



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LEGAL SERVICES

235 Promenade Street, Room 425
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June 30, 2023

Via e-mail only to rich@rilawcpa.com and rland@crflp.com

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RE: RIDEM COMMENT LETTER
Lake Shore Environmental, Inc.
Site Investigation Work Plan
434 Allen's Avenue, Providence
AP 47/Lot 601 and AP 55/Lot 10
Dated May 19, 2023

Dear Attorney Nicholson:

As stated at the meeting held on March 30, 2023, and further written in the meeting minutes circulated on April 10, 2023, the Rhode Island Department of Environmental Management (the "Department") has required Rhode Island Recycled Metals, LLC ("RIRM") to complete a Site Investigation Report (SIR) pursuant to Section 1.8 of the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the "Remediation Regulations"). In order to ensure a complete SIR, the Department further required RIRM to submit a Site Investigation Work Plan (SIWP) to define the scope of the SIR. On June 6, 2023, the Department received a proposed SIWP from Lake Shore Environmental, Inc. (dated May 19,

2023). On June 13, 2013, the Department issued a Comment Letter requesting additional information and sampling. The Comment Letter required a response within 15 days, which resulted in a deadline of June 28, 2023.

However, all the Department has received to date is an email from RIRM's counsel on June 22, 2023 which states: "With regard to the SIRWP, and the proposed modifications thereto, it is the position of David Hazebrouck that the additional requests are overreaching given his experience and intimate knowledge of the site. Moreover, David has had prior email conversations with RIDEM personnel that brings light to the disconnect between the proposed SIRWP and those edits recently requested by RIDEM."

The Department firmly stands by the SIR requirements stated in the Comment Letter. I have reviewed the e-mails and have not found any communications that were contrary to the official Comment Letter. The Comment Letter represents the final and official determination of the Department regarding the SIR. RIRM is now considered out of compliance with Departmental directives issued pursuant to the Remediation Regulations.

RIRM must complete the Site Investigation and submit a Site Investigation Report to the Department by September 28, 2023. To achieve this deadline, the Department further requires confirmation that the Site Investigation has commenced by August 1, 2023.

The SIR must be conducted in accordance with Section 1.8 of the Remediation Regulations, which requires a minimum of two (2) remedial alternatives other than "No Action" and includes certain mandatory public notice requirements before and after commencement of the site investigation work. The Site Investigation Report shall include all soil and groundwater sampling results and laboratory analysis of the environmental conditions at the Site.

The SIWP has not been approved by the Department. If the scope of the SIR does not conform to the requirements detailed in the Comment Letter, then the Department will issue a further Comment Letter on the SIR detailing additional sampling requirements.

Failure to comply with these requirements will result in further administrative enforcement action, which will include assessment of administrative penalties. R.I. Gen. Laws § 23-19.14-16 authorizes such administrative penalties in the amount of \$25,000/day.

We are willing to accommodate your request for a Teams meeting to discuss this letter before July 12, 2023. Please provide proposed dates/times immediately to facilitate scheduling. In the meantime, our expectation is that RIRM will be working diligently on preparing for SIR implementation in accordance with the Department's directives.

Regards,

/s/ Jenna Giguere, Esq.