



Permitting of Solar Panels on Inter-State Highways

RIDEM Office of Customer and Technical Assistance

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Presentation Outline

- Wetlands Regulations
- Stormwater Regulations
- Ground mounted solar array guidance - <https://dem.ri.gov/sites/g/files/xkgbur861/files/2022-10/solar-guidance.pdf>
- Office of Customer and Technical Assistance – Pre- Application meetings - <https://dem.ri.gov/environmental-protection-bureau/customer-and-technical-assistance/pre-application-meetings>





Key New or Revised Definitions

- **Jurisdictional Area** – area to be regulated includes - freshwater wetlands, buffers, floodplains, areas subject to storm flowage (ASSF), areas subject to flooding (ASF), and contiguous areas that extend outward:
 - Two hundred feet (200') from the edge of a river or stream;
 - Two hundred feet (200') from the edge of a drinking water supply reservoir; and
 - One hundred feet (100') from the edge of all other freshwater wetlands (including ponds).



For the purpose of defining buffer in the revised Rules, “adjacent to” means land area within the “buffer zone”. This is true even if the “buffer zone” extends across a developed feature such as a roadway.





Ground Mounted Solar Array Guidance

Freshwater Wetlands Program and Stormwater Construction Permitting

Ground-Mounted Solar Array Guidance

This document serves as guidance for the preparation of freshwater wetland and stormwater construction permit applications for the installation of ground-mounted solar arrays. This guidance is intended to help design professionals prepare applications in a manner that allows for timely and efficient review by the Rhode Island Department of Environmental Management Office of Water Resources (RIDEM OWR).

This document addresses some of the requirements of the Rhode Island Stormwater Management Design and Installation Rules (Stormwater Rules) (250-RICR-150-10-8) and the Rhode Island Stormwater Design and Installation Manual (RISDISM) as well as the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Wetland Rules) (250-RICR-150-15-3) that are especially relevant and applicable to new Solar Array development. It is not intended to be a substitute for those or any other applicable rules or regulations. Applicants are encouraged to review the Stormwater Rules, the RISDISM, the Wetland Rules and all applicable rules and regulations (i.e. RIPDES General Permit for Stormwater Discharge Associated with Construction Activity (CGP), Groundwater Discharge (GWD)/Underground Injection Control (UIC) Program (Groundwater Discharge Rules; 250-RICR-150-05-3), etc.) to ensure that all requirements are met.



Applicable Permits

- Application for a Freshwater Wetlands Permit
 - Results in Insignificant Alteration Permit
 - May require a Variance if buffer vegetation impacted
 - General Permit – Development of Limited Size outside of Designated Buffer Zones
- Stormwater Permit- RIPDES Construction General Permit
 - Required for Projects greater than one acre of disturbance or part of a larger common plan of development that would disturb one (1) or more acre
 - Underground Injection Control (UIC) permit if infiltrating stormwater from solar panels into the groundwater table



Pre-Application Meetings

- DEM encourages pre-application meetings
 - Provides coordination for large projects that involve more than one permit
 - For applicants that are not familiar with the DEM permitting process
 - For applicants with questions about their project – avoidance and minimization, stormwater management, site remediation, etc.
 - Coordination of municipal and state requirements – town officials should be invited by the applicants

Pre-application meetings at DEM are scheduled through the Office of Customer and Technical Assistance, Permitting Application Center (PAC). Contact Ron Gagnon at (401)-222-4700 ext 2777500 or Joe Antonio ext 2774410

<http://www.dem.ri.gov/programs/customertech/preapp-meeting.php>



More information available on DEM website at:

<http://www.dem.ri.gov/programs/water/permits/pn-wetland.php>

The website includes a button for submitting questions on the new rules.