



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LEGAL SERVICES

235 Promenade Street, Room 425
Providence, Rhode Island 02908

February 2, 2024

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 to LSE Comment responses dated 1/12/2024
Rhode Island Recycled Metals, LLC
434 Allen's Avenue, Providence, R.I.
Plat 47, Lot 601
Plat 55, Lot 10

Dear Attorney Nicholson:

The Rhode Island Department of Environmental Management (the Department), Office of Land Revitalization and Sustainable Materials Management (LRSMM), has reviewed the response to the Department's December 27, 2023 comments on the Site Investigation Report (SIR) submitted by Lake Shore Environmental (LSE) for the above referenced property (the Site) in accordance with 250-RICR-140-30-1, Section 1.8 of the Department's Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations). Said response by LSE was due January 15, 2024; dated January 12, 2024; and sent to the Department on January 17, 2024.

Regarding LSE's response to Comment #3 (b) and (c), LSRMM requires that LSE contact the laboratory and have TCLP analysis performed on the four (4) soil samples containing the highest concentrations of total lead (B1-S2, B7-S1, SS-9 and SS-10) along with a TCLP analysis for the indicated metals in three (3) soil samples: B3-S2 (Mercury), B4-S1 (Selenium), and B7-S1 (Chromium).

Regarding the response to Comment #4, it continues to be the Department's position that an impermeable cap will likely be necessary to remediate the Site, along with disposal of the soil piles at a licensed facility. In making the final determination on the appropriate remedy, the Department will consider all testing results, including those seven (7) tests noted above. Further, the Department requires more information as to the future uses of the Site in order to confirm the most appropriate remedy.

The Department would welcome the opportunity to meet with you and LSE to discuss the remedy further, after the results of the seven (7) tests are received by the Department.

If results from the seven (7) tests are not submitted to the Department by **February 21, 2024**, further administrative enforcement action will be issued, including assessment of administrative penalties.

Sincerely,

/s/ Jenna Giguere, Esq.