



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

November 4, 2011

RI Resource Recovery Corporation
Micheal J. O'Connell, Exec. Director
65 Shun Pike
Johnston, RI 02919

Insignificant Alteration – Permit

RE: Application No. 11-0138 in reference to the property and proposed project located:

Approximately 400 feet northwest of Shun Pike approximately 550 feet west-northwest of the intersection of Shun Pike and Green Hill Road, Assessor's Plat 43, Lot 567, Johnston, RI.

Dear Mr. O'Connell:

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 Phase 5 Underdrain Water Treatment System including grading and landscaping with woody and herbaceous plants as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on July 15, 2011.

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. 11-0138:

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 July 15, 2011. 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 plan.
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 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.
13. 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 required plantings for a compliance inspection by a Program representative.**
14. Plantings of trees and/or shrubs proposed, except for necessary replacement, must be allowed to develop naturally without being subjected to mowing or manicuring.
15. Any plantings which fail to survive two full growing seasons shall be replaced in-kind. Replacement plantings shall be similarly guaranteed for two full growing seasons.

16. This Program has made specific revisions to the approved site plans. These revisions which depict additional installation of plant material within the Limit of Work defined on the approved site plan subject of this application are clearly marked in red. Specifically, a double row conifer trees consisting of red cedars (Juniperus virginiana) must be installed as indicated at the top of the southerly slope for the proposed equalization basin and both southerly and easterly at the toe of the proposed slopes for the recirculation sand filter. These trees must be installed no greater than ten feet on center and be no less than six feet tall after planting. In addition to installation of the trees noted above, the area cross hatched in red between the Underdrain Water Treatment System and Cedar Swamp Brook must also be planted with a mixture of at least four of the following shrub species including arrowwood (Viburnum dentatum), lowbush blueberry (Vaccinium angustifolium), highbush blueberry (Vaccinium corymbosum), bayberry (Myrica pennsylvanica), sweet pepperbush (Clethra alnifolia), mountain laurel (Kalmia latifolia), and common blackberry (Rubus allegheniensis). Shrubs must be installed at least three feet in height after planting, in groupings consisting of at least six plants in a five foot square. Each group shall be more no more than fifteen feet apart from each other. At least three species from the following tree list must also be planted and interspersed between the groupings of shrubs noted above which shall include grey birch (Betula populifolia), white birch (Betula alba), paper birch (Betula papyrifera), red oak (Quercus rubra), black oak (Quercus velutina), and white ash (Fraxinus americana). These deciduous trees must be interspersed throughout the red cross hatched area no more than fifteen feet on center and each tree must be no less than six feet tall after planting. Please be advised that this planting scheme as noted herein within the specific Limit of Work as depicted on the approved site plan subject of this application will be installed in place of the plant species previously authorized in wetlands application number 01-0289, but for only this specific portion of the site contained within this Limit of Work. Please also note that all other plants as depicted on the site plan for Phase 5 of the landfill approved on October 12, 2004 under application number 01-0289 beyond the Limit of Work as shown on the plan subject of this application are still required to be installed or replaced as necessary. This project must take place in compliance with these revisions.

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.

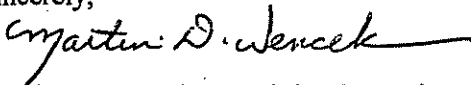
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department.

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

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 Dan Kowal of this office (telephone: 401-222-6820) should you have any questions regarding this letter.

Sincerely,



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

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MDW/mdw

Enclosure: Approved site plans

Xc: Pamela Sherrill, Johnston Town Planner
Bill Anderson, RIRRC
Alan Kirschner, Brown and Caldwell
Angelo Liberti, DEM