



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

May 17, 2024

Via e-mail only to [rich@rilawcpa.com](mailto:rich@rilawcpa.com) and [rland@crflp.com](mailto:rland@crflp.com)

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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: Rhode Island Recycled Metals, LLC**

Dear Attorney Nicholson,

The Rhode Island Department of Environmental Management (RIDEM) is in receipt of your email of May 13, 2024, on behalf of Rhode Island Recycled Metals, LLC (RIRM) regarding the additional post-fire testing to supplement the Site Investigation Report (SIR) and the public meeting for discussion of the Public Involvement Plan (PIP). The email states:

- a. *PIP – I anticipate that we will schedule the PIP without the Program Letter, and have the meeting on or before June 17, 2024. Isabella Giacomo is researching options to hold the meeting and is coordinating.*
- b. *Will you accept this email as a formal request to extend the deadline for both the PIP meeting as well as the post-fire supplemental testing?*
  - i. *With regard to the post-fire supplemental testing, our position is that the 4 additional locations requested (above and beyond the LSE's proposed locations) is concerning and that the reported "oil sheens" are nothing more than what one could find on city and town roads after a*

*rainstorm. The so-called oil sheens more than likely came from the fire apparatus the day of the fire. In addition, the reporting (based on the pictures) is insignificant to the site and certainly insignificant when compared to the stormwater runoff from I-95 coming through the stream controlled by the State immediately south of 434 Allens Avenue. RIRM believes this is overkill. That all said, we are meeting at the site on May 16<sup>th</sup> at 10:30am to identify the "location" of the reported sheens, and discuss the relevance to the fire, and its impact the fire may have had on the site.*

- 1. Concerning RIDEM unwillingness to accept PID screening in lieu of VOC testing. After conferring with our LSE, he is unaware of commonly available non-petroleum accelerants other than say... gun powder. Again, there's no basis to RIDEM's position. Moreover, RIDEM's requirement for TPH testing is based on the reported "oil sheens" that were likely unrelated to the fire. Simply, there is no oil in light iron appliances.*

RIDEM's prior April 22, 2024 letter required testing new 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. RIDEM still insists that these three laboratory analyses are performed from the soil samples. Soil samples shall be collected as follows:

1. Three shallow soil samples beneath the debris pile where the fire occurred;
2. Two shallow soil samples from the drainage channel that excess fire suppression water followed; and
3. The four locations identified as having oil sheening at the May 16, 2024, site visit.

The TPH analysis is necessary because of the allegation that the fire was an act of arson and certain petroleum products are commonly used as accelerants in cases of arson. In addition, TPH analysis is necessary due to the presence of oil sheens in and around the area where the fire occurred, as observed by Department personnel two separate occasions. The VOC analysis is necessary because several VOCs are present when a release of certain types of petroleum occurs. For example, Benzene, Toluene, Ethylbenzene, and Xylenes (BTEX) are VOCs very commonly found in environmental media when a release of gasoline has occurred.

**The deadline to submit the above-detailed testing results is hereby extended to June 17, 2024. The deadline to have the PIP public meeting completed is hereby extended to June 17, 2024.**

Sincerely,

*/s/ Jenna Giguere, Esq.*