



**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**OFFICE OF WATER RESOURCES**  
235 Promenade Street  
Providence, Rhode Island 02908

July 2, 2020

Rhode Island Resource Recovery Corporation  
C/o Joseph Reposa, Executive Director  
65 Shun Pike  
Johnston, RI 02919

**RE:** Application No. 08-0356, **Application for Renewal** for the site located:

From about 260 feet north of Shun Pike and approximately 2,200 feet west of Green Hill Road extending eastward to the intersection of Shun Pike and Green Hill Road, then eastward along and within Shun Pike to about 400 feet south of Shun Pike and approximately 1,700 feet east of the intersection of Shun Pike and Green Hill Road; Assessor's Plat 43, Lots 36, 154, 174, 402, 567, & 588; Assessor's Plat 31, Lots 46, 55, & 58, Johnston, RI.

Dear Mr. Reposa :

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Application for Renewal received on April 20, 2020.

It is our understanding that you are requesting renewal of the permit issued for Application No. 08-0356. The original permit was issued on March 17, 2010 and revised on May 16, 2011, May 25, 2012, and again on January 25, 2013 to the Rhode Island Resource Recovery Corporation for alterations to freshwater wetlands at the above-referenced location.

This Program has found that your project, at this time, is in conformance with those conditions set forth in the permit letter as well as the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1. It is our determination, therefore, that the permit may be renewed. This renewal is valid until July 1, 2022 and expires on that date.

A copy of the original permit letter of March 17, 2010 and revised permit letters of May 16, 2011, May 25, 2012, and January 25, 2013 are enclosed for your convenience. It is your responsibility to maintain compliance with the conditions of the permit and to carry out this project in compliance with the Rules at all times. This renewal does not relieve you of any obligations to obtain any local, state, or federal approvals or permits as required by ordinance or law.

Please be advised that the two areas of unauthorized wetland encroachment that are located within the **Created River Bank Wetland Area** on the GCC Site on Shun Pike and are further located just northwesterly of the existing access drive in the vicinity of, and southwesterly of the existing Flare End 2 drainage pipe, must be allowed to revegetate back naturally without cutting or mowing.

Please contact Daniel Kowal of this office (telephone: 401-222-4700, ext. 7416) should you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink that reads "Martin D. Wencek". The signature is written in a cursive style with a long horizontal flourish at the end.

Martin D. Wencek, Permitting Supervisor  
Freshwater Wetlands Program  
Office of Water Resources

MDW/DMK/dmk

Enclosures: Copy of original permit letter of 3/17/10  
Copy of revised permit letters of 5/16/11, 5/25/12, and 1/25/13

cc: Richard A. Carlone, P.E., GZA GeoEnvironmental, Inc.  
Johnston Building Official



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

February 16, 2015

Rhode Island Resource Recovery Corporation  
C/o Michael J. OConnell, Executive Director  
65 Shun Pike  
Johnston, RI 02919



**REVISED PERMIT**

RE: Application No. 08-0356 in reference to the property and project located:

From about 260 feet north of Shun Pike and approximately 2,200 feet west of Green Hill Road extending eastward to the intersection of Shun Pike and Green Hill Road, then eastward along and within Shun Pike to about 400 feet south of Shun Pike and approximately 1,700 feet east of the intersection of Shun Pike and Green Hill Road; Assessor's Plat 43, Lots 36, 154, 174, 402, 567, & 588; Assessor's Plat 31, Lots 46, 55, & 58, Johnston, RI.

Dear Mr. OConnell:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Permit Modification** and has evaluated your proposed modification request for the proposed construction/placement of: equipment pads, office trailers, storage containers, a gravel parking area, a storage tank, a surface infiltration basin, a gravel drive, a stone filter strip, and a gravel berm; and for chain link fence removal and installation, and for gravel road relocation at the Gas Compression and Conditioning (GCC) site at 73/75 Shun Pike as illustrated and detailed on revised site plans submitted with your application.

Based upon the Program's evaluation of the revised project and pursuant to Rule 11.03 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules), it is the Program's determination that a revised permit for the modified project may be issued under the following terms and conditions:

1. This letter is the DEM's revised permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This revised permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the DEM on February 6, 2015 and as modified in these terms and conditions. Changes or revisions to the project which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the revised permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. A copy of the stamped approved site plans and a copy of this revised permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plans must be made available for review by any DEM representative upon request.
5. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the Town of Johnston and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.

6. This revised permit expires on July 1, 2019, unless renewed pursuant to Rule 9.04.
7. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved site plans. This project must take place in compliance with these revisions. Specifically, 1) the word "should" has been replaced with the word "shall" in the **Sediment Forebay** item under the **Long Term Operations And Maintenance** notes on Sheet 3 of 3, 2) the limit of disturbance items listed in the **LIMIT OF WORK KEY** have been deleted and revised, and 3) the label "**LIMIT OF DISTURBANCE (TYPICAL)**" depicted adjacent to the "Existing Gravel Road To Remain" on sheet 3 of 3 has been deleted.

Except as authorized in this revised permit pursuant to the approved site plan, all terms and conditions previously specified in the Program's permit dated March 17, 2010 and the Program's revised permits dated May 16, 2011, May 25, 2012, and January 25, 2013 remain in effect.

Please note that this Department has not verified the wetland edges, which are illustrated on the approved revised site plans, as part of this application. Therefore, you must strictly adhere to the limit of disturbance (LOD) or revision clouds depicted on the approved revised site plans.

Pursuant to the provisions of Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

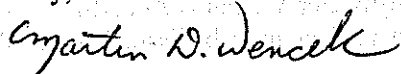
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department.

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

This revised permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Please contact Daniel Kowal of this Program (telephone: 401-222-4700, ext. 7416) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencel, Permitting Supervisor  
Freshwater Wetlands Program  
Office of Water Resources

MDW/DMK/dmk

Enclosures: Copy of original permit letter of 3/17/10  
Copy of revised permit letters of 5/16/11, 5/25/12, and 1/25/13

xc: Bernard J. Nascenzi, Johnston Building Official  
Lorri Caruso, P.E., Johnston Town Engineer  
Richard Carlone, P.E., GZA GeoEnvironmental, Inc.



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

January 25, 2013

Rhode Island Resource Recovery Corporation  
C/o Michael J. OConnell, Executive Director  
65 Shun Pike  
Johnston, RI 02919

### REVISED PERMIT

RE: Application No. 08-0356 in reference to the property and project located:

From about 260 feet north of Shun Pike and approximately 2,200 feet west of Green Hill Road extending eastward to the intersection of Shun Pike and Green Hill Road, then eastward along and within Shun Pike to about 400 feet south of Shun Pike and approximately 1,700 feet east of the intersection of Shun Pike and Green Hill Road; Assessor's Plat 43, Lots 36, 154, 174, 402, 567, & 588; Assessor's Plat 31, Lots 46, 55, & 58, Johnston, RI.

Dear Mr. OConnell:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Permit Modification** and has evaluated your proposed modification request for the construction of an industrial wastewater treatment system with building (30-foot by 36-foot) and associated aboveground pump vault and aboveground meter vault at the Gas Compression and Conditioning (GCC) site at 73/75 Shun Pike as illustrated and detailed on revised site plans submitted with your application.

Based upon the Program's evaluation of the revised project and pursuant to Rule 11.03 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules), it is the Program's determination that a revised permit for the modified project may be issued under the following terms and conditions:

1. This letter is the DEM's revised permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This revised permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plan submitted with your application and received by the DEM on January 3, 2013 and as modified in these terms and conditions. Changes or revisions to the project which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the revised permit conflict with the approved site plan, these terms and conditions shall be deemed to supersede the site plan.
4. A copy of the stamped approved site plan and a copy of this revised permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plan must be made available for review by any DEM representative upon request.

5. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the Town of Johnston and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. This revised permit expires on July 1, 2017, unless renewed pursuant to Rule 9.04.
7. This Program has made specific revisions to the approved site plan. These revisions are clearly marked in red on the approved site plan. This project must take place in compliance with these revisions. Specifically extend the limit of disturbance on the site plans to Shun Pike to accommodate the proposed sewer force main (which has not been depicted on this plan). The aforementioned sewer force main is currently under review by the DEM, Office of Water Resources, Waste Water Treatment facility Program for an Order of Approval.

Except as authorized in this revised permit pursuant to the approved site plan, all terms and conditions previously specified in the Program's permit dated March 17, 2010 and the Program's revised permits dated May 16, 2011 and May 25, 2012, remain in effect.

Please note that this Department has not verified the wetland edges, which are illustrated on the approved revised site plan, as part of this application. Therefore, you must strictly adhere to the limits of disturbance (LOD) depicted/revised on the approved revised site plan.

Pursuant to the provisions of Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

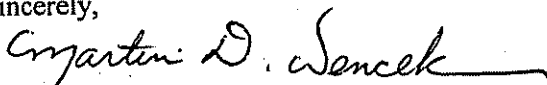
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department.

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

This revised permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Please contact Daniel Kowal of this Program (telephone: 401-222-4700, ext. 7416) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Permitting Supervisor  
Freshwater Wetlands Program  
Office of Water Resources

MDW/DMK/dmk

Enclosures: Copy of original permit letter of 3/17/10  
Copy of revised permit letters of 5/16/11 and 5/25/12

xc: Bernard J. Nascenzi, Johnston Building Official  
Lorri Caruso, P.E., Johnston Town Engineer  
Igor Runge, GZA GeoEnvironmental, Inc.  
Harold Ellis, DEM, Office of Compliance and Inspection  
Arthur Zeman, DEM, Wastewater Treatment Facilities



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

May 25, 2012

Rhode Island Resource Recovery Corporation  
C/o Michael J. OConnell, Executive Director  
65 Shun Pike  
Johnston, RI 02919

**REVISED PERMIT**

RE: Application No. 08-0356 in reference to the property and project located:

From about 260 feet north of Shun Pike and approximately 2,200 feet west of Green Hill Road extending eastward to the intersection of Shun Pike and Green Hill Road, then eastward along and within Shun Pike to about 400 feet south of Shun Pike and approximately 1,700 feet east of the intersection of Shun Pike and Green Hill Road; Assessor's Plat 43, Lots 36, 154, 174, 402, 567, & 588; Assessor's Plat 31, Lots 46, 55, & 58, Johnston, RI

Dear Mr. OConnell:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Permit Modification** and has evaluated your proposed modification request for extending the limits of disturbance to include an area to be used as a temporary staging and vehicle parking area during construction of the Gas Conditioning and Compression Site (GCC) at the Central Landfill in Johnston as illustrated and detailed on revised site plans submitted with your application. The revised site plan (sheet 1 of 1) was received on May 8, 2012.

Based upon the Program's evaluation of the revised project and pursuant to Rule 11.03 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules), it is the Program's determination that a revised permit for the modified project may be issued under the following terms and conditions:

1. This letter is the DEM's revised permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This revised permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plan submitted with your application and received by the DEM on May 8, 2012 and as modified in these terms and conditions. Changes or revisions to the project which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the revised permit conflict with the approved site plan, these terms and conditions shall be deemed to supersede the site plan.
4. A copy of the stamped approved site plan and a copy of this revised permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plan must be made available for review by any DEM representative upon request.

5. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the Town of Johnston and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. This revised permit expires on July 1, 2017, unless renewed pursuant to Rule 9.04.
7. The temporary disturbed area within the limits of disturbance delineated in blue is to be restored to original conditions on or before September 31, 2012.
8. All plantings of shrubs, trees or other forms of vegetation as shown or detailed on the approved plan, or detailed in this permit, must be installed as soon as possible after completion of final grading; weather and season permitting, excluding those wetland plantings proposed in the "**Wetland Area To Be Enhanced**" illustrated and described in the plan legend on sheet 1 of 1. You must notify this Program in writing upon completion of the proposed and required plantings for a compliance inspection by a Program representative.
9. All wetland plantings proposed to be placed within the "**Wetland Area To Be Enhanced**" as illustrated on sheet 1 of 1 must be installed by September 31, 2012. You must notify this Program in writing upon completion of the proposed and required plantings for a compliance inspection by a Program representative.
10. This Program has made a specific revision to the approved site plan. This revision is clearly marked in red on the approved site plan. This project must take place in compliance with this revision. Specifically, expand westward the wetland plantings proposed to be placed within the **Wetland Area To Be Enhanced** to the area within the depicted limits of disturbance delineated in green. These expanded wetland plantings must be installed by September 31, 2012.

Except as authorized in this revised permit pursuant to the approved site plan, all terms and conditions previously specified in the Program's permit dated March 17, 2010 and the Program's revised permit dated May 16, 2011, remain in effect.

Please note that this Department has not verified the wetland edges, which are illustrated on the approved revised site plan, as part of this application. Therefore, you must strictly adhere to the limits of disturbance (LOD) depicted (including the portions revised in blue) on the approved revised site plan.

Pursuant to the provisions of Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department.

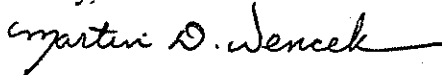
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

This revised permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Application No. 08-0356  
Page 3

Please contact Daniel Kowal of this Program (telephone: 401-222-4700, ext. 7416) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Permitting Supervisor  
Freshwater Wetlands Program  
Office of Water Resources

MDW/DMK/dmk

Enclosures: Copy of original permit letter of 3/17/10  
Copy of revised permit letter of 5/16/11

xc: Bernard J. Nascenzi, Johnston Building Official  
Lorri Caruso, P.E., Johnston Town Engineer  
Igor Runge, GZA GeoEnvironmental, Inc.  
Harold Ellis, DEM, Office of Compliance and Inspection



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

May 16, 2011

Rhode Island Resource Recovery Corporation  
C/o Michael J. OConnell, Executive Director  
65 Shun Pike  
Johnston, RI 02919

**REVISED PERMIT**

RE: Application No. 08-0356 in reference to the property and project located:

From about 260 feet north of Shun Pike and approximately 2,200 feet west of Green Hill Road extending eastward to the intersection of Shun Pike and Green Hill Road, then eastward along and within Shun Pike to about 400 feet south of Shun Pike and approximately 1,700 feet east of the intersection of Shun Pike and Green Hill Road; Assessor's Plat 43, Lots 36, 154, 174, 402, 567, & 588; Assessor's Plat 31, Lots 46, 55, & 58, Johnston, RI

Dear Mr. OConnell:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Permit Modification** and has evaluated your proposed modifications, which include: 1) decreased limits of wetland disturbance [includes the reduced overall footprint of the proposed Gas Conditioning Plant (GCC)]; 2) decreased imperious areas; 3) reduction in stormwater runoff onto Shun Pike; 4) reduction of encroachment into the created/replanted Cedar Swamp Brook Riverbank Wetland and 5) modification to the interior layout of the proposed power plant (CTG), resulting in a reduction of total imperious area, to the permitted construction of a Landfill Gas Recovery and Treatment Plant (Gas Conditioning Plant), a 42-megawatt Landfill Gas-to-Electric Generating Power Plant (Combined Cycle Plant – CCP), and landfill gas transmission lines at the Central Landfill in Johnston as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on March 22, 2011 (sheets 3 and 4 of 5), April 27, 2011 (sheets 1 and 5 of 5) and May 11, 2011 (sheet 2 of 5). Clarification of Permit Condition No. 17, Item 2 and clarification of Permit Condition No. 18, both from the permit letter issued on March 17, 2010 are also requested in this **Application for Permit Modification**.

Based upon the Program's evaluation of the revised project and pursuant to Rule 11.03 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules), it is the Program's determination that a revised permit for the modified project may be issued under the following terms and conditions:

1. This letter is the DEM's revised permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This revised permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the DEM on March 22, 2011, April 27, 2011, and May 11, 2011 and as modified in these terms and conditions. Changes or revisions to the project which would alter freshwater wetlands are not authorized without a permit from the DEM.

3. Where the terms and conditions of the revised permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. A copy of the stamped approved site plans and a copy of this revised permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plans must be made available for review by any DEM representative upon request.
5. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the Town of Johnston and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. This revised permit expires on July 1, 2015, unless renewed pursuant to Rule 9.04.
7. All plantings of shrubs, trees or other forms of vegetation as shown or detailed on the approved plans, or detailed in this permit, must be installed as soon as possible after completion of final grading; weather and season permitting, excluding those wetland plantings proposed in the **"Wetland Area To Be Enhanced"** as described in the plan legend and illustrated on sheet 1 of 5, and the wetland restoration plantings depicted on sheet 2 of 5. You must notify this Program in writing upon completion of the proposed and required plantings for a compliance inspection by a Program representative.
8. The specific revisions marked in red on the site plans approved on March 17, 2010 that were identified under term and condition number 17 of the Program's permit dated March 17, 2010 have either been incorporated into the revised site plans submitted under this permit modification request or are no longer required due to the decreased limits of wetland disturbance. Thus, term and condition number 17 of the original permit letter dated March 17, 2010 is no longer valid.
9. All wetland plantings proposed for installation in the **"Wetland Area To Be Enhanced"** as illustrated on sheet 1 of 5 and the wetland restoration work, including the plantings depicted on sheet 2 of 5, must be accomplished prior to the start of construction for the Power Plant and also must be adequately protected from subsequent construction activities on site.

Except as authorized in this revised permit pursuant to the approved site plans, all terms and conditions previously specified in the Program's permit dated March 17, 2010, remain in effect.

The previously proposed and approved underground 16" and 4" Gas Lines through the 200 foot riverbank wetland along the existing gravel access road between the existing cleanout and the proposed GCC Site are no longer being proposed.

Please note that this Department has not verified the wetland edges, with the exception of flags WF-J75 through WF-J204, that are illustrated on the approved revised site plans, as part of this application. Therefore, you must strictly adhere to the limit of disturbance (LOD) depicted (including the revised and updated portions of the LOD shown in red which in some areas supersedes those portions of the LOD that are depicted in black) on the approved revised site plans.

Pursuant to the provisions of Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department.

Application No. 08-0356

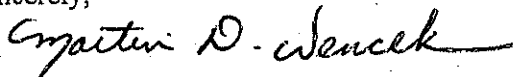
Page 3

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

This revised permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Please contact Daniel Kowal of this Program (telephone: 401-222-4700, ext. 7416) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Permitting Supervisor  
Freshwater Wetlands Program  
Office of Water Resources

MDW/DMK/dmk

Enclosure: Copy of original permit letter of 3/17/10

xc: Bernard J. Nascenzi, Johnston Building Official  
Lorri Caruso, P.E., Johnston Town Engineer  
Igor Runge, GZA GeoEnvironmental, Inc.



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

March 17, 2010

Rhode Island Resource Recovery Corporation  
C/o William Anderson, Engineering Supervisor  
65 Shun Pike  
Johnston, RI 02919-4512

**Insignificant Alteration – Permit**

RE: Application No. 08-0356 in reference to the property and proposed project located:

From about 260 feet north of Shun Pike and approximately 2,200 feet west of Green Hill Road extending eastward to the intersection of Shun Pike and Green Hill Road, then eastward along and within Shun Pike to about 400 feet south of Shun Pike and approximately 1,700 feet east of the intersection of Shun Pike and Green Hill Road; Assessor's Plat 43, Lots 36, 154, 174, 402, 567, & 588; Assessor's Plat 31, Lots 46, 55, & 58, Johnston, RI.

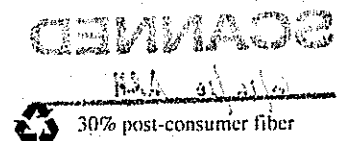
Dear Mr. Anderson:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Request for Preliminary Determination** application and has evaluated the proposed construction of a Landfill Gas Recovery and Treatment Plant (Gas Conditioning Plant), a 42-megawatt Landfill Gas-to-Electric Generating Power Plant (Combined Cycle Plant – CCP), and proposed landfill gas transmission lines at the Central Landfill in Johnston, as illustrated and detailed on site plans submitted with your application. These site plans were received on January 26, 2010.

Our observations of the subject property, review of the site plans and evaluation of the proposed project reveals that alterations of freshwater wetlands are proposed. However, pursuant to Rule 9.00 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act (Rules), this project may be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

Terms and Conditions for Application No. 08-0356:

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the DEM on January 26, 2010. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.



4. You must notify this Program in writing immediately prior to the commencement of site alterations and upon completion of the project.
5. A copy of the stamped approved site plans and a copy of this permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this permit and the stamped approved plans must be made available for review by any DEM representative upon request.
6. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of Johnston and supply this Program with written documentation obtained from the Town showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires four (4) years from the date of issue.
8. Any material utilized in this project must be clean and free of matter which could pollute any freshwater wetland.
9. Prior to commencement of site alterations, you shall erect or post a sign resistant to the weather and at least twelve (12) inches wide and eighteen (18) inches long, which boldly identifies the initials "DEM" and the application number of this permit. This sign must be maintained at the site in a conspicuous location until such time that the project is complete.
10. Temporary erosion and sediment controls detailed or described on the approved site plans shall be properly installed at the site prior to or commensurate with site alterations. Such controls shall be properly maintained, replaced, supplemented, or modified as necessary throughout the life of this project to minimize soil erosion and to prevent sediment from being deposited in any wetlands not subject to disturbance under this permit.
11. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of silt fence must be removed.
12. You are responsible for the proper operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands.
13. You are obligated to install, utilize and follow all best management practices detailed or described on the approved site plans in the construction of the project to minimize or prevent adverse impacts to any adjacent freshwater wetlands and the functions and values provided by such wetlands.
14. All plantings of shrubs, trees or other forms of vegetation as shown or detailed on the approved plans, or detailed in this permit, must be installed as soon as possible after completion of final grading; weather and season permitting. You must notify this Program in writing upon completion of the proposed and required plantings for a compliance inspection by a Program representative.
15. Buffer zone plantings of trees and/or shrubs proposed between the project and any adjacent freshwater wetland areas, except for necessary replacement, must be allowed to develop naturally without being subjected to mowing or manicuring.

16. You must provide written certification from a registered land surveyor or registered professional engineer that the stormwater drainage system including any and all basins, piping systems, catch basins, culverts, swales and any other stormwater management control features have been constructed/installed in accordance with the site plans approved by this permit. This written certification must be submitted to this Program within twenty (20) days of its request or upon completion of the project.
17. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. This project must take place in compliance with these revisions. Specifically, 1) the proposed species of berry producing shrubs and bushes have been modified along with their density and planting locations. You must review approved site plan sheets 7 & 8 of 15 for specific details of these revisions; 2) the proposed evergreen trees depicted on approved site plan sheets 7 & 8 of 15 must be Eastern Red Cedar (*Juniperus virginiana*) saplings at least five feet in height to be installed at eight feet apart; 3) new shrubs must be installed as noted on approved site plan sheets 8 & 9 of 15 within the created/replanted Cedar Swamp Brook Riverbank Wetland situated southeastward of the depicted I Series Wetland Flags and southwestward of proposed Flare End 3. You must review the approved plans for specific details; 4) a row of Eastern Red Cedar (*Juniperus virginiana*) saplings at least five feet in height must be installed eight feet apart at and along the depicted limit of disturbance within the created/replanted Cedar Swamp Brook Riverbank Wetland situated adjacent to the proposed road that abuts the Proposed Pond as indicated on approved site plan sheets 8 & 9 of 15; 5) supplemental notes have been added to the site plan section entitled, "WETLAND AREA RESTORATION DETAILS AND CONSTRUCTION NOTES" on approved site plan sheet 11 of 15; 6) the proposed limit of disturbance depicted on approved site plan sheet 11 of 15 has been modified to avoid some flagged wetland areas; and 7) the proposed evergreen trees depicted on approved site plan sheets 7 & 8 of 15 must be Northern White Cedar (*Thuja occidentalis*) saplings at least five feet in height to be installed at eight feet apart.
18. All proposed wetland planting within the "proposed areas to be enhanced" including plant installations on approved site plan sheet 8 of 15, and the restoration work as depicted on approved site plan sheet 11 of 15, must be accomplished prior to the start of construction for the Power Plant and adequately protected from subsequent construction activities on site.

This Program understands that the source of water for this operation will be obtained solely from the Town of Johnston via the Providence Water Supply Board.

Please note that this Department has not verified the wetland edges, with the exception of flags WF-J75 through WF-J204, that are illustrated on the approved site plans, as part of this application. Therefore, you must strictly adhere to the limit of disturbance (LOD) depicted (including the portions revised in red) on the approved site plans.

This permit is valid for the applicant and is automatically transferred upon the sale of the property to the new owner in accordance with Rule 11.04.

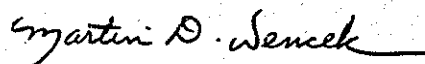
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action against you by the DEM.

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Please contact Daniel Kowal of this office (telephone: 401-222-4700, ext. 7416) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Permitting Supervisor  
Freshwater Wetlands Program  
Office of Water Resources

MDW/DMK/dmk

Enclosure: Approved site plans

xc: Bernard J. Nascenzi, Johnston Building Official  
Igor Runge, GZA GeoEnvironmental, Inc.  
Harold Ellis, DEM, Office of Compliance and Inspection