



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LAND REVITALIZATION & SUSTAINABLE MATERIALS MANAGEMENT

235 Promenade Street, Providence, Rhode Island 02908

PROGRAM LETTER

File No. SR-28-0143

October 8, 2024

Richard Land (Special Master)
Chase Ruttenburg & Freedman, LLP
1 Park Row, Suite 300
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AARE, LLC (Owner)
c/o Richard Nicholson, Esq.
Nicholson & Associates, LLP
9 Thurbers Blvd., Suite D
Smithfield, RI 02917

Rhode Island Recycled Metals, LLC (Operator)
c/o Richard Nicholson, Esq.
Nicholson & Associates, LLP
9 Thurbers Blvd., Suite D
Smithfield, RI 02917

RE: Program Letter
Rhode Island Recycled Metals, LLC
434 Allens Avenue, Providence, RI
Plat Map 47 / Lot 601
Plat Map 55 / Lot 10

Dear Attorney Nicholson:

On April 22, 2020, the Rhode Island Department of Environmental Management's (the Department) Office of Land Revitalization and Sustainable Materials Management (LRSMM) enacted the codified 250-RICR-140-30-1, Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations). Following periodic refiling, the active Rule became effective on January 4, 2022. The purpose of these regulations is to create an integrated program requiring reporting, investigation, and remediation of contaminated sites in order to eliminate and/or control threats to human health and the environment in a timely and cost-effective manner. A Program Letter is a document used by the Department to signify that a Site Investigation has been completed and that a Performing Party must conduct public notice in accordance with Sections 1.8.7(A)(2) and 1.8.9 of the Remediation Regulations concerning the findings of the investigation and the proposed remedial alternatives.

In the matter of the above-referenced property (the Site), the Department's Office of LRSMM is in receipt of the following documentation submitted since 2023 pursuant to the Remediation

Regulations in response to the reported release at the Site:

1. Site Investigation Work Plan (SIWP), received by the Department on June 6, 2023, and prepared by Lake Shore Environmental (LSE);
2. Revised SIWP, received by the Department on August 11, 2023, and prepared by LSE;
3. Pre-SI Public Notice, received by the Department on October 17, 2023, and prepared by LSE;
4. Status Report Memo for Sept. 6 – Oct. 19, 2023, received by the Department on October 20, 2023, and prepared by LSE;
5. Status Report Memo for Oct. 31 – Nov. 10, 2023, received by the Department on November 10, 2023, and prepared by LSE;
6. Petition for Public Involvement Plan for RIRM, received by the Department on November 14, 2023, and prepared by members of the community;
7. Site Investigation Report (SIR), received by the Department on December 12, 2023, and prepared by LSE;
8. Draft Public Involvement Plan (PIP), received by the Department on December 27, 2023, and prepared by LSE;
9. Response to Department [SIR] Comments Letter, received by the Department on January 12, 2024, and prepared by LSE;
10. Response to Department [PIP] Comments Letter, received by the Department on February 1, 2024, and prepared by LSE;
11. Revised Draft PIP – Version 2.0, received by the Department on February 1, 2024, and prepared by LSE;
12. Final Draft PIP – Version 3.0, received by the Department on February 16, 2024, and prepared by LSE;
13. Updated Analytical Report (two parts), received by the Department on March 11, 2024, and submitted by LSE;
14. Conceptual Remedy for On-Site Encapsulation of Regulated Soil, received by the Department on April 1, 2024, and prepared by LSE;
15. E-mail: SAMPLING PLAN – Response to RIDEM Letter, dated April 22, 2024, received by the Department on April 24, 2024, and submitted by Attorney Richard Nicholson, Esq.;
16. SIR Addendum – Post Fire Sampling, received by the Department on June 11, 2024, and

prepared by LSE;

17. Response to Request for Additional Detail – Conceptual Remedy for On-Site Encapsulation of Regulated Soil at RIRM Site, received by the Department on July 11, 2024, and prepared by LSE;
18. PIP Public Meeting (Public Notification), received by the Department on July 12, 2024, and prepared by LSE;
19. E-mail: RIRM – Remedial Design Comment (response), received by the Department on August 29, 2024, and prepared by LSE;
20. E-mail: RIRM – PIP Public Mtg Summary Report & Transcript, received by the Department on September 9, 2024, and prepared by LSE; and
21. E-mail: RIRM – Remedial Design Comment (response #2), received by the Department on September 20, 2024, and prepared by LSE.

The Department regards the information provided in these reports as meeting the requirements pursuant to Section 1.8.8 of the Remediation Regulations. The preferred remedial alternative proposes the following remedy:

- The encapsulation of all site soils such that:
 - direct exposure to jurisdictional soils is eliminated;
 - site soils cannot leave the site through wind, stormwater, or vehicle traffic; and
 - infiltration of stormwater through site soils is prevented.

The specifications (materials, design, thickness, etc.) shall be determined in consultation with a Rhode Island registered Professional Engineer specializing in structural engineering. The structural engineer must provide recommended site-specific encapsulation specifications for a site-wide impervious cap(s) that will provide the above protections and withstand the machinery, loads, and daily traffic and operations for as many years practicable. In addition, erosion due to the coastal location of the property must be considered as part of the cap design. The encapsulation specifications shall be submitted for Department review as part of the Remedial Action Work Plan (RAWP). The cap design shall be subject to review by the Rhode Island Coastal Resources Management Council (RI CRMC) and the Department's Office of Water Resources (OWR).

- The maintenance and monitoring of the engineered controls through the recording of an institutional control in the form of a Department approved Environmental Land Usage Restriction (ELUR). The ELUR shall be recorded on the deed for the entire property (Plat Map 47 / Lot 601 and Plat Map 55 / Lot 10). The ELUR shall require the performance of annual inspections to document the status of the ELUR and the condition of the engineered

controls. The ELUR shall also include a Department approved post remediation soil management plan (SMP) which will address any future activities that may disturb on-Site soils. The ELUR shall be recorded for the entire Property in the Land Evidence Records for the City of Providence and recorded copy forwarded back to the Department within fifteen (15) days of recording.

The Department acknowledges that the site investigation activities are complete. The Department is not yet able to formally approve the SIR, however, due to the necessity to first allow the public to comment on the technical feasibility of the preferred remedial alternative. Outlined in Section 1.8.7(A)(2) and 1.8.9 of the Remediation Regulations are the requirements for public notice after the SIR is deemed complete to all abutting property owners, tenants, easement holders, and the municipality, and the Environmental Justice Focus Area regarding the substantive findings of the completed investigation and the opportunity for public review and comment on the technical feasibility of the preferred remedial alternative.

Please submit a draft notification to the Department via E-mail for review and approval prior to distribution. A boilerplate notification to be distributed can be found online at <https://dem.ri.gov/environmental-protection-bureau/land-revitalization-and-sustainable-materials-management/site-remediation-program>. In addition to the above public notification requirements, Rhode Island Recycled Metals, LLC must follow all public notification steps outlined in the most recent Public Involvement Plan (PIP) – Version 3.1. Public notices must be issued no later than **November 8, 2024**; and draft notices with the distribution list must be sent to RIDEM for pre-approval no later than **October 18, 2024**.

The Department will formally approve the SIR in the form of a Remedial Decision Letter (RDL) once Public Notice is completed and upon Department approval of all final responses to relevant public comments. At that point, the Department will require submission of the Remedial Action Work Plan (RAWP) for review and approval in accordance with Sections 1.9 and 1.10 of the Remediation Regulations. Upon receipt of the RDL, be prepared to submit the Remedial Action Approval Application Fee of one thousand dollars (\$1,000.00) in check form made payable to General Treasurer -State of Rhode Island directly to the Office of Management Services.

If you have any questions regarding this letter or would like the opportunity to meet with Department personnel, please contact me by telephone at (401) 537-4309, or by E-mail at ashley.blauvelt@dem.ri.gov.

Sincerely,



Ashley L. Blauvelt, P.E.
Environmental Engineer IV
Office of Land Revitalization &
Sustainable Materials Management