



Rhode Island LFG Genco LLC

Stephen D. Galowitz
Managing Director

June 29, 2010

Luly Massaro, Clerk
Division of Public Utilities & Carriers
89 Jefferson Boulevard
Warwick, RI 02888

Re: DPUC Docket D-10-36

Dear Ms. Massaro:

In order to keep the service list apprised of the latest permitting status for the project, I am enclosing a copy of a RIDEM wetlands permit for the transmission easement. This permit was received yesterday.

Sincerely,

Enc.

cc: Service List



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

June 22, 2010

Rhode Island Resource Recovery Corporation
C/o William Anderson, P.E., Engineering Manager
65 Shun Pike
Johnston, RI 02919

RECEIVED
JUN 25 2010
GZA

Insignificant Alteration – Permit

RE: Application No. 10-0097 in reference to the property and proposed project located:

From approximately 1,885 feet west of the intersection of Shun Pike and Green Hill Road extending southeastward to approximately 1,430 feet west-southwest of the intersection of Austin's and Recycle Ways; Assessor's Plat 31, Lots 46, 47, and 61, 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 for Preliminary Determination** application and has evaluated the proposed construction of above ground electrical transmission lines (twin 115kV) within a recently approved utility easement linking the proposed Rhode Island LFG Genco LLC Landfill Gas to Energy Power Plant to existing high voltage transmission lines (115kV), located approximately 2,000 feet to the east, as illustrated and detailed on site plans submitted with your application. These site plans were received on May 14, 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. 10-0097:

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 May 14, 2010. 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 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 which 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 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. It is the understanding of this Program that tree cutting and tree removal within wetland areas are not proposed. The cutting of any trees for this proposal within wetland areas is strictly prohibited.
14. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on approved site plan sheets 2 and 4 of 4. This project must take place in compliance with these revisions. Specifically, the limit of disturbance has been clarified or extended for this project. The limit of the Sub-Station Easement depicted on sheet 2 of 4 is considered the limit of disturbance for this project. The extended limit of disturbance marked in red on sheet 4 of 4 identifies the area reviewed by this Program for this project.

Please note that this Department has not verified the wetland edges that are illustrated on the approved site plans, as part of this application. Therefore, you must strictly adhere to the limit of disturbance depicted on the approved site plans.

Further be advised that wetland areas not shown on the approved site plans are present on the subject site in the vicinity of the proposed transmission line easement (see wetlands application file no. 08-0081). Wetland construction is additionally occurring in the vicinity of the proposed transmission line easement (see wetlands application file no. 08-0081 for details).

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.

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 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 plans

xc: Bernard J. Nascenzi, Johnston Building Official
Igor Runge, Ph.D., P.H., GZA GeoEnvironmental, Inc.