**; located at plat 54|65|65B, lot 0826|0645,0647,0648,0649,0662; 200 Taft Street, Pawtucket, RI, in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before **March 24, 2023** after which date this assent is null and void, (unless written application requesting an extension is received by CRMC sixty (60) days prior to expiration date).

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to applicant's property to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns for a period of fifty (50) years from the date thereof, after which time this permission shall terminate necessitating either complete removal or a new application.

Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

A copy of this Assent shall be kept on site during construction.

Application for future alteration of the shoreline or other construction or alteration within the CRMC jurisdiction shall be submitted to the CRMC for review prior to commencing such activity.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.  
All local, state or federal ordinances and regulations must be complied with.

Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States shall be done under this Assent until the required Federal Permit has been obtained.

Non-compliance with this assent shall result in legal action and/or revocation of this permit.

**CAUTION:**

**The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from this assent or what was detailed on the CRMC approved plans will require a separate application and review. Additionally, if the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity. Permits, licenses or easements issued by the Council are valid only with the conditions and stipulation under which they are granted and imply no guarantee of**

**renewal. The initial application or an application for renewal may be subject to denial or modification. If an application is granted, said permit, license and easement may be subject to revocation and/or modification for failure to comply with the conditions and stipulations under which the same was issued or for other good cause.**

ATTENTION: ALL STRUCTURES AND FILLED AREAS IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
2. The Superior Navigation Servitude of the United States;
3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISIO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.

The lands adjacent to tidal waters and/or access to these lands may be impacted or rendered unusable in the future due to sea level rise, storm surge, and shoreline erosion. Online resources including STORMTOOLS, Shoreline Change Maps, and Sea Levels Affecting Marshes Model (SLAMM) Maps can be accessed through the CRMC website ([www.crmc.ri.gov](http://www.crmc.ri.gov)). The Council recommends the use of these resources to evaluate the flood extent and inundation from sea level rise, storm surge and erosion and damages to land, aquatic life, loss of public access and other natural resources on and near the site of the above assent. The project life may be shortened by these processes and may require additional adaptation measure up to and including relocation of the project. By issuing this assent the granting authority neither explicitly nor implicitly assumes any liability or responsibility for the stability or permanence of said project under future climate and shoreline conditions.

#### SPECIFIC STIPULATIONS OF APPROVAL

##### General Stipulations

**A. The applicant shall record this assent in its entirety in the land evidence records of the City of Pawtucket within thirty (30) days of the date of assent issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council by the applicant within fifteen (15) days thereafter. Failure to comply with provision will render this assent null and void.**

B. For the purpose of this permit, the inland edge of the coastal feature shall be the inland edge of wetland, top of bluff or top of revetment/seawall/bulkhead, as applicable. Note: there is an isolated freshwater wetland (FWW) also present on the site.

C. The approved plan shall be those entitled "FORMER TIDEWATER FACILITY, PAWTUCKET.. SITEWIDE REMEDY DESIGN, PERMIT SET" dated August 2019 as last revised January 13, 2020 by GZA (Todd R. Greene, RPE & Matthew J. Page, RPE). Except as stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.

- D. The coastal buffer zone (Ref. CRMP Section 1.1.11) shall be those areas currently contain natural vegetation located within 200' of the coastal feature as shown on the approved plan. Following completion of remediation activities, the coastal buffer zone shall be restored in accordance with the approved plans.
- E. This assent requires a shrub coastal buffer zone (Ref. CRMP Sect. 1.1.11) of 25' in width as measured landward from the inland edge of the coastal feature and an open meadow buffer zone for the remaining 175' of buffer within 200' of the coastal feature, as shown on the approved plans.
- F. The maintenance path shown on the approved plans within the buffer zone is authorized by this Assent.
- G. Vegetation within the coastal wetland shall remain in an undisturbed condition. Vegetation within the isolated FWW requires restoration in accordance with the approved plans and final grades shall be consistent with pre-existing wetland grades to ensure functionality of the wetland.
- H. Tidal flaps shall be installed at all pipe outlets that discharge to the Seekonk River.
- I. The owner is advised that additional work on-site will require separate CRMC review including Metro Bay SAMP requirements as applicable.

#### **Earthwork Stipulations**

- A. Prior to the initiation of site alterations or construction including the mobilization of construction vehicles, equipment or machinery, the Limit of Disturbance (LOD) shall be adequately delineated on site (by survey methods where appropriate). No equipment access, equipment or material storage or other activities including construction vehicle parking shall occur beyond the Limit of Disturbance, even on a temporary basis.
- B. Prior to the initiation of site alterations or construction including the mobilization of construction equipment and machinery, all required buffer zones shall be identified with permanent buffer zone markers (see additional details specified herein).
- C. The approved Soil Erosion and Sediment Control Plan (SESCP) shall be that contained on the CRMC approved site plan (referenced herein).
- D. Prior to conducting earthwork and other land disturbing activities, the erosion, runoff and sediment control measures shown on the approved plan and/or those measures specified herein shall be installed and maintained in accordance with good engineering practices including the applicable details found in the manufacturer's specifications and/or in the Rhode Island Soil Erosion and Sediment Control Handbook (as amended). These measures must be maintained until the site is stabilized through the establishment of vegetative cover and/or construction of the approved facilities (buildings, roadways, parking areas, etc.) has stabilized soils sufficiently to prevent erosion and sedimentation.
- E. All discharges which result from dewatering operations must flow into pumping settling basins, portable sediment tanks or portable sediment bags which are properly installed and maintained in accordance with good engineering practices including the applicable details found in the manufacturer's specifications and/or in the Rhode Island Soil Erosion and Sediment Control Handbook (as amended).

F. All excess excavated materials (soils, rock, gravel, etc.), excess construction materials, demolition debris, temporary erosion, runoff and sediment control measures, etc., shall be removed from the site for appropriate re-use and/or proper disposal at a suitable upland location or landfill. All toxic materials and waste shall be properly transported and disposed of in accordance applicable state and federal regulations.

G. All excavated material shall be cast on the upslope side of the excavation to minimize sedimentation. No excavated material shall be stockpiled beyond the Limit of Disturbance (LOD) or in unauthorized locations.

H. All areas of disturbed soils which are impacted by construction, site work and related activities shall be temporarily stabilized throughout the site construction period. Soil stabilization may be achieved through appropriate temporary measures as described by the Rhode Island Soil Erosion and Sediment Control Handbook (as amended). Where the season is not conducive to the establishment of vegetative cover, other temporary measures shall be employed including the application of mulch and/or use of fiber rolls (erosion control blankets, etc.). Temporary erosion, runoff and sediment controls shall be employed and maintained until temporary or permanent vegetative cover can be achieved and/or site improvements such as approved buildings, roadways and parking areas are constructed resulting in a lack of exposed soil.

I. The site grades achieved by removing, cutting or filling operations may not exceed 30% (roughly a 3:1 slope) unless specifically approved by the site plans approved by this CRMC Assent.

J. There shall be no discharge or disposal of toxic waste, hazardous materials, oil, grease and other lubricants, excess fertilizer, pesticides or other chemicals or controlled materials either on site or in any area which may enter a wetland, watercourse or groundwater. All spills of such materials shall be reported to the RI Department of Environmental Management for appropriate remediation. All used lubricants, excess chemicals, fertilizers, pesticides, etc., shall be removed from the site for transport, handling and disposal in accordance with all applicable state and federal regulations.

K. Upon the successful stabilization of exposed soils, all temporary (interim) erosion, runoff and sediment control measures shall be removed from the site for re-use and/or for disposal at a suitable, legal upland location or landfill. All temporary sediment basins, sediment traps and channels, etc., shall be removed and/or restored in accordance with the approved site plans.

L. Upon proper stabilization of the site, all temporary (interim) pollution prevention measures such as site access controls, tree-protection measures, concrete wash-out areas, waste management and fueling facilities, etc. shall be appropriately decommissioned and/or removed from the site for re-use or proper disposal of waste and other materials.

### **Building Stipulations**

A. All pertinent requirements of the RI State Building Code as administered by the local building official shall be strictly adhered to.

### **Buffer Zone Stipulations**

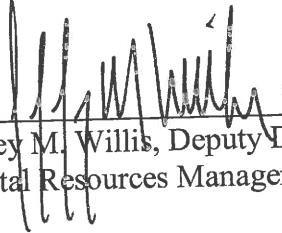
A. The 25' wide shrub buffer required by condition of this CRMC permit must be restored to an undisturbed naturally vegetated condition in accordance with Section 1.1.9 of the Rhode Island Coastal Resources Management Program. In this regard, the mowing of the lawn area which currently exists within the

buffer zone specified by this CRMC assent must cease immediately. Upon the discontinuation of mowing and the completion of approved remediation activities, the buffer zone shall be replanted per the approved plans and then left undisturbed to allow for the natural re-establishment of shoreline vegetation. No alterations of the buffer zone are allowed including grading, mowing, pruning, thinning, mulching, landscaping or any other activity not specifically approved by the stipulations of this assent or the approved plans.

B. Restoration planting of the open meadow buffer zone area and shrub buffer zone (per the approved plans) shall commence within the same growing season as completion of remediation activities.

C. Meadow management of the inland 175' portion of the required 200' buffer zone shall be authorized for twice annual mowing per the approved plans. Mowing shall be limited to: prior to May 1 and after August 15 and shall set the mower blade height at 10"+ within this area.

In Witness Whereof, said Coastal Resources Management Council has hereto set their hands and seal this 24th day of March in the year two-thousand-and-twenty.

  
\_\_\_\_\_  
Jeffrey M. Willis, Deputy Director  
Coastal Resources Management Council

/ajt