



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

June 8, 2015

Shelby Realty Inc.
c/o Wayne Martini
24 Armand Road
Hope, RI 02831



REVISED PERMIT

Re: Application No. 10-0151 in reference to the location below:

Approximately 260 feet northeast of Scituate Avenue, approximately 720 feet northwest of the intersection of Scituate Avenue and Old Pocasset Road, Utility Pole No. 332/127, Assessor's Plat 43-1, Lot 2, Johnston, RI.

Dear Mr. Martini:

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 to the permitted 3.2 megawatt bio-gas plant, including tanks, various accessory structures, paved roads, driveways, and parking areas, utility lines, and stormwater management system, as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on May 29, 2015.

Based upon the Program's evaluation of the revised project and pursuant to Rule 14.03 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 May 29, 2015. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project that 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 pursuant to recently enacted legislation regarding the tolling of valid permits (Chapter 42-17.1-2.5 of the General Laws of RI) and as further described in Rule 9.04(E).
7. The long term operation and maintenance plan (O&M Plan) shall be strictly followed. The long term O&M Plan shall be that included on Sheet 9 of 11 of the approved plans.
8. **As indicated by the designer, all proposed industrial activity shall be within covered spaces and shall not be exposed to stormwater runoff.**

Except as authorized in this revised permit pursuant to revised and approved site plans (enclosed), all terms and conditions previously specified in the Program's original permit dated November 26, 2014 (copy enclosed) remain in effect.

Pursuant to the provisions in 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.

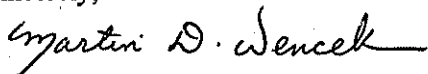
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by the Program.

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 Claire Swift (telephone: 401-222-6820, ext. 7418) should you have any questions regarding this letter.

Sincerely,



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

MDW/CVS/cvs

Enclosure: Approved revised site plans
Original permit dated November 26, 2014

xc: Ben Nascenzi, Johnston Building Official
Jason P. Clough, PE, DiPrete Engineering Associates



October 23, 2014

Shelby Realty Inc.
c/o Wayne Martini
24 Armand Street
Hope, RI 02831

REVISED PERMIT

Re: Application No. 10-0151 in reference to the location below:

Approximately 260 feet northeast of Scituate Avenue, approximately 720 feet northwest of the intersection of Scituate Avenue and Old Pocasset Road, Utility Pole No. 332/127, Assessor's Plat 43-1, Lot 2, Johnston, RI.

Dear Mr. Martini:

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 to the permitted commercial development with associated paved parking, driveways, utilities, and stormwater management system, as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on October 7, 2014.

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 October 7, 2014. 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 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 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 pursuant to recently enacted legislation regarding the tolling of valid permits (Chapter 42-17.1-2.5 of the General Laws of RI) and as further described in Rule 9.04(E).
7. 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, the limit of disturbance has been extended to include the proposed sewer line.**
8. The long term operation and maintenance plan found on Sheet 9 of 9 of the approved plans shall be strictly followed.

Except as authorized in this revised permit pursuant to revised and approved site plans (enclosed), all terms and conditions previously specified in the Program's permit November 26, 2010 (copy enclosed) remain in effect.

Pursuant to the provisions in 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.

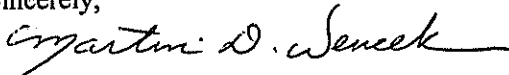
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by the Program.

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 Claire Swift (telephone: 401-222-6820, ext. 7418) should you have any questions regarding this letter.

Sincerely,



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

MDW/CVS/cvs

Enclosure: Approved revised site plans
Original permit dated November 26, 2010

xc: Ben Nascenzi, Johnston Building Official
Bradford Hart, PE, DiPrete Engineering



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

November 26, 2010

Shelby Realty Inc.
c/o Wayne Martini
121 Phenix Avenue
Cranston, RI 02920

Insignificant Alteration - Permit

Re: Application No. 10-0151 in reference to the location below:

Approximately 260 feet northeast of Scituate Avenue, approximately 720 feet northwest of the intersection of Scituate Avenue and Old Pocasset Road, Utility Pole No. 332/127, Assessor's Plat 43, Lot 2, Johnston, RI.

Dear Mr. Martini:

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. This review included a site inspection of the above referenced property ("subject property") and an evaluation of the proposed commercial office park including four commercial buildings, paved access drives, paved parking, stormwater management system, and landscaping, as illustrated and detailed on site plans submitted with your application. These site plans were received on November 18, 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. 10-0151:

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 November 18, 2010. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project that 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 that 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 hay bales and/or 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 that 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, until such time that you document that this responsibility has been assumed by another person or organization.
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.
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. Artificial lighting authorized by this permit must be directed away from all vegetated wetland areas. Where this is not possible, the use of deflectors to concentrate lighting away from vegetated wetlands must be employed.

17. 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.
18. 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:
 - a. The bottom of basin detail on Sheet 8 of 10 shall be modified to include a three-foot sump, as per the revised detail submitted by the designer.
 - b. Long term inspection and maintenance note 8.4.7 (#7) on sheet 10 of 10 shall be modified to read, "Clean and remove debris and accumulated sediment from inlet and outlet structures including bottom of basin outlet structures (frequent maintenance, 3-4 times per year).

Pursuant to the provisions in 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.

Kindly be advised that this permit is not equivalent to a verification of the type or extent of freshwater wetlands on site. Should you wish to have the types and extent of freshwater wetlands verified, you may submit the appropriate application in accordance with Rule 8.03.

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 Claire Swift of this office (telephone: 401-222-6820 x 7418) should you have any questions regarding this letter.

Sincerely,



W. Joseph Casey, Senior Environmental Scientist
Office of Water Resources
Freshwater Wetlands Program

WJC/CVS/cvs

Enclosure: Approved site plans

xc: Ben Nascenzi, Johnston Building Official
Kevin C. Morin, P.E., DiPrete Engineering, Inc.