



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LAND REVITALIZATION & SUSTAINABLE MATERIALS MANAGEMENT

235 Promenade Street, Providence, Rhode Island 02908

INTERIM SITE CONTROLS – STOCKPILES **File No. SR-28-0143**

December 30, 2024

Richard J. Land, Esq., Special Master
Via email: rland@crflp.com

RE: Interim Site Controls – Stockpile Management
Rhode Island Recycled Metals, LLC
434 Allen's Avenue, Providence, R.I.
Plat 47, Lot 601
Plat 55, Lot 10

Dear Mr. Land:

The Department of Environmental Management (the Department), Office of Land Revitalization & Sustainable Materials Management (LRSMM) received the attached request to flatten the two (2) soil piles located on the western end of the above referenced property (the Site) to be immediately covered by 1 inch of ground asphalt. LRSMM has reviewed the request to provide approval of this aspect of implementation of the "Interim Controls" during the "Interim Use Period" as defined in the Decision of the Rhode Island Superior Court dated December 13, 2024 (C.A. No. PC-2015-0890).

In accordance with 250-RICR-140-30-1, the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations), and the court-ordered Interim Controls, the Department approves the stockpile management proposal for the duration of the Interim Use Period provided that:

1. The stockpiled soils/sediments shall be relocated primarily on the north and northwest areas of the Site in a manner that will not create newly elevated areas and then immediately capped with an Interim Control consisting of a minimum of one (1) inch of ground asphalt.
2. All excavated regulated stockpile material that is not encapsulated onsite shall be disposed of off-site at an appropriately licensed disposal facility in accordance with all local, State, and Federal laws. Copies of the material shipping records and manifests associated with the disposal of the material shall be included in an Interim Use Period Status Report.
3. Dust suppression techniques (i.e., watering) must be employed at all times during all soil disturbing/handling activities at the site in order to minimize the generation of fugitive dust.

4. Any deviation from the stockpile management activities outlined above shall be reported to the Office of LRSMM by telephone within one (1) working day and in writing within five (5) business days.
5. Areas of the Site on which the Interim Control consists of a minimum of one (1) inch of crushed asphalt shall not be utilized as part of any business operations and vehicle traffic is strictly prohibited during the Interim Use Period, except as required for the installation and maintenance of the Interim Control.
6. The Interim Controls must be monitored and maintained such that underlying soil is inaccessible and erosion or movement of said soils is prevented.

This approval applies solely to the management of the two (2) existing stockpiles located on the western portion of the Site. Further, this approval is limited in duration to the Interim Use Period. The approved Interim Control should not be misconstrued as a viable or acceptable long-term remedial measure for the Site and will not be considered a compliant remedial measure outside of the Interim Use Period.

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

Giguere, Jenna (DEM)

From: Richard Land <rland@crflp.com>
Sent: Thursday, December 26, 2024 10:09 AM
To: Giguere, Jenna (DEM)
Cc: Richard W. Nicholson, Esq., CPA (rich@rilawcpa.com); Jasonchampagne32@yahoo.com; Jared Sevinor
Subject: RIRM - Update and Request for Approval

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Jenna –

I hope you had a nice holiday.

Further to our discussions, I would like to confirm that RIRM will be removing all of the tires, tarps and other materials covering the two piles of soil that were removed to create the ramp. Those materials will be loaded into dumpsters and properly disposed of off-site. The soil will then be relocated to presently uncovered areas of the site primarily on the north and northwest sides to the extent possible (avoiding creating elevated areas) and then capped with at least one inch of ground asphalt. The areas to which the soils are being relocated will not be active use areas during the “interim controls” operational period.

RIRM has provided evidence that the asphalt “cap” on the central operating area is presently greater than the four inches required under Judge Stern’s decision. I’ve attached photos showing various sampling locations. Nevertheless, I have instructed RIRM to maintain a consistent surface area and to add ground asphalt as needed to preserve an operating environment consistent with the decision.

In connection with placement of additional ground asphalt, I have requested that RIRM rent a roller to smooth out the asphalt as it is placed in order to maintain a more consistent surface. I would not expect RIRM to rent a roller every time it adds asphalt for maintenance purposes, but I do want to get started with a reasonably maintained surface.

Finally, I am awaiting further information relating to the stone “riprap” driveway. We may need to modify that concept using crushed stone or some other similar material in order to preserve proper elevations.

Kindly let me know if RIDEM agrees with the approach set forth above with respect to the soil piles. Of course, I’m happy to discuss any aspect of the site work.

Best regards,

Rick

Richard J. Land
Partner - Providence

Chace Ruttenberg & Freedman, LLP

One Park Row, Suite 300
Providence, RI 02903
t: (401) 453-6400

15 Franklin Street
Westerly, RI 02891
t: (401) 315-2702

www.crfilp.com

The information contained in this e-mail message and in any accompanying documents constitutes confidential and/or privileged information that belongs to Chace Ruttenberg & Freedman, LLP. This information is intended only for the use of the individual or entity to whom it is directed. If you are not the intended recipient of this information, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on this information is strictly prohibited. If you have received this e-mail message in error, please immediately notify us by telephone at (401) 453-6400 and permanently delete this message from your computer. Thank you.







