



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

2014 MAR 14 PM 2 21

RECEIVED
D.E.M. / O.W.M.

March 13, 2014

Mr. Arthur S. Palmer
28 Teal Drive
Wakefield, RI 02879

RE: **Water Quality Certificate Modification #2 – Soil Cap for the Former Kidd Disposal Site and Portsmouth Town Landfill; A.P. 20, Lots 1, 2 and 12; A.P. 25, Lot 2**
WQC File No. 10-038

Dear Mr. Palmer:

The RIDEM-Office of Water Resources has reviewed the above referenced project for compliance with the State Water Quality Regulations. The project involves constructing a clean soil cap on the former Kidd disposal Site and Portsmouth Town Landfill. The Modification from the originally approved project consists of extending the cap limit on the northern, northwestern and northeastern portions of the site within the perimeter wetlands. Fill will be imported from area contractors and topped with at least two (2) feet of clean fill. An Environmental Land Use Restriction (ELUR) will be recorded for this site.

We have reviewed the subject application and site plans entitled "Existing Conditions Plan (Sheet 1 of 2) and Proposed Cap/Erosion Control Plan (Sheet 2 of 2), Former Kidd/Portsmouth Landfill, Park Avenue, Portsmouth, Rhode Island", dated December 23, 2013, stamped by Brandon D. Carr, P.E. of DiPrete Engineering. The State Water associated with this project is coastal wetland Class SA, and freshwater wetland in the vicinity of the coast Class A.

It is the determination of the Water Quality Certification Program that said project is in compliance with the requirements of the State Water Quality regulations provided that the applicant complies with the above plans and the following conditions:

1. Material used for fill and construction of the final remedial cap layer is clean and free of matter that could cause pollution of the waters of the State.
2. Prior to construction, proper erosion and sedimentation controls/procedures, as identified within the above-referenced plan(s), are installed and maintained in functional condition for the duration of the construction project.
3. No sewage, refuse, or waste of any kind shall be discharged into waters of the State from activities associated with the site soil cap construction. Any release of materials from the site associated with the project during the construction period will require immediate notification to the Department.
4. The cap shall be constructed in accordance with the conditions contained in the September 20, 2010 Beneficial Use Determination (BUD) approval issued by the Rhode Island Department of Environmental Management, Office of Waste Management.



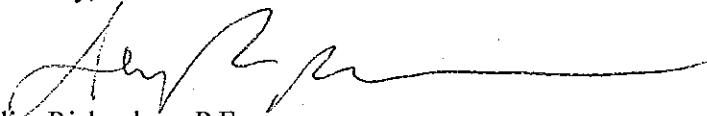
Mr. Arthur S. Palmer
WQC 10-038
March 13, 2014

5. You must notify this Program in writing immediately prior to the commencement of site alterations and upon completion of the project.
6. 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 must be made available for review by any DEM or Town representative upon request.
7. 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 WQC application number of this permit. The sign must be maintained at the site in a conspicuous location until such time that the project is complete.
8. This WQC shall expire on July 1, 2018. Project construction is to be completed by that date. You shall be required to submit a request for any modification(s) or extension(s).
9. This WQC does not relieve your obligation to obtain and adhere to any other applicable local, state, and federal permits prior to commencing construction. Should any stipulation/condition identified within any other applicable permit be in conflict with the conditions set forth in this WQC, the applicant shall immediately notify the Department.

In addition to any necessary enforcement actions stemming from the violation of any of the terms or conditions of this Water Quality Certificate, issuance of this Water Quality Certificate does not bar the Department, or any of its various Divisions, from instituting any investigation and /or enforcement actions that it may deem necessary for violations of any and all applicable statutes, regulations and/or permits, including but not limited to violations of the terms or conditions of any previous Water Quality Certificate(s) issued to you as an applicant or for this site.

This is the State's Water Quality Certification, which shall have the full force and effect of a permit issued by the Director. Violation of the terms and conditions of this Certification may result in violation of the State's Water Quality Regulations and appropriate enforcement action.

Sincerely,



Alisa Richardson, P.E.
WQC Program Supervisor

AR/nbp
Z/W/U/N/State WQC/10-038 Former Kidd-Portsmouth Landfill Mod1-Portsmouth.doc

cc: Mark Dennen, RIDEM OWM
Dave Reis, RICRMC
Brandon Carr, DiPrete Engineering

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