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RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

August 3, 2006

CERTIFIED MAIL

Mapleville Main, Inc
120 Mapleville Main Street
Mapleville, RI 02839

RE: **Notice of Intent to Enforce - OWM-SR-2006-11**
Failure to Comply with the Environmental Land Usage Restriction (3/19/2003)
434 Allens Avenue
Plat 47, Lot 601
Providence, Rhode Island
Case No. 1999-060

Dear Metech, Inc:

Enclosed please find a Notice of Intent to Enforce (NOIE) issued to Mapleville Main, Inc, as the owner, in connection with the hazardous materials release at the property identified as Assessor's Plat 47, Lot 601 in Providence, Rhode Island (the Site). Said NOIE outline's Mapleville's failure to comply with the Environmental Land Usage Restriction dated March 19, 2003.

In accordance with the Environmental Land Usage Restriction (ELUR) issued by the Rhode Island Department of Environmental Management (the Department) on March 19, 2003, Annual Compliance Inspection Reports were required to be submitted for the above-referenced property. To date, no correspondence relative to the annual monitoring has been submitted by Mapleville Main, Inc

As a result of Mapleville's failure to comply with the requirements of the ELUR, the Site is considered to be **out-of-compliance** with the Department's Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations).

As stated in the Notice of Intent to Enforce, a written response is required by **August 31, 2006** stating Mapleville's intent to complete the required actions in accordance with the ELUR and the Remediation Regulations. Failure to complete the requirements of the ELUR and this NOIE may result in an issuance of a formal enforcement action, including an administrative penalty.

If you have any questions regarding this matter please contact Margaret Bradley by telephone at (401) 222-2797 extension 7105 or by e-mail at Margaret.Bradley@dem.ri.gov.

Sincerely,

Meredith Hoskins

Meredith Hoskins
Intern
Office of Waste Management

Authorized by,

Kelly J. Owens

Kelly J. Owens
Assoc. Supervising Engineer
Office of Waste Management

Enclosure

Cc: Kelly Owens, Associate Supervising Engineer, Office of Waste Management

Tracey Tyrrell, Supervising Environmental Scientist, Office of Compliance and Inspection

Margaret Bradley, Environmental Scientist, Office of Waste Management

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WASTE MANAGEMENT
Site Remediation and Restoration Program**

Contact: Mapleville Main, Inc
120 Mapleville Main Street
Mapleville, RI 02839

Case # 1999-060
OWM-SR-2006-11

Subject: Failure to Comply with the Environmental Land Usage Restriction dated March 19, 2003, for the property located at 434 Allens Avenue (Plat 47, Lot 601), Providence, RI.

NOTICE OF INTENT TO ENFORCE

You are hereby notified that, as a result of non-compliance with Environmental Land Usage Restriction as identified herein, the Director of the Department of Environmental Management (the "Director" or "RIDEM") has reasonable grounds to believe that the following Party has violated certain provisions of the Rhode Island Department of Environmental Management's Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the "Remediation Regulations").

If the Parties promptly and satisfactorily comply with the requirements of this NOIE, RIDEM may not assess an administrative penalty. Continued noncompliance, however, will result in the issuance of a Notice of Violation and Order, which will include the assessment of an administrative penalty. If you have any questions regarding this Notice, please contact Margaret Bradley at (401) 222-2797 extension 7105.

A. Parties

The following Party is potentially responsible, in whole or in part, for the violations identified in this Notice:

Metech, Inc (the "Grantor") is identified as the owner Boliden Mapleville Main, Inc, which is located at 434 Allens Avenue (further identified as Plat 47, Lot 601) in the City of Providence, Rhode Island (the "Site");

B. Findings of Fact

1. RIDEM's Office of Waste Management ("OWM") has received an Environmental Land Usage Restriction dated March 19, 2003 for the Site.
2. To date, OWM has not received an Annual Compliance Inspection Report, which is required as stated in the ELUR "**Section I. Inspection & Non-Compliance**", to be submitted annually.

C. Potential Violations

Based on the circumstances set forth above, your failure to adequately respond thereto constitutes violations of the following statutes and/or regulations:

- (1) Rhode Island General Laws Sections 23-19.1, 23-19.14, 46-12 and 46-13.1 from which the Remediation Regulations were promulgated, prohibiting the unpermitted release of hazardous materials;
- (2) Rule 8.09 A of the Remediation Regulations, which prohibits activities on the contaminated-site that may interfere with a remedial action and its operation and maintenance, long-term monitoring or other measures necessary to assure the integrity of the remedial action;
- (3) Rule 8.09 B of the Remediation Regulations which prohibits activities that may result in human exposure to levels of hazardous substances that exceed the concentrations that have been determined to be protective of human health, or that may result in a release of hazardous materials which was contained as part of the remediation;
- (4) Rule 11.02 of the Remediation Regulations which indicates that the performing party must operate and maintain all portions, activities, and/or operations in accordance with all the terms and conditions of its Remedial Action Approval, and all other applicable laws and regulations. The Department must be notified in writing immediately if the performing part suspects or has reason to believe that any of the remedial objectives will not be met;
- (5) Environmental Land Usage Restriction dated March 19, 2003; Section H. Inspection & Non-Compliance which states that a property owner's representative with direct knowledge of past or present conditions of the Property (the "Owner's Representative") will, on behalf of the Grantor or future holder of any interest in the Property, evaluate the compliance status of the Property on an annual basis. Upon completion of the evaluation, the Owner's Representative or environmental professional will prepare and simultaneously submit to the Department and to the Grantor or future holder of any interest in the Property an evaluation report detailing the findings of the inspection and noting any compliance violations at the Property.

D. **Required Actions**

The following actions are required in order for you to comply with the above-mentioned statutes and/or regulations:

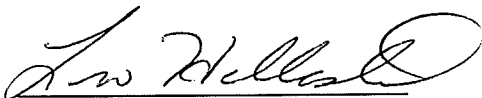
- (1) By **August 31, 2006**, the Grantor Mapleville Main, Inc shall notify OWM in writing of its intent to comply with the required actions in the time-frame indicated.
- (2) By **September 15, 2006**, hire an environmental professional to prepare and submit an evaluation of the compliance status of the Site. The evaluation shall detail the findings of the investigation and note any compliance violations at the Site. All correspondences should be sent to the attention of:

Margaret Bradley, Environmental Scientist
RIDEM / Office of Waste Management
235 Promenade Street
Providence, RI 02908

E. **Assessment of Penalty**

This NOIE constitutes a notice of intent to assess an administrative penalty pursuant to Rhode Island General Laws Chapter 42-17.6, in the event that you fail to comply with this Notice in a timely and satisfactory manner. If the Parties promptly and satisfactorily comply with the requirements of this NOIE, RIDEM may not assess an administrative penalty. Continued noncompliance, however, will result in the issuance of a Notice of Violation and Order, which will include the assessment of an administrative penalty, which may be as high as \$25,000 per violation for each and every day that violation continues to exist.

FOR THE DIRECTOR:



Leo Hellested, P.E., Chief
Office of Waste Management

Date: 3rd day of August 2006

