



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

April 14, 2009

RI Resource Recovery Corporation  
Attn: William Anderson, Engineering Supervisor  
65 Shun Pike  
Johnston, RI 02919

**Re:** Application No. 09-0038 in reference to the property located:

Approximately 500 feet south of Shun Pike and approximately 1800 feet east of its intersection with Green Hill Road at 40/42 Shun Pike, Assessor's Plat 31, Lots 45, 46, 49, 55 and 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 to verify the delineated edge of freshwater wetlands**. This review included an inspection of the above referenced property ("subject property") as described by the site plans submitted with your application and received on February 13, 2009.

Based upon the Program's observations and review, it is our determination that freshwater wetlands are present on or are in close proximity to the subject property. These freshwater wetlands are regulated by this Department and include at least the following types: Pond (Simmons Upper Reservoir) with a fringe of associated Swamp and 50-foot Perimeter Wetland.

The DEM has completed an inspection and review of the wetland edges delineated by you on-site. These wetland edges have been shown on the site plan submitted with your application and are referenced as: Wetlands flags J175 through J204. It is our determination that the wetlands depicted are substantially accurate. Please note that two flag nos. J195 are labeled on the site plans, one of which should be re-labeled J-198.

**The Department has verified only those edges delineated and shown by you on-site and on site plans submitted with your application and as qualified in this letter.** Should you wish to verify the edge of any additional wetlands, a new application will be required.

**This letter does not constitute an approval or permit for any proposed project on the subject property.** Pursuant to Section 2-1-21(a) of the Freshwater Wetlands Act and the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules) a permit is required from this Program prior to the commencement of any activity which impacts or alters freshwater wetlands

This Program assumes that the edges of freshwater wetlands, as flagged or marked on site, have been accurately surveyed and portrayed on site plans submitted in support of your application. This Program makes no guarantee or representation that such survey is accurate.

In addition, you should note that freshwater wetlands are present on this property, which may be regulated under Section 404 of the Clean Water Act (Federal Water Pollution Control Act, as amended 33 U.S.C. 1344). Accordingly, a permit may be required from the U.S. Army Corps of Engineers for alteration of these wetland areas.

In accordance with Rule 8.03(H) of the Rules, this verification of the delineated edge of freshwater wetlands is valid for a limited period of four (4) years from the date of issue.

Please note that due to the presence of unauthorized alterations in freshwater wetlands onsite discovered during the site inspection, RIDEM's Office of Compliance and Inspection has been notified. RIDEM suggests that future project proposals incorporate appropriate restoration measures to the perimeter wetland.

Please contact me (401-222-6820, ext. 7408) should you have any questions regarding this letter.

Sincerely,

*Nancy Freeman*

Nancy L. Freeman, Senior Environmental Scientist  
Office of Water Resources  
Freshwater Wetlands Program  
NLF/nlf

xc: Harold Ellis, Wetlands Enforcement Supervisor, Office of Compliance and Inspection  
Igor Runge, P.H., Ph.D, Senior Project Manager GZA, Inc.