

**FOR STAKEHOLDER REVIEW PURPOSES ONLY
WORKING DRAFT – SUBJECT TO CHANGE
REVISED AUGUST 1, 2007**

Freshwater Wetlands Permit Certification Packet

Self-Certification Checklist and Forms Booklet

For All

Freshwater Wetland Permits



August 2007

**Rhode Island Department of Environmental Management
Office of Technical and Customer Assistance
235 Promenade Street
Providence, RI 02908-5767
(401) 222-6822**

<http://www.dem.ri.gov>

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Section 1.0 Compliance Certification Instructions

1.1 What is Compliance Certification?

In order to improve environmental compliance at less cost to both government and business, you can now self-certify to the Department of Environmental Management (DEM) that you are in compliance with your permit.

1. **Freshwater Wetland Regulations:** Rules 9.00 and 10.00 of the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act* requires all permittees to conduct their own inspections and certify their compliance with the permit requirements. The Rules are designed to be used in conjunction with the accompanying self-certification checklist and can also be used as a reference for your project.
2. **Self-Certification Checklist and Accompanying Forms Booklet (This Booklet):** The checklist requires permit information (facility name, address, owner, etc.), and contains a series of compliance questions, which generally require "yes" or "no" answers about whether or not you are in compliance with your permit conditions. The checklist ends with a certification statement which must be signed by the permit owner and the professional consultant performing the work (as required).
3. **Return-to-Compliance Plan:** Complete the Return-to-Compliance Plan if your facility is not in compliance with a particular checklist item at the time of certification or inspection. The facility must detail its plans to address the particular items to bring them back into conformance with environmental, health and safety regulations within a specified period of time. Copies of this form can be found starting on page 18 of this booklet.



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1.2 Submission Timeline

The Certification Checklist and Certification Statements must be submitted within fourteen (14) days after the completion of your project. The Return-to-Compliance forms may be submitted at anytime during the time your project is under construction and instances of non-compliance are corrected. For larger projects, the Department encourages you to conduct additional self-inspections to ensure that you remain in compliance and to employ those professionals that are necessary to ensure that engineering or surveying needs are properly achieved. You are not required to submit these additional inspection checklist(s) but must submit the final checklist and certification statement at the conclusion of your project, as noted above.

**Questions and/or Comments can be directed to:
RI DEM - Office of Technical and Customer Assistance
235 Promenade Street
Providence, RI 02908-5767
(401) 222-6822**

1.3 Do I have to Certify?

Participation in the program is a **mandatory condition of your freshwater wetlands permit**. Every person that has received a freshwater wetlands permit from the Department of Environmental Management is required to complete this booklet. If you have any questions regarding your permit or this check list, please call us at (401) 222-6822.

1.4 How To Fill Out the Compliance Certification Forms.



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1. Read the, **Insignificant Alteration Permit, or Permit to Alter Freshwater Wetlands** to understand the terms and conditions of the permit and your environmental responsibilities.
2. Make a copy of the **Certification Checklist** to use as a working draft.
3. Read the checklist and identify all the questions that apply to your project site. Additional step-by-step instructions for the **Certification Checklist** are included in Section 1.8.
4. While your project is under construction, walk through your site with the checklist copy and identify all the questions where you are already in compliance, and those where you will need to make changes to come into compliance. As indicated earlier, for larger projects, you may want to do this on multiple occasions, including after significant precipitation events.
5. If you find that you are out of compliance with any condition of your permit, be sure to submit a **Return-to-Compliance Plan** for each checklist item that you are not in compliance with.
6. At the end of your project, review your **Certification Checklist** for completeness. Once complete, copy your answers from the draft, make a copy of the completed certification checklist for your files, and mail the original signed copy to DEM.

1.5 How do I Submit a Compliance Certification?

You are required to complete the certification checklist and mail it to DEM at the completion of your project. Mail completed certification checklist forms to:

**RI Department of Environmental Management
Office of Technical and Customer Assistance /
Certification Checklist
235 Promenade Street
Providence, RI 02908-5767**



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1.6 What is Not Covered by the Compliance Certification?

This Compliance Certification is intended to review many applicable wetland permit requirements. There may be other State, Federal or Local requirements or permits that apply to your project site such as building codes, local soil and erosion control requirements, fire codes, etc. that are not covered. You must still comply with these requirements.

1.7 Participation in the Self-Certification Program is a requirement of your permit and may assist you in the following ways.

DEM: Compliance with environmental regulations is a requirement of all permits. Participation in the Self-Certification Program entitles you to the following incentives:

- the ability to promptly correct environmental violations to assist you in preventing an enforcement action including the assessment of penalties,
- making you better prepared for a random or targeted inspection, and
- free technical assistance from DEM's Office of Technical and Customer Assistance

Note: Participation in the Self-Certification Program does not guarantee that you will not be subject to a compliance inspection, or an inspection prompted by an employee, neighbor or filed complaint. Both state and federal environmental agencies have the authority to perform such inspections. These inspections can result in enforcement actions against you and can delay the completion of your project or result in restoration orders if you have exceeded your permit limits. Participation in this program will identify deficiencies and prepare you in the event of an inspection. Keep copies of your checklists to assist you in demonstrating compliance with applicable state and federal regulations.



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1.8 Step-by-Step Instructions for Filling out the Compliance Certification Checklist.

Project Information

In this section, list the name and address and contact information (including email) of the individual that DEM should contact if there are questions about your *Certification*, and your permit number.

Compliance Certification Checklist

These questions provide DEM with some background information about you and information about whether or not you are following the environmental protection standards and requirements that apply to your project. If you are not in compliance with the requirements on the date(s) you conduct your inspection(s), you must complete a *Return-to-Compliance Plan* (described below) and submit it as they are completed or with the *Compliance Certification Checklist*.

Please note that it is your responsibility to keep your project in compliance with environmental protection requirements at all times. You may be subject to enforcement action if you do not comply with the terms and conditions of your permit. The *Certification Statement* includes a pledge that you have protocols in place and that you will maintain them to keep your site in compliance with environmental protection standards even after you have completed construction of your project.

Certification Statement

The *Certification Statement* is a preprinted statement which says that the person signing the form:

- has reviewed it,
- believes the information being submitted is true,



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- will make sure that protocols are in place that will keep the project in compliance with permit requirements, and
- understands that there may be serious consequences for submitting false information to DEM.

The statement must be signed by the property owner. Project professionals, including Registered Professional Engineers, Registered Land Surveyors, Registered Landscape Architects, and/or wetland scientists, or any other consulting professional working for the project owner that completes any portion of this check list, Return-to-Compliance Plans or other plan or report required by this check list, must also sign the certification statement. The person who signs the form must also print or type his or her name and title on the appropriate lines and date the form.

Return-to-Compliance Plan (RTC)

- MAKE COPIES OF THIS FORM BEFORE YOU BEGIN -

If you are unable to comply with a standard or condition at the time you certify, fill out this form. The form asks for the standard or condition you are in violation of, what you plan on doing to comply, and when you will achieve compliance with the requirement. A separate form is required each time your answer to a checklist question indicates that a ***Return-to-Compliance Plan*** is required. Three copies of a ***Return-to-Compliance Plan Form*** can be found starting on page 18 of this booklet. If you need more forms, make the necessary number of copies or call us for additional copies at (401) 222-6822. Attach all ***Return-to-Compliance Plan Forms*** to your completed ***Compliance Certification Checklist***, and mail to DEM.



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Rhode Island Department of Environmental Management
Freshwater Wetland Certification Program
Compliance Certification Checklist



Section A: Owner and Site Information

Name: _____

Mailing Address: _____ Phone #: _____

_____ Fax #: _____

City/Town: _____ App #: _____

Zip Code: _____ Date Permit Issued: _____

Date Permit Expires: _____

Contact Person: _____ Owner: _____

Contact Person Phone Number: _____

Contact Person email: _____

Section B: Permit Conditions Checklist

Please answer all questions, unless you are directed to skip a question. Do not answer questions that you are directed to skip.

B.1 Did you notify DEM prior to the commencement of site alterations?

Yes No

B.2 Are copies of the permit and the stamped approved plans kept on-site and available for review by DEM?

Yes No

B.3 If required by your permit, did you record the permit/letter of authorization in the land evidence records of the City or Town of your project within 10 days of the receipt of the permit?

Yes No - Submit RTC



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B.4 Did you erect or post a sign with the permit number resistant to the weather and at least twelve (12) inches wide and eighteen (18) inches long, which boldly identifies the initials "DEM"?

Yes No - Submit RTC

B.5 Have you properly identified and marked the limits of disturbance (LOD) as detailed on the approved site plans and ensured that no activity or alterations occur beyond your approved LOD?

Yes No - Submit RTC

Please Note: Your permit is specifically limited to the project, site alterations and limits of disturbance as detailed on your approved site plans. If you answered **No** to this question you may be in violation of your permit conditions and may be required to submit an Application for a Permit Modification (Rule 11.03) or a new Request for Preliminary Determination (Rule 9.00). You should contact the Office of Technical and Customer Assistance for further information

B.6 Were temporary erosion and sediment controls detailed or described on the approved site plans installed at the site prior to or commensurate with the site alterations?

Yes No - Submit RTC

B.7 Were the erosion and sediment controls properly maintained, replaced, supplemented, or modified as necessary throughout the life of the project?

Yes No - Submit RTC

a) Indicate dates temporary erosion and sediment controls were installed, checked, repaired, if necessary:

B.8 Were temporary erosion and sediment controls, including staked hay bales, twine or wire, and/or silt fences, removed after all disturbed soils were permanently stabilized?

Yes No - Submit RTC



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a) Indicate date controls were removed:

B.9 Have all stormwater basins, piping systems, catch basins, culverts, swales and any other stormwater management control features been constructed/installed in accordance with the approved site plans?

Yes No - Submit RTC

B.10 Does your project include the placement of any fill or material from off-site locations?

(If No, skip to Question B10.)

Yes No

a) Did you inspect the material to ensure that it is clean and free of any matter that could pollute any freshwater wetland?

Yes No - Submit RTC

b) Have temporary erosion and sediment controls been placed around all areas where fill has been placed?

Yes No - Submit RTC

B.11 Does your project include any engineered mitigation or mitigative features (such as water quality treatment basins, infiltration areas, etc.)?

Yes No

a) Were surveys, checks and/or engineering tests performed to ensure mitigative features were properly installed and are operational?

Yes No - Submit RTC

b) Have you filed a maintenance plan indicating the parties responsible for future maintenance of the mitigative features?

Yes No - Submit RTC

If yes, date plan filed:



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B.12 As a registered land surveyor or registered professional engineer, by checking **Yes**, I am indicating that the locations and elevations of all stormwater management features including all basins, piping systems, catch basins, culverts, swales and any other controls, have been installed as required in the approved site plans.

Yes No - Submit RTC

B.13 Does your project include flood loss compensation?

(If No, skip to Question B.14.)

Yes No

a) Was excavation to compensate for loss in flood storage as provided on the approved site plans completed prior to any filling or construction alterations within flood plain or areas subject to flooding?

Yes No - Submit RTC

b) As a registered land surveyor or registered professional engineer, by checking **Yes**, I am indicating that the horizontal and vertical dimensions of the excavated area to compensates for the loss in flood storage is consistent with the approved plans.

Yes No - Submit RTC

B.14 Does your project include the planting of any shrubs, trees, or other forms of vegetation?

(If No, skip to Question B.15.)

Yes No

a) Were the correct number and size of plantings installed in the proper locations as detailed on the approved site plans?

Yes No - Submit RTC

b) Indicate dates that plantings were installed: _____

c) Have all plantings been properly maintained and/or replaced if needed?

Yes No - Submit RTC



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B.15 Have you complied with the terms and conditions of your permit and have you completed this project in compliance with the Department's Rules and Regulations at all times?

Yes No - Submit RTC

B.16 Have you deviated from the terms and conditions of your permit?

Yes No

If Yes, indicated any changes made:

Please Note: If you answered **Yes** to this question you may be in violation of your permit conditions. You may also be required to submit an Application for a Permit Modification (Rule 11.03) or a new Request for Preliminary Determination (Rule 9.00). You should contact the Office of Technical and Customer Assistance for further information.



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Section C: Certification Statement - Owner

Note: Complete all required Return-to-Compliance Plans (RTC) before signing this statement!

I _____, as owner or duly authorized representative, attest under the pains and penalties of perjury:

- I) That I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification statement;
- II) That, based on my inquiry of those individuals responsible for obtaining the information, the information contained in this submittal is, to the best of my knowledge, true, accurate and complete;
- III) That protocols to maintain compliance are in place on the project and will be maintained while I am in possession of the project; and
- IV) That I am fully authorized to make this attestation.

I am aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Return this form to: **RI DEM/Office of Technical & Customer Assistance**
235 Promenade Street
Providence, RI 02908-5767



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Section C: Certification Statement - Professional

Note: Complete all required Return-to-Compliance Plans (RTC) before signing this statement!

I _____, attest under the pains and penalties of perjury:

- I) That I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification statement;
- II) That, based on my inquiry of those individuals responsible for obtaining the information, the information contained in this submittal is, to the best of my knowledge, true, accurate and complete;
- III) That protocols to maintain compliance are in place on the project and will be maintained for the duration of the project; and
- IV) That I am fully authorized to make this attestation.

I am aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Professional Registration Number (if applicable): _____

Return this form to: **RI DEM/Office of Technical & Customer Assistance**
235 Promenade Street
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Rhode Island Department of Environmental Management
Freshwater Wetlands Program
Return-to-Compliance Form



- Before you complete this form, make as many copies as needed. Complete a separate Return-to-Compliance Form for EACH compliance question that requires one. Attach to Certification Checklist and return with entire package.
- Only submit a Return-to-Compliance Plan for violations that you were unable to correct BEFORE certifying.
- Completing this form does not relieve the project applicant of its affirmative responsibility to operate in compliance with applicable regulations. Failure to operate in full compliance with the applicable regulations may result in enforcement actions which may include fines or penalties.

Project Information

Please note that submittal of this RTC Form gives your project an additional 60 days to come into compliance.

Project Name: _____
Permit Number: _____

1. What is the Compliance Question # for which you are reporting noncompliance?
Compliance Question # _____
2. What is the specific condition (reference the permit conditions)
Permit Condition # _____

Brief Description of Requirement:

3. What corrective action will you take or have you taken to return to compliance?

4. Date that project is expected to be in compliance with this issue? _____



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