



# Town of Portsmouth

INSPECTION DEPARTMENT

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February 3, 2025

Chairman Ronald T. Gerwatowski  
State of Rhode Island Energy Facilities Siting Board  
89 Jefferson Boulevard  
Warwick, RI 02888

RE: Portsmouth Building Official Advisory Opinion  
RIEFSB Docket No. SB-2022-02  
SouthCoast Wind Energy LLC

Dear Chairman Gerwatowski:

The Portsmouth Building Official was directed by the Energy Facilities Siting Board (EFSB) to render an advisory opinion on Docket No. SB-2002-02 (SouthCoast Wind Energy LLC's application to construct the Facilities associated with the SouthCoast Wind Project in Portsmouth, Rhode Island). The EFSB directed the Building Official to render an advisory opinion as to whether the work proposed in the municipality as part of the Facilities' construction and operation is subject to Portsmouth's Erosion and Sediment Control Ordinance, and if so, whether SouthCoast Wind's Erosion and Sediment Control Plan would conform to the Ordinance. Additionally, the Building Official was asked to opine if the Project met the requirements of other municipal ordinances.

The Portsmouth Building Department with the assistance of Pare Corporation, the Town's on-call engineering consulting firm, completed a review of the Soil Erosion and Sediment Control documents provided by SouthCoast Wind LLC; those being the following:

- RI CRMC SouthCoast Environmental Permit Drawings (Part 2 of 2) Revision No. 07 prepared by Power Engineers dated December 20, 2024 (7 Sheets)
- SouthCoast Wind 1 Project Soil Erosion and Sediment Control Measures, Construction Best Management Practices prepared by Power Engineers dated December 17, 2024 (11 Pages)

The following comments are offered pertaining to the submission:

## General:

1. The project is subject to the Town of Portsmouth Soil Erosion and Sediment Control ordinance (Town Ordinance) in accordance with §320-3(A)(1), as the project proposes *"disturbing a total area equal to or greater than one acre, including disturbances less than*

*one acre if part of a larger common plan*" and proposes activities *"that requires permit approval by either the RIDEM or CRMC."* All required documents outlined within the Town Ordinance shall be submitted by the Applicant for review and approval by the Building Official.

- a. In accordance with the Town Ordinance §320-4(B), the Town shall impose a soil erosion and sediment control bond. The bond must be reviewed and approved by the Town Solicitor.
  - b. In accordance with the Town Ordinance §320-5(A), Confirm that the documents were prepared by a qualified SESC Plan preparer. The preparer shall be a Rhode Island Registered Professional Engineer, a Certified Professional in Erosion and Sediment Control, a Certified Professional in Storm Water Quality, or a Rhode Island Registered Landscape Architect.
    - i. Provide certification from qualified SESC Plan preparer.
  - c. In accordance with the Town Ordinance §320-5(B)(1)(b), provide plans for the open trench segments of duct bank installation, including limits of disturbance, limits of staging areas, adjacent resource areas, and dewatering discharge locations.
  - d. In accordance with the Town Ordinance §320-5(B)(1)(d), provide dewatering plans for proposed open cut trench limits. Provide plans indicating:
    - i. Approximate groundwater elevations,
    - ii. Subsurface geology,
    - iii. Dewatering practice type and details (deep well, well point, etc.),
    - iv. Dewatering system layout.
  - e. In accordance with the Town Ordinance §320-5(B)(1)(d), provide an environmental assessment including soil and groundwater pre-characterization to determine if the project proposes excavation and/or dewatering activities within or adjacent to environmental releases. Based on a preliminary review, the project is adjacent to:
    - i. Underground Storage Tanks,
    - ii. DEM Site - Portsmouth Town Dump,
    - iii. DEM Site - Founder Brook Motel,
    - iv. DEM Site - Portsmouth Town Pond,
    - v. Boyds Lane RIDOT Portsmouth Maintenance Facility and Fueling Station,
    - vi. Former Anthony Road RIDOT Portsmouth Garage and Fueling Station,
    - vii. Anthony Road RIDOT Portsmouth Garage Leaking Underground Storage Tank,
    - viii. EPCRA Tier II Facilities 2021: Roger Williams University - Baypoint Inn and Conference Center
  - f. If impacted groundwater is anticipated, authorization under the Rhode Island Remediation General Permit will be required.
2. In accordance with the Town Ordinance §320-5(B)(1)(d), confirm the status of state permits, including but not limited to:
    - a. RI CRMC Category B Assent,
    - b. RIDEM Section 401 Water Quality Certification and Dredge Permit,
    - c. RIDEM Rhode Island Pollutant Discharge Elimination System (RIPDES),
    - d. RIDOT Utility Permit
  3. In accordance with the Town Ordinance §320-5(B)(1)(d), confirm the status of federal

permits, including but not limited to:

- a. Army Corps of Engineers Section 10 Permit

**SouthCoast Environmental Permit Drawings:**

1. In accordance with the Town Ordinance §320-5(B)(3)(g), provide delineations of wetlands and the associated buffers. Delineations should be completed in accordance with the Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast (650-RICR-20-00-9) for the entire project limits. Provide revised plans with field-located wetland flags.
2. In accordance with the Town Ordinance §320-5(B)(1), and the requirement outlined within the Rhode Island Construction General Permit, provide revised plans indicating:
  - a. Total proposed area of disturbance.
  - b. Existing and proposed grading/drainage patterns.
  - c. Limits of clearing and grubbing.
  - d. Designated access and exit points for staging areas.
  - e. Designated washout areas.
  - f. Designated equipment/vehicle fueling and maintenance areas.
  - g. Designated soil stockpile areas.
  - h. Location of environmentally sensitive features and areas to be preserved or protected.
  - i. Areas within the project limits which are unsuitable for storage areas, equipment storage, dumpsters, stockpiles, fueling locations, etc.
  - j. Location of spill prevention and response equipment.
  - k. Indoor storage of hazardous materials.
  - l. Secondary containment areas.
3. In accordance with the Town Ordinance §320-5(B)(1)(b), confirm the proposed staging areas surface treatment (ie. crushed stone, pavement millings, etc.).
4. In accordance with the Town Ordinance §320-5(B)(1)(b), confirm the proposed staging area restoration (ie. plantings, seeding, etc.).
5. In accordance with the Town Ordinance §320-5(B)(1)(b), provide revised plans with details for the following:
  - a. Erosion control materials (straw wattles/filter sock).
  - b. Catch basin protection devices.
  - c. Soil stockpile protection.
  - d. Dewatering practices and anticipated discharge locations.
  - e. Tree protection.
  - f. Secondary containment for bentonite and other materials/waste.
  - g. Construction entrances and tracking pads.
  - h. Staging area surface treatments section.
6. In accordance with the Town Ordinance §320-5(B)(3), provide revised plans incorporating the following:
  - a. Have maximum scale of 1"=40',
  - b. Show existing utilities (for the extents of the project),
  - c. Show the approximate quantity of cut or surplus material generated,
  - d. Show the location and extent of the removal of existing topsoil, trees, and other vegetative quantities and the location of any soil to be removed from site,

- e. Show the project phasing, with estimated time of exposure for all disturbed land area(s) on the site prior to the completion of effective temporary and/or permanent erosion and sediment control measures and facilities. This shall include planting and seeding dates and application rates and the phasing plan indicating the anticipated starting and completion dates of all phases of the proposed site work.
- 7. In accordance with the Town Ordinance §320-5(B)(3), Drawing U1-1 confirm:
  - a. entrance location to staging area.
  - b. limits of clearing and grubbing.
  - c. wetland flags and buffers.
  - d. limits and material of staging area surface.
  - e. limits of coastal wetlands.
- 8. In accordance with the Town Ordinance §320-5(B)(3), Drawing U1-2 confirm:
  - a. limits of disturbance of parking area.
  - b. limits and material of staging area surface restoration.
- 9. In accordance with the Town Ordinance §320-5(B)(3), Drawing U1-3 confirm:
  - a. Confirm limits of clearing and grubbing.
  - b. Confirm wetland flags and buffers.
  - c. Confirm limits and material of staging area surface.
  - d. Confirm limits of coastal wetlands.
- 10. In accordance with the Town Ordinance §320-5(B)(3), Drawing U1-4 confirm:
  - a. Confirm property owner.
  - b. Confirm wetland flags and buffers.
  - c. Provide topographic contours.

**Soil Erosion and Sediment Control Measures, Construction Best Management Practices Report:**

- 1. In accordance with the Town Ordinance §320-5(B)(1), provide a Soil Erosion and Sediment Control Plan (SESCP) or Stormwater Pollution Prevention Plan (SWPPP) in accordance with RIDEM's template including, but not limited to:
  - a. Include record keeping requirements for plans, inspections, and maintenance activities.
  - b. Include sample Soil Erosion and Sediment Control plan inspection forms.
  - c. Include a copy of the notice of intent (NOI) required by RIDEM shall be submitted to and kept on file by the Portsmouth Building Official.
  - d. Include a schedule showing the sequence of construction, inspection and maintenance of erosion and sediment control and waste control measures.
  - e. Include required certifications by qualified professionals, and signatures of the owner of each property, or authorized agent, on which the work subject to approval is to be performed.
- 2. In accordance with the Town Ordinance §320-5(B)(1)(d), describe the directional drilling waste management, inadvertent return, and pollution prevention procedures.
  - a. Identify qualified personnel or requirements to be specified for contractor selection.
  - b. Identify inspection, monitoring, and notification procedures.
  - c. Identify release response procedures.
  - d. Identify cleanup, closeout and follow-up investigation procedures.

- e. Identify operating procedures for the following three operating conditions:
  - i. Normal Drilling (full drilling fluid circulation),
  - ii. Loss of Drilling Fluid Circulation,
  - iii. Inadvertent Returns.
- f. Identify drilling fluids additives and materials.
- g. Identify procedures for sampling, testing, and disposal of drilling fluids.
- h. Identify control and containment procedures for drilling fluids.

**The applicant should provide a formal response to address each comment.**

If you have any questions or require any additional information, please feel free to contact me at 401-683-3611 or [mkent@portsmouthri.gov](mailto:mkent@portsmouthri.gov).

Respectfully Submitted,



Matthew S. Kent  
Assistant Building Inspector

cc: Kristen L. Masse, Coordinator, Rhode Island Energy Facility Siting Board (by email)