



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

February 19, 2021

Rhode Island Resource Recovery Corporation
65 Shun Pike
Johnston, RI 02919
Attn: Inga Hoit

REVISED PERMIT

Re: Application No. 19-0357 in reference to the property and proposed project located:

Approximately 300 feet northeast of Scituate Avenue; approximately 325 feet east-northeast of the intersection of Macera Circle and Scituate Avenue; Assessor's Plat 43, Lots 1, 5, 20 thru 25, 112, 116 thru 123, 126 thru 130, 134 thru 138, 152, 194, 261, 278 thru 283, 402, 404 thru 408, 410, 412 thru 414, and 433, Johnston, RI.

Dear Ms. Hoit:

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 proposal to modify the date for the required wetland restoration as detailed in your letter submitted with your application. The letter was received by the DEM on December 31, 2020.

Based upon the Program's evaluation of the revised project and pursuant to 250-RICR-150-15-1.11(C) of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1, 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, R.I. Gen Laws. § 2-1-18 et seq.
2. 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.
3. 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 originally stamped approved plans must be made available for review by any DEM or town representative upon request.
4. **Within ten (10) days of the receipt of this revised permit, you must record this permit and the original permit in the land evidence records of the Town of Johnston and supply this Program with written documentation obtained from the Town showing the original and this revised permit was recorded.**
5. This revised permit expires four (4) years from the date of issue of the original letter of unless renewed pursuant to 250-RICR-150-15-1.9(D)(5).

6. The required restoration deadline noted in condition number 17 of the aforementioned permit is hereby revised to be completed no later than September 30, 2021. Completing this restoration in the Spring of this year would be preferred and if site conditions warrant, should be done prior to May 15 to avoid the need to water the restoration shrubs and emergent plant community vegetation. Completing the restoration after this date may require watering to assure plant survival.

Except as authorized in this revised permit pursuant, all terms and conditions previously specified in the Program's permit dated September 8, 2020 (copy enclosed) remain in effect.

You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with 250-RICR-150-15-1 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 me at this office at (telephone: 401-222-6820 ext. 77403) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Program Supervisor
Freshwater Wetlands Program
Office of Water Resources
MDW/mdw

Enclosure: Original permit dated September 8, 2020

cc: Karlis Skulte, Civil and Environmental Consultants, Inc.
Tom Rosborough, Civil and Environmental Consultants, Inc.



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

September 8, 2020

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

Insignificant Alteration – Permit

RE: Wetlands Application No. 19-0357 and RIPDES Program File No. RIR101993 in reference to the property and proposed project located:

approximately 300 feet northeast of Scituate Avenue; approximately 325 feet east-northeast of the intersection of Macera Circle and Scituate Avenue; Assessor's Plat 43, Lots 1, 5, 20 thru 25, 112, 116 thru 123, 126 thru 130, 134 thru 138, 152, 194, 261, 278 thru 283, 402, 404 thru 408, 410, 412 thru 414, and 433, 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 **Request for Preliminary Determination** application. This review included a site inspection of the above referenced property ("subject property") and an evaluation of the proposed construction of a new Transfer Building, a new Mattress Building, and a new Maintenance Garage along with associated internal access drives; and site, utility and stormwater management improvements; and plantings at the Central Landfill, as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on April 10, 2020 and on June 17, 2020 (Drawing Nos.: C000, C100, C101, C102, C200, C300, C500, & C701 only received on June 17, 2020). Each sheet of the plan set must be consecutively numbered as sheet 1 of 4, sheet 2 of 4, etc.

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 250-RICR-150-15-1.9 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act, 250-RICR-150-15-1 (Rules), this project may be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

Terms and Conditions for Wetlands Application No. 19-0357 and RIPDES PROGRAM File No. RIR101993:

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, R.I. Gen. Laws § 2-1-18 et seq.
2. This determination also includes your final authorization to discharge storm water associated with construction activity under the **2018 RIDPES General Permit for Stormwater Discharge During Construction Activity ("CGP")**. For future references and inquiry, your permit authorization number is RIPDES No. **RIR 101993**.

3. 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 April 10, 2020 and on June 17, 2020. 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.
4. 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.
5. You must notify this Program in writing of the anticipated start date, and of your contractor's contact information, by submitting the Notice of Start of Construction Form prior to commencement of any permitted site alterations or construction activity. You must also notify this Program in writing upon completion of the project, including submittal of the Notice of Termination Form. The Start of Construction Form and the Notice of Termination can be found on the webpage: dem.ri.gov/stormwaterconstruction
6. 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 or City/Town representative upon request.
7. 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.
8. The effective date of this permit is the date this letter was issued. This permit expires four (4) years from the date of this letter unless renewed pursuant to the Rules.
9. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
10. 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.
11. Both the owner and the contractor retained to undertake the construction activity are required to comply with all terms and conditions of the CGP. This includes maintaining the Soil Erosion and Sediment Control (SESC) Plan, performing the required inspections and maintenance of the selected Best Management Practices (BMPs), and retaining inspection records. Further information on the requirements of the CGP is available at:
<http://www.dem.ri.gov/programs/benviron/water/permits/swcoord/pdf/cpg092618.pdf>.
12. 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.
13. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.

14. You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, stormwater treatment facilities, and systems of treatment and control that are installed or used in compliance with this permit to prevent harm to adjacent wetlands until documentation is provided that this responsibility has been assigned to another entity. Operation and maintenance shall be as described in the plan entitled, "Stormwater Management System Operation and Maintenance Plan, Facility Relocation and Entrance Project, Central Landfill, Johnston, Rhode Island; Prepared For: Rhode Island Resource Recovery Corporation, 65 Shun Pike, Johnston, Rhode Island, 02919", dated April 2020, as prepared by Civil & Environmental Consultants, Inc., 31 bellows Road, Raynham, Massachusetts.
15. The proposed annual inspection schedule for the proposed Shallow Wet Vegetated Treatment Systems (WVTSs) and Infiltration Basins detailed in the above-cited operation and maintenance plan shall be mandatory.
16. 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.
17. You are required to restore the emergent plant community as follows: a) remove all fill material that has been placed within the emergent plant community down to the original soil surface, b) unless an organic substrate is present, add a one inch layer of organic material to the remaining substrate, c) seed the restored emergent plant community area with a wetland seed mix, d) install a dense (i.e., five feet apart) intermix of highbush blueberry (Vaccinium corymbosum) and winterberry (Ilex verticillata) plantings at and along the entire edge of the restored emergent plant community, and 5) complete all of the above required four restoration activities by October 15, 2020. Upon completion of the aforementioned four restoration requirements you must notify the Freshwater Wetlands Program in writing for a compliance inspection by a Program representative.
18. All plantings of shrubs, trees or other forms of vegetation, except as noted in condition no. 17 above, 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.
19. 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.

Pursuant to the provisions in 250-RICR-150-15-1.7(A)(9) and 250-RICR-150-15-1.11(D), as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

Please be aware that the RIDEM's Rules and Regulations Governing the Establishment of Various Fees (250-RICR-30-00-1) require that RIPDES CGP permit holders to pay an Annual Fee of \$100.00. An invoice will be sent to the owner on record in May/June of each year if the construction was still active as of December 31st of the previous year. The owner will be responsible for the Annual Fee until the construction activity has been completed, the site has been properly stabilized, and a completed Notice of Termination (NOT) has been received by the RIPDES Program.

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 250-RICR-150-15-1.8(C).

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, x7416) 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

cc: Karlis Skulte, Civil & Environmental Consultants, Inc.

Thomas E. Liddy, Lucas Environmental, LLC

Neal Personeus, DEM Stormwater Program

Johnston Building Official