



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF LEGAL SERVICES
235 Promenade Street, Room 425
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April 30, 2024

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

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RE: Rhode Island Recycled Metals, LLC

Dear Attorney Nicholson,

This letter is in response to your letter of April 24, 2024, on behalf of Rhode Island Recycled Metals, LLC (RIRM) regarding additional sampling that was requested by the Rhode Island Department of Environmental Management (RIDEM) on April 22, 2024. It also addresses your e-mail of April 26, 2024, regarding the public meeting.

RIRM has proposed to collect three shallow soil samples beneath the debris pile where the fire occurred; and two shallow soil samples from the drainage channel that excess fire suppression water followed. RIDEM agrees with these sampling locations. However, in addition, RIDEM also requires four shallow soil samples to be taken in locations corresponding to the notations “oil sheen” on the attached diagram. These locations correspond to observations of oil sheens by RIDEM inspectors as documented in the Focused Compliance Inspection Report.

RIDEM’s April 22 letter required testing the soil samples for polycyclic aromatic hydrocarbons (PAHs) via EPA Method 8270, volatile organic compounds (VOCs) via EPA Method 8260, and

total petroleum hydrocarbons (TPH) via EPA Method 8100. RIRM has countered with laboratory testing only for PAH and suggesting screening for VOCs via a photoionization detector (PID). RIDEM stands firm in its April 22 requirement to sample for VOC and TPH via laboratory testing. RIDEM will not accept field screening via PID in place of laboratory analysis of soil samples for VOCs.

The areas of observed oil sheens justify the above-described sampling and testing requirements. Additionally, given RIRM's suspicion of arson, the possibility of soil impacts from an accelerant warrants investigation. Testing for VOCs is important to detect any soil impacts that could have been caused by a non-petroleum accelerate. RIRM states an assumption that any accelerant would have been limited in volume and would have been consumed in the fire. RIDEM does not accept that assumption, and instead requires sampling to assess potential impacts from an accelerant.

RIDEM requires that the results of the above-described sampling/testing be submitted no later than June 1, 2024.

Regarding the public meeting, you have proposed to schedule it no later than May 31, 2024, if RIRM can obtain a Program Letter by May 15, 2024; and expressed the preferred sequencing of the public meeting to follow the Program Letter. Before RIDEM can issue the program letter, RIRM needs to (1) complete the additional sampling/testing described above; and (2) respond to RIDEM's follow-up questions about the proposed remedy which questions will be sent after receipt of the additional sampling/testing results. Thus, it is impossible to issue the Program Letter by May 15, 2024.

RIDEM requires that the public meeting occur before June 1, 2024. The meeting will need to focus primarily on the Public Involvement Plan itself and the site investigation to date. Any discussion about the proposed remedy must acknowledge that the remedy has been proposed but not yet approved by RIDEM. Please note that the community may request, or RIRM may suggest, an additional public meeting later in the process, including after the Program Letter is issued.

These requirements can be discussed further at the meeting scheduled for May 9, 2024.

Sincerely,

/s/ Jenna Giguere, Esq.