

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
PERMITS SECTION
235 PROMENADE STREET
PROVIDENCE, RHODE ISLAND 02908-5767

PUBLIC NOTICE OF PROPOSED PERMIT ACTIONS UNDER THE RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM (RIPDES) PROGRAM WHICH REGULATES DISCHARGES INTO THE WATERS OF THE STATE UNDER CHAPTER 46-12 OF THE RHODE ISLAND GENERAL LAWS OF 1956, AS AMENDED.

DATE OF NOTICE: Monday, April 7, 2025

PUBLIC NOTICE NUMBER: PN-25-01

DRAFT RIPDES PERMITS

RIPDES PERMIT NUMBER: **RI0023175**

NAME AND MAILING ADDRESS OF APPLICANT:

Warwick Mall
400 Bald Hill Road, Suite 100
Warwick, RI 02886

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Warwick Mall
100 West Natick Road
Warwick, Rhode Island 02886

RECEIVING WATER: **Pawtuxet River Main Stem (Waterbody ID#: RI0006017R-03)**

RECEIVING WATER CLASSIFICATION: **B1**

The facility is located in Warwick and is engaged in the operation of a retail mall. The discharge consists of stormwater from the mall, various detached retail stores, a car care center, a movie theater, detached restaurants, and their associated parking lots. In 1994, the DEM designated the facility as a significant contributor of pollutants to the Pawtuxet River. Therefore, in accordance with 250-RICR-150-10-1, the facility was required to apply for an individual RIPDES permit. The facility has reapplied to the Rhode Island Department of Environmental Management for reissuance of an individual RIPDES permit to authorize the stormwater discharge from the facility through Outfalls 001A, 001B, 001C, 002A, 003A, and 003B. This permit includes benchmarks to ensure that the discharge will not cause a water quality violation. It requires that the facility

maintain a Stormwater Pollution Prevention Plan (SWPPP) to manage stormwater pollution controls. Benchmark exceedances shall trigger a review of the facility's SWPPP and the implementation of the appropriate corrective actions. The draft permit contains new requirements for corrective actions, updated benchmark values, and new monitoring periods.

The DEM has determined that the proposed activities comply with the Policy on the Implementation of the Antidegradation Provisions of the Rhode Island Water Quality Regulations (250-RICR-150-1) and that existing uses will be maintained and protected. A detailed evaluation of the water quality impact from the proposed activities and any important benefits demonstrations, if required, may be found in the statement of which is available as noted below.

RIPDES PERMIT NUMBER: **RI0023299**

NAME AND MAILING ADDRESS OF APPLICANT:

Rhode Island Mall Condominium Association, Inc.
c/o TKG Management, Inc.
211 N. Stadium Boulevard, Suite 201
Columbia, MO 65203

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Rhode Island Mall Condominium Association, Inc.
East Avenue and Bald Hill Road
Warwick, Rhode Island 02886

RECEIVING WATER: **Pawtuxet River Main Stem (Waterbody ID#: RI0006017R-03)**

RECEIVING WATER CLASSIFICATION: **B1**

The facility is located in Warwick and is engaged in the operation of a retail shopping site, including a mall, a detached building housing a BJ's Wholesale Club, and their associated parking lots. In 1994, the DEM designated the facility as a significant contributor of pollutants to the Pawtuxet River. Therefore, in accordance with 250-RICR-150-10-1, the facility was required to apply for an individual RIPDES permit. The facility has reapplied to the Rhode Island Department of Environmental Management for reissuance of an individual RIPDES permit to discharge stormwater from the facility through Outfalls 002A, 002B, 003A, 004A, and 005A. This permit includes benchmarks to ensure that the discharge will not cause a water quality violation. It requires that the facility maintain a Stormwater Pollution Prevention Plan (SWPPP) to manage stormwater controls. Benchmark exceedances shall trigger a review of the facility's SWPPP and the implementation of the appropriate corrective actions. The draft permit contains new requirements for corrective actions, updated benchmark values, and new monitoring periods.

The DEM has determined that the proposed activities comply with the Policy on the Implementation of the Antidegradation Provisions of the Rhode Island Water Quality Regulations (250-RICR-150-1) and that existing uses will be maintained and protected. A detailed evaluation of the water quality impact from the proposed activities and any important benefits demonstrations, if required, may be found in the statement of which is available as noted below.

RIPDES PERMIT NUMBER: **RI0023302**

NAME AND MAILING ADDRESS OF APPLICANT:

S-BHR Condominium Association, Inc.
c/o Raymour and Flanigan Properties LLC
7248 Morgan Road
Liverpool, New York 13088

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

S-BHR Condominium Association, Inc.
650 Bald Hill Road
Warwick, Rhode Island 02886

RECEIVING WATER: **Pawtuxet River Main Stem (Waterbody ID#: RI0006017R-03)**

RECEIVING WATER CLASSIFICATION: **B1**

The facility is located in Warwick and is engaged in the operation of a retail mall which includes various detached buildings, a former auto service center, and the associated parking lots. In 1994, the DEM designated the facility as a significant contributor of pollutants to the Pawtuxet River. Therefore, in accordance with 250-RICR-150-10-1, the facility was required to apply for an individual RIPDES permit. The facility has reapplied to the Rhode Island Department of Environmental Management for reissuance of an individual RIPDES permit to discharge stormwater from the facility through Outfalls 001A, 002A, and 004A. This permit includes benchmarks to ensure that the discharge will not cause a water quality violation. It requires that the facility maintain a Stormwater Pollution Prevention Plan (SWPPP) to manage stormwater controls. Benchmark exceedances shall trigger a review of the facility's SWPPP and the implementation of the appropriate corrective actions. The draft permit contains new requirements for corrective actions, updated benchmark values, and new monitoring periods.

The DEM has determined that the proposed activities comply with the Policy on the Implementation of the Antidegradation Provisions of the Rhode Island Water Quality Regulations (250-RICR-150-1) and that existing uses will be maintained and protected. A detailed evaluation of the water quality impact from the proposed activities and any important benefits demonstrations, if required, may be found in the statement of which is available as noted below.

PERMITS TO BE TERMINATED

RIPDES PERMIT NUMBER: RI0020150

NAME AND MAILING ADDRESS OF APPLICANT:

Naval Station Newport
1 Simonpietri Drive
Newport, RI 02841

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Defense Fuel Support Point
Melville Fuel Depot
Portsmouth, Rhode Island 02871

RECEIVING WATER: Narragansett Bay–East Passage (Waterbody ID#: RI0007029E-01D)

RECEIVING WATER CLASSIFICATION: SB1

The facility, which was the source of the discharge, was previously engaged in the operations of a fuel storage terminal for use by the Department of the Navy (“the Navy”). The facility was issued a permit to discharge on October 30, 1985 that expired on October 30, 1990. However, since the permittee submitted a timely and complete application on May 17, 1990, this permit was administratively continued in accordance with 250-RICR-150-10-1.13 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RIPDES). The discharges from this facility consisted of stormwater, groundwater, and fuel tank condensate water from Tanks Farms 1 – 3, which were treated by oil/water separators and conveyed to Narragansett Bay via Outfall 008A (Tank Farms 1 and 2) and Outfall 005A (Tank Farm 3). The discharge points are no longer active as they were secured/shut off as of October 31, 2016 for Outfall 008A and July 18, 2017 for Outfall 005A.

In accordance with 250-RICR-150-10-1.25.A.5 of the Regulations for the Rhode Island Pollutant Discharge Elimination System, the permit is being terminated since there has been a change in conditions that resulted in the elimination of any discharges controlled by the permit. The basis for terminating the October 30, 1985 RIPDES permit are as follows: (1) the permitted discharges from Outfalls 008A and 005A have been secured/shut off since October 31, 2016 and July 18, 2017, respectively, and (2) the facility has plans to demolish Tank Farms 1 – 3 that will remove the infrastructure and any petroleum contamination due to past operations from these sites. Any subsequent point source discharges of pollutants from these sites will require a new permit. Further information regarding the site’s history and DEM’s tentative decision to terminate the RIPDES permit RI0020150 may be found in the Statement of Basis for this permit termination, which is available as noted below.

FURTHER INFORMATION:

A statement of basis (describing the type of facility and significant factual, legal and policy questions considered in these permit actions) may be obtained at no cost by writing or calling DEM as noted below:

Ekaterini Papazekos, Environmental Engineering Associate
Rhode Island Department of Environmental Management
Office of Water Resources
235 Promenade Street
Providence, Rhode Island 02908-5767
(401) 537-4036
Email: ekaterini.papazekos@dem.ri.gov

The administrative record containing all documents relating to these permit actions is on file and may be inspected, by appointment, at the DEM's Providence office mentioned above between 8:30 a.m. and 4:00 p.m., Monday through Friday, except holidays.

PUBLIC COMMENT AND REQUEST FOR PUBLIC HEARING:

Pursuant to Chapter 42-17.4 of the Rhode Island General Laws a public hearing has been scheduled to consider these permits if requested. Requests for a Public Hearing must be submitted in writing to the attention of Ekaterini Papazekos as indicated above. Notice should be taken that if DEM receives a request from twenty-five (25) people, a governmental agency or subdivision, or an association having no less than twenty-five (25) members on or before 4:00 p.m., Wednesday, May 7, 2025, a public hearing will be held at the following time and place:

5:00 PM Wednesday, May 14, 2025
Room 280
235 Promenade Street
Providence, Rhode Island 02908

Interested persons should contact DEM to confirm if a hearing will be held at the time and location noted above.

235 Promenade Street is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call Ekaterini Papazekos or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Interested parties may submit comments on the permit actions and the administrative record to the address above no later than 4:00 p.m. on Friday, May 16, 2025.

If, during the public comment period, significant new questions are raised concerning any of the permits, DEM may require a new draft permit or statement of basis or may reopen the public comment period. A public notice will be issued for any of these actions.

Any person, including the permittee/applicant, who believes these permit actions are inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period under 250-RICR-150-10-1.42 of the Regulations for the Rhode Island Pollutant Discharge Elimination System. The public comment period is from Monday, April 7, 2025 to Friday, May 16, 2025. Commenters may request a longer comment period if necessary to provide a reasonable opportunity to comply with these requirements. Comments should be directed to DEM as noted above.

FINAL DECISION AND APPEALS:

Following the close of the comment period, and after a public hearing, if such hearing is held, the Director will issue a final decision and forward a copy of the final decision to the permittee and each person who has submitted written comments or requested notice. Within 30 days following the notice of the final decision, any interested person may submit a request for a formal hearing in accordance with the requirements of 250-RICR-150-10-1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System.

31 March 2025

Date

Heidi Travers

Heidi Travers, P.E.

Environmental Engineer IV

RIPDES, Office of Water Resources

Department of Environmental Management