

August 6, 2012

Ms. Laurie Grandchamp  
Supervising Engineer  
Office of Waste Management  
Rhode Island Department of Environmental Management  
235 Promenade Street  
Providence, Rhode Island 02908-5767

Re: Request for Renewal  
Beneficial Use Determination Approval  
Former Portsmouth Landfill

Dear: Ms. Grandchamp:

This submittal is made on behalf of AP Enterprise, LLC (APE) regarding the Portsmouth Landfill (the Property) and the Beneficial Use Determination Approval (BUDA) which was issued by the Rhode Island Department of Environmental Management (RIDEM) on September 20, 2010, and amended on March 11, 2011.

On September 17, 2012, RIDEM issued a Beneficial Use Determination Renewal which established an expiration date of September 17, 2013. With this submittal APE is requesting that the BUDA be renewed setting the new expiration date as September 17, 2014. APE requests to work under the current terms of the BUDA and its March 11, 2011 amendment.

In considering this request, it is important for RIDEM to consider the following points.

1. APE has a lengthy track record of working to bring the Property into compliance with the RIDEM regulations. APE's work on the Property dates back to 1998. Currently APE is at least 80% done with capping the landfill, the final step in bringing the property into compliance with the RIDEM regulations. During this period, APE has consistently worked with RIDEM in a cooperative manner and has addressed all of RIDEM's concerns as they were raised and as the project progressed.
2. During the time period of APE's work to cap the landfill under the BUDA, it has been necessary to work under the constraints imposed by both the replacement of the Sakonnet River Bridge and the weak economy. Nevertheless, the project team has completed the vast majority of the capping project.

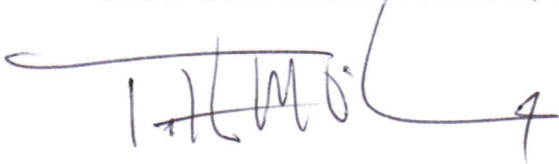
3. Most of the tonnage which brought the project close to completion has been from recent major construction projects in Boston. A number of competing landfills had temporarily closed due to many tons being shipped within a few months. Portsmouth was available to accept these surplus tons. The competing landfills are back open and Boston soil cannot be economically shipped to Portsmouth at this time. This is further discouraged by the upcoming tolls which will begin on the Sakonnet Bridge on August 19.
4. The sources of soil in our market area of Rhode Island have not been sufficient to find all the necessary shaping and grading material as well as final cap. However, the slow improvement in the local economy should provide enough material to finish in the coming months, but, certainly not by September.
5. We desire to complete the project in a methodical manner ensuring a quality cap.

APE has consistently demonstrated its firm commitment to and made significant progress toward closing the landfill and working with RIDEM. The primary reasons that the project has not been completed are beyond APE's control and therefore we see no reason why the RIDEM should not grant this request.

Please feel free to contact me should you have any questions regarding this matter.

Sincerely

TIM O'CONNOR & COMPANY, LLC

A handwritten signature in black ink, appearing to read 'TMO'Connor', with a long horizontal flourish extending to the left and a vertical line extending downwards from the end.

Timothy M. O'Connor, PE, LEED-AP  
Principal