



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

CERTIFIED MAIL

LETTER OF NON-COMPLIANCE

Mr. Edward Sciaba
Rhode Island Recycled Metals
434 Allens Avenue
Providence, RI 02905

August 17, 2011

RE: Boliden Metech
434 Allens Avenue
Plat 47 Lot 601
Providence, Rhode Island
RIDEM CASE # 99-060
LNC No. OWM-SR-2011-222

Dear Mr. Sciaba,

This letter is written to make you aware that the property located at 434 Allens Avenue in Providence, RI is out of compliance with respect to the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (Remediation Regulations). In accordance with the Environmental Land Usage Restriction (ELUR) that was recorded on the title of the property on February 3, 2003, Annual Compliance Inspection Reports were required to be submitted for the above-referenced property. The last annual compliance inspection report was received on October 23, 2007. Since the 2007 submittal, Rhode Island Recycled Metals has submitted no correspondence relative to the annual self-monitoring.

Please be advised that the ELUR recorded on the property indicates that the owner, or any future holder of any interest in the property, is responsible for maintaining all engineered controls at the property so as to prevent humans engaged in activity at the Site from being exposed to soils containing hazardous substances. The engineered controls present at the property consist of a one to two foot soil cap.

An inspection by Department personnel on July 14, 2011, indicated that the soil cap was in poor condition due to use of heavy equipment in the operation of a metals recycling facility. The Department requires that an appropriate armored base be installed in all heavily trafficked areas to prevent further disturbance to the soil cap. In addition, a soil stockpile was observed left uncovered from emergency subsurface repairs to a water main completed in the winter. Until these issues are addressed, the Site is considered to be **out-of compliance** with the ELUR and the Remediation Regulations.

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Boliden Metech

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In accordance with the terms of the ELUR, the property owner must submit a Corrective Action Plan in writing to the Department by **August 31, 2011**, indicating Rhode Island Recycled Metals' plans to bring the property into compliance with the ELUR, including at a minimum, a schedule for implementing the plan. **Please be advised that if Rhode Island Recycled Metals, does not comply with the aforementioned requirement, the Department shall initiate the appropriate enforcement actions, which may include administrative penalties.**

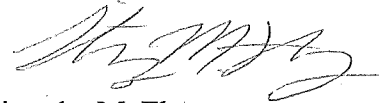
If you have any questions regarding this letter or Department requirements, please contact Ross Singer by telephone at (401) 222-2797 extension 7233, or by e-mail at ross.singer@dem.ri.gov.

Sincerely,



Ross Singer
Engineer
Office of Waste Management

Authorized by:



Timothy M. Fleury
Senior Engineer
Office of Waste Management

cc: Kelly J. Owens, RIDEM / OWM
Terry Walsh, RIDEM/OWR