



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF LEGAL SERVICES
235 Promenade Street, Room 425
Providence, Rhode Island 02908

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

Richard Land (Special Master)
Chace Ruttenberg & Freedman, LLP
1 Park Row, Suite 300
Providence, RI 02903

AARE, LLC (Owner)
c/o Richard Nicholson, Esq.
Nicholson & Associates, LLC
9 Thurber Blvd. Suite D
Smithfield, RI 02917

Rhode Island Recycled Metals, LLC (Operator)
c/o Richard Nicholson, Esq.
Nicholson & Associates, LLC
9 Thurber Blvd. Suite D
Smithfield, RI 02917

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

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 ("RIDEM") 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").

On June 6, 2023, RIDEM received a proposed Site Investigation Work Plan (SIWP) from Lake Shore Environmental, Inc. (LSE) (dated May 19, 2023). On June 13, 2013, RIDEM 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. RIRM did not submit a response by the stated deadline. RIDEM then issued a second letter dated June 30, 2023, directing RIRM to complete the SIR by September 28, 2023. In response, RIRM requested a meeting between RIDEM's technical staff and RIRM's environmental consultant. RIDEM agreed to the meeting which occurred on July 27, 2023.

On August 11, 2023, RIDEM received the Revised SIWP from LSE (dated August 8, 2023). This letter serves as RIDEM's official response to the Revised SIWP.

1. 9 Soil Borings - The Revised SIWP reflects RIDEM's request for 9 soil borings for sampling at 0-2 feet and 5-7 feet for all stated constituents (TPH, VOCs, SVOCs, PCBs and 13 priority pollutant metals). However, the SIWP did not address soil boring diameter. You are directed to use 2-inch diameter borings per the June 12, 2023 letter.
2. 3 Groundwater Monitoring Wells. If 3 existing groundwater monitoring wells are not located in proper spacial distance from each other, RIRM shall install 3 new wells. The diameter of any new groundwater monitoring wells must be 2 inches. Whether using existing or new groundwater monitoring wells, each well must reach a minimum of 12-15 feet in depth, with at least 4 feet of well screen in the bottom. A map of the selected locations for the 3 required groundwater monitoring wells must be submitted to RIDEM.¹
3. 12 Surface Soil Samples (In addition to 9 Borings) – The Revised SIWP did not address RIDEM's prior request for 23 surface soil samples. Upon review of prior sampling and background information about the property, RIDEM agrees to modify its position to request 12 additional surface soil samples, which 12 samples may be limited to testing for TPH, lead, and arsenic.² The 12 additional surface soil samples must be located in areas not otherwise being sampled by the borings, and a map showing the location of soil samples must also be submitted to RIDEM.
4. Sediment Samples. RIDEM will accept the SIWP without sediment samples, in light of RIDEM's review of prior sediment sampling on the property (2016 CONECO Phase II Site Investigation Report).³
5. Schedule. RIDEM previously directed RIRM to complete the Site Investigation by September 28, 2023. RIDEM has considered LSE's request to extend the schedule to 90 days from

¹ The Revised SIWP states: "Analytical results from both events confirmed that groundwater quality at the Site has been minimally impaired by historic and ongoing Site activities and no constituent concentrations were found to exceed GB Groundwater Objectives." However, RIDEM disagrees with this statement. According the 2009 and 2011 groundwater results tables provided, there was very little petroleum observed on the groundwater in 2009. But in 2011, there is clearly petroleum identified in the groundwater in MW 5 (653ppm), MW 8R (482ppm), MW 4R(588ppm) and MW 7R (2750ppm). The detection of petroleum in these wells clearly indicates that a release occurred after 2009 and the concentration in MW 7R, closest to Narragansett Bay, is significant and the concentration exceeds the GB Leachability Criteria for TPH.

² This additional surface soil sampling is necessary to properly assess the property. In the March 2016 CONECO Phase II Site Investigation Report, Coneco identified five (5) locations in the surface and sub-surface soils where TPH was greater than 1000 ppm, with the highest at 14,000 ppm. Arsenic and Lead were also identified in several boring locations greater than the Industrial/ Commercial Direct Exposure Criteria.

³ Please note, as part of implementing an approved remedy and/or redevelopment of the property, sediment removal and offsite disposal may be necessary, which would likely require additional sampling for disposal purposes.

approval of the SIWP. In response thereto, RIDEM agrees to extend the deadline to complete the SIR to **October 13, 2023.**

Regards,

/s/ Jenna Giguere, Esq.