



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LAND REVITALIZATION & SUSTAINABLE MATERIALS MANAGEMENT

235 Promenade Street, Providence, Rhode Island 02908

SIR COMMENT LETTER

File No. SR-28-0143

April 22, 2024

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: Post Fire Site Evaluation
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's (the Department) Office of Land Revitalization and Sustainable Materials Management (LRSMM) has reviewed the Focused Compliance Inspection Report dated April 12, 2024 (see attached), filed by the Department's Office of Compliance and Inspection Inspectors who conducted a site walkover with a member of the RI Recycled Metals Company (Jason Champagne) on April 11, 2024, the day after the facility fire.

After careful review of the Focused Compliance Inspection Report, the Department will require additional site soil sampling within the entire area of the fire and any areas affected by water runoff from the fire fighting. Inspectors reported observing numerous areas where visible oil and oil staining was present. Please submit a detailed soil sampling plan for these areas detailing the sampling locations and sample collection depths. Combustion/burning is a common source for polycyclic aromatic hydrocarbons (PAHs) and, as such, all soil samples shall be analyzed at a laboratory for PAHs via EPA Method 8270. In addition, it is the Department's understanding the

RIRM currently suspects arson to be the cause of the recent fire which would likely involve the use of an accelerant, in which case, soil samples shall also be laboratory analyzed for volatile organic compounds (VOCs) via EPA Method 8260 and total petroleum hydrocarbons (TPH) via EPA Method 8100. The proposed sampling plan shall be submitted to the Department by **May 8, 2024**.

Sincerely,

/s/ Jeffrey Crawford

Jeffrey Crawford, Project Manager
Environmental Scientist III
Office of Land Revitalization &
Sustainable Materials Management

cc: Jenna Giguere, Esq. -DEM Legal Services
David Chopy, Administrator, Office of Compliance & Inspection
Ashley Blauvelt, PE- Environmental Engineer IV
Kelly Owens, Supervising Engineer

**RI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF COMPLIANCE & INSPECTION**

FOCUSED COMPLIANCE INSPECTION REPORT

Enforcement Information:

<u>Property Owner/ Responsible Party:</u>	RI Recycled Metals	<u>Inspection Date:</u>	4/11/2024
		<u>Report Date:</u>	4/12/2024
<u>Case Number:</u>	OCI-HW-24-19	<u>Inspector(s):</u>	John Hassett, Nicole Pelletier
<u>EPA Id Number:</u>	RIR 000509497		
Begin Time:	9:55 AM	End Time:	10:40 AM

Site Detail:

Street Address:	434 Allens Avenue	EPA ID #:	RIR000509497
City/Town:	Providence	State/Zip:	RI 02905
Contact Name:	Jason Champagne	Job Title:	Facility Contact
Phone Number:	401-461-9700		

Observations/Findings:

At the above referenced date and time, I arrived at the subject facility with co-inspector John Hassett to conduct an inspection in response to a fire that occurred around 11:30 PM the previous evening. When we arrived onsite, we met with Mr. Jason Champagne who identified himself as the facility contact for RI Recycled Metals and Jason Caswell from the Department's Office of Emergency Response. We explained to Mr. Champagne that we were onsite to observe the property for used oil, hazardous waste, and if any contaminants migrated to the Providence River, to which Mr. Champagne stated he understood. Mr. Champagne stated that he is constantly kicking off homeless people offsite and believes that one of them started the fire. Mr. Champagne also stated that the facility only takes in scrap metal and tries it best to ensure no liquids are associated with the scrap. Mr. Hassett proceeded to ask if maintenance on company vehicles such as oil changes were still conducted onsite or if they generated automotive batteries. Mr. Champagne responded that RI Recycled Metal ceased performing maintenance on vehicles approximately eight (8) years ago, but still generate automotive batteries. Mr. Champagne also stated that lead acid batteries are scrapped and not sent off-site for reclamation and that the facility does not maintain recordkeeping for expired automotive batteries.

We then proceeded to the main yard area where the fire occurred. At this location, Mr. Hassett and I observed approximately 100 feet by 120 feet and 10 feet high scrap pile of what appeared to be burnt home appliances such as washer, dryers, refrigerators, and plastics. At the time of the inspection, there was another burnt pile approximately six (6) cubic yards in size located northeast of the main pile. Mr. Champagne stated this pile was here because they had to pick the pile apart with machines to help put out the fire. Surrounding these piles and throughout the property, I observed sporadic water ponding areas with oil sheening and several areas of oil staining on the ground surface.

We then continued north behind the burnt pile of materials where there were four shipping containers. There weren't any regulated wastes in these containers. In this location, I observed six (6) 55-gallon containers and three (3) 5-gallon containers that Mr. Champagne stated was holding product. Additionally, in this location I observed oil staining on the impervious padded ground.

We then walked east towards the Providence River and observed two (2) runoff streams originating from the burnt piles flowing across the property, underneath pollution control - straw waddle lining the edge of the land, and then into the water. At the time of the inspection, the runoff did not have oil or an oil sheen. In the Providence River, where the water run off was occurring, I observed a surface water area approximately 15 feet by 30 feet with debris in the form of foam and wood chips floating. Additionally, in this location I observed that there was a hard boom installed to prevent contaminates to enter the Providence River. At the time of the inspection, I observed no oil sheening entering the Providence River.

Next, we headed south on the property to an area where RI Recycled Metals previously conducted vehicle maintenance and vehicle disassembling. In this location, Mr. Hassett investigated all roll off containers and observed no regulated waste stored inside any of them. Underneath the overhang in this location, I observed oil staining on the impervious padded ground, but no regulated waste in this area. To the west of the overhang, I observed one (1) approximately 1,000-gallon double-walled above ground storage tank for #2 fuel oil. At the time of the inspection, there was no gauge to determine if the tank was holding liquid. Mr. Champagne stated that since he had been working on the facility the tank has not been used so he was unsure if had material inside. As we proceeded throughout the facility, Mr. Hassett took some area photos (See Attachment 1 - Photos).

This concluded our inspection of the property, and we thanked Mr. Champagne for this time and left the property at 10:40 AM.

Inspector
Signature:



Date: 4/12/2024

Inspector
Signature:

Date: 4/12/2024

ATTACHMENT 1

(PHOTOS)

DIGITAL PHOTOGRAPHS

Case No.: OCI-HW-24-19

Date Photographs Taken: 4/11/2024

File Name: R.I Recycled Metals

Photographer: John Hassett/

Site Address: 434 Allens Avenue, Providence, RI 02905

Photo #

1



Description:

Area photo of accumulated burnt materials located at the main yard area. Photo taken facing south.

Photo #

2



Description:

Close up photo of the burnt material depicted in photo number one.

DIGITAL PHOTOGRAPHS

Case No.: OCI-HW-24-19

Date Photographs Taken: 4/11/2024

File Name: R.I Recycled Metals

Photographer: John Hassett/

Site Address: 434 Allens Avenue, Providence, RI 02905

Photo #

3



Description:

Close up photo of burnt materials located at the main yard area.

Photo #

4



Description:

Area photo of oil-sheening in a ponding area at the main yard area.

DIGITAL PHOTOGRAPHS

Case No.: OCI-HW-24-19

Date Photographs Taken: 4/11/2024

File Name: R.I Recycled Metals

Photographer: John Hassett/

Site Address: 434 Allens Avenue, Providence, RI 02905

Photo #

5



Description:

Area photo of oil-sheening in a ponding area at the main yard area.

Photo #

6



Description:

Area photo of burnt materials located at the main yard area. Burnt materials mostly consisted of metal and plastic materials.

DIGITAL PHOTOGRAPHS

Case No.: OCI-HW-24-19

Date Photographs Taken: 4/11/2024

File Name: R.I Recycled Metals

Photographer: John Hassett/

Site Address: 434 Allens Avenue, Providence, RI 02905

Photo #

7



Description:

Area photo of burnt materials located at the main yard area.

Photo #

8



Description:

Area photo of burnt materials located at the main yard area.

DIGITAL PHOTOGRAPHS

Case No.: OCI-HW-24-19

Date Photographs Taken: 4/11/2024

File Name: R.I Recycled Metals

Photographer: John Hassett/

Site Address: 434 Allens Avenue, Providence, RI 02905

Photo #

9



Description:

Area photo of accumulated surface water migrating from accumulated burnt materials to the Providence River.

Photo #

10



Description:

Close up photo of the migrating surface water depicted in photo number 9.

DIGITAL PHOTOGRAPHS

Case No.: OCI-HW-24-19

Date Photographs Taken: 4/11/2024

File Name: R.I Recycled Metals

Photographer: John Hassett/

Site Address: 434 Allens Avenue, Providence, RI 02905

Photo #

11



Description:

Area photo of surface water originated from the burnt pile of materials migrating to the Providence River.

Photo #

12



Description:

Area photo of accumulated surface water and burnt materials located at the main yard area.

DIGITAL PHOTOGRAPHS

Case No.: OCI-HW-24-19

Date Photographs Taken: 4/11/2024

File Name: R.I Recycled Metals

Photographer: John Hassett/

Site Address: 434 Allens Avenue, Providence, RI 02905

Photo #

13



Description:

Close up photo of accumulated surface water migrating to the Providence River.

Photo #

14



Description:

Close up photo of accumulated surface water migrating to the Providence River.

DIGITAL PHOTOGRAPHS

Case No.: OCI-HW-24-19

Date Photographs Taken: 4/11/2024

File Name: R.I Recycled Metals

Photographer: John Hassett/

Site Address: 434 Allens Avenue, Providence, RI 02905

Photo #

15



Description:

Close up photo of accumulated surface water from the main yard area that's migrating to the Providence River.

Photo #

16



Description:

Close up photo of accumulated surface water migrating to the Providence River.

DIGITAL PHOTOGRAPHS

Case No.: OCI-HW-24-19

Date Photographs Taken: 4/11/2024

File Name: R.I Recycled Metals

Photographer: John Hassett/

Site Address: 434 Allens Avenue, Providence, RI 02905

Photo #

17



Description:

Area photo of a second location where accumulated surface water is migrating to the Providence River.

Photo #

18



Description:

Close up photo of accumulated surface water from the main yard area migrating to the Providence River that's also depicted in photo number 17.

DIGITAL PHOTOGRAPHS

Case No.: OCI-HW-24-19

Date Photographs Taken: 4/11/2024

File Name: R.I Recycled Metals

Photographer: John Hassett/

Site Address: 434 Allens Avenue, Providence, RI 02905

Photo #

19



Description:

Area photo of a boomed area to the Providence River at the R.I. Metals Recycling facility. No oil sheening observed at this location.

Photo #

20



Description:

Second area photo of a boomed area at the R.I. Metals Recycling facility. Same boom depicted in photo number 19.

DIGITAL PHOTOGRAPHS

Case No.: OCI-HW-24-19

Date Photographs Taken: 4/11/2024

File Name: R.I Recycled Metals

Photographer: John Hassett/

Site Address: 434 Allens Avenue, Providence, RI 02905

Photo #

21



Description:

Area photo of the R.I. Recycled Metal's main yard area from the Providence River.

Photo #

22



Description:

Area photo of an approximate 1000-gallon above ground storage tank (AST) that is no longer in use per facility personnel. Any contents in the AST could not be visually confirmed.