

**STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

OFFICE OF COMPLIANCE & INSPECTION

IN RE: SOSCIA HOLDINGS, LLC

File No.: OCI-DAMS-23-28

EXTENSION OF IMMEDIATE COMPLIANCE ORDER

Pursuant to §42-17.1-2(21) of the Rhode Island General Laws, as amended (“R.I. Gen. Laws”), on April 3, 2024, the Deputy Administrator for the Office of Compliance and Inspection of the Rhode Island Department of Environmental Management (“RIDEM”) issued an Immediate Compliance Order (“ICO”) to the above-named party (“Respondent”), ordering it to take immediate action to protect the public and the environment in response to conditions that violated one or more statutes and/or regulations as further detailed in the ICO (attached).

Pursuant to §42-17.1-2(21)(ii)(b) of the R.I. Gen. Laws, an ICO shall be effective for no longer than forty-five (45) days; provided, however, that for good cause shown, the ICO may be extended one additional period not exceeding forty-five (45) days. The original ICO, issued on April 3, 2024, and currently set to expire on Sunday, May 19, 2024, is hereby EXTENDED for an additional 45 days for the following reasons:

- (1) RIDEM acknowledges that Respondent has done the following as Ordered in the ICO:
 - a. Drawn down and maintained the water level at approximately 30 inches below top of spillway (the level at which water no longer ejects through the spillway);
 - b. Placed standard sandbags between the boulders in coordination with, and as directed by, RIDEM; and
 - c. Retained a Dam Engineer, GEI Consultants (“GEI”), to address the ICO.
- (2) GEI conducted a visual inspection of the Flat River Reservoir Dam, State Identification Number 167 (“Dam”) on or about May 2, 2024.
- (3) On May 9, 2024, Counsel for Respondent provided RIDEM with a Technical Memorandum by GEI regarding GEI’s visual inspection of the Dam.
- (4) The Technical Memorandum does not adequately comply with the terms of the ICO.
- (5) RIDEM continues to consider the Dam unsafe because of the compromised spillway and the failure of the Respondent to provide an adequate plan to address the current unsafe condition of the Dam.
- (6) The violations found to exist at the Dam in the ICO remain in place as of the date of this extension.

Section D(3) of the ICO required the Respondent to retain a Dam Engineer to complete the following in accordance with the Dam Safety Rules, Part 1.11(C):

- a. A detailed investigation of the spillway of the Dam and its appurtenant works to evaluate its structural integrity.
- b. Submit a report of the findings to RIDEM. The report must identify the specific deficiencies and specify further investigation or corrective measures, including but not limited to short term measures to support the spillway such as coffer dams, timber supports, liners, epoxy sealing, and/or sandbags. The report must provide a recommended schedule to complete any work identified as necessary to correct the deficiencies noted in the report. For any proposed repairs, the report must include an application prepared in accordance with the Dam Safety Rules, Part 1.10(B).
- c. Submit a plan to install siphons and/or large capacity pumps to provide additional capacity to draw down and maintain the water level as noted in section D(1) of the ICO. The plan must include a schedule to complete the installation of the siphons and/or large capacity pumps.

This Extension of the ICO will be effective for 45 days, up to and including July 3, 2024, and the other provisions of the ICO shall remain in full force and effect during the extension period.

Christina Hoefsmit, Deputy Administrator
RIDEM
Dated: _____

CERTIFICATION

I hereby certify that on the ___ day of _____ the within Notice of Violation was forwarded to:

SOSCIA HOLDINGS, LLC
c/o Richard E. Fleury, Resident Agent
33 College Hill Road
Building 20
Warwick, RI 02886

Patrick J. Dougherty, Esq.
Dougherty & Associates Law, Inc.
887 Boston Neck Road, Suite #1
Narragansett, RI 02882

by Certified Mail.
