



May 22, 2012

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

Insignificant Alteration – Permit

RE: Application No. 12-0087 in reference to the property and proposed project located:

Shun Pike, approximately 150 feet northeast and approximately 570 feet east-northeast of its intersection with Green Hill Road; 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 and has evaluated the proposed crossing of two culverted river channels located within the existing Shun Pike right-of-way with a new 10 inch steel high pressure landfill gas conveyance pipeline, that is associated with the construction of a Landfill Gas Recovery and Treatment Plant (Gas Conditioning Plant) and a 42-megawatt Landfill Gas-to-Electric Generating Power Plant (Combined Cycle Plant – CCP), which were previously approved on March 17, 2010 under freshwater wetlands application file no. 08-0356, as illustrated and detailed on site plans submitted with your application. The aforementioned pipeline is proposed to be installed outside the low-flow period. These site plans were received on May 8, 2012.

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. 12-0087:

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 in the narrative and on the site plans submitted with your application and received by the DEM on May 8, 2012. A copy of the site plan 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 plan, 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 plan 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 plan must be made available for review by any DEM representative upon request.
6. The effective date of this permit is the date this letter was issued. This permit expires on July 1, 2017.
7. Any material utilized in this project must be clean and free of matter which could pollute any freshwater wetland.
8. 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.
9. 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.
10. 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.
11. 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.
12. This permit authorizes the installation of a new 10 inch steel high pressure landfill gas conveyance pipeline under two existing culverted river channels prior to July 1, 2012.
13. All best management practices must be utilized during construction dewatering and the pumping and discharging of water to eliminate/reduce any potential scouring effects on the river channel.
14. As noted in the narrative accompanying this application, anti-seepage collars shall be utilized as appropriate to prevent sub-draining effects on adjacent wetland resources.
15. All disturbed wetland areas are to be restored in kind upon the completion of the pipeline installation.

It is this Department's understanding based upon information accompanying this application that a volume of flow in the range of 25 to 33 gpm will be maintained via a pump within the **Pond 2 Discharge Channel** during the pipeline installation under the existing culverted channel.

This permit review pertains only to the two **Proposed Stream Crossing Locations** encircled in red that are depicted on the approved site plans. Please note that this Department has not verified the wetland edges that are illustrated on the approved site plans, as part of this application.

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 also constitutes your authorization from the U.S. Army Corps of Engineers ("Corps") under Section 404 of the Clean Water Act for the work proposed. Your project qualifies as a Category 2 activity under the Rhode Island General Permit (General Permit No. NAE-2011-2402), (RI GP). You can view this permit at http://www.nae.usace.army.mil/Regulatory/SGP/RI_PGP.pdf. You are, therefore, not required to file a separate application with the Corps.

Please note that the General Conditions within the RI GP apply to all activities authorized under the RI GP. Please review them carefully to thoroughly familiarize yourself with their contents. You may wish to discuss all permit conditions with your contractor to ensure that the work can be accomplished in a manner which conforms to all requirements.

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 and/or subject you to the enforcement provisions of the Corps' regulations.

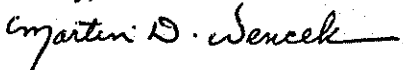
This permit is valid for the applicant and is automatically transferred upon the sale of the property to the new owner in accordance with Rule 11.04.

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 plan

xc: Robert J. DeSista, US Army Corps of Engineers
Lorri Caruso, P.E., Johnston Town Engineer
Igor Runge, GZA GeoEnvironmental, Inc.