

STATE OF RHODE ISLAND

PUBLIC MEETING:

LAKE SHORE ENVIRONMENTAL INC.

IN RE: RHODE ISLAND RECYCLED METALS

December 3, 2024
6:00 p.m. to 8:00 p.m.
West End Community Center
109 Bucklin Street
Providence, Rhode Island

REBECCA J. FORTE
CERTIFIED PROFESSIONAL STENOGRAPHERS
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APPEARANCES :

RICHARD LAND, ESQUIRE
SPECIAL MASTER APPOINTED BY THE RI SUPERIOR COURT

FOR LAKE SHORE ENVIRONMENTAL, INC.
ISABELLA GIACOMO
DAVID HAZEBROUK

FOR RHODE ISLAND RECYCLED METALS
RICHARD NICHOLSON, ESQUIRE

FOR THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
ASHLEY BLAUVELT

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1 Tuesday, December 3, 2024

2 (The proceedings commenced at 6:00 p.m.)

3 MR. LAND: Good evening everyone. Can everyone hear
4 me?

5 Can you folks hear me? Is that okay in the back?

6 Good evening everyone. Thanks for coming. Let me
7 just introduce myself. I am Rick Land. I'm the
8 court-appointed special master for Rhode Island Recycled
9 Metals. In that capacity I've had a variety of different
10 tasks that I've been charged with by the Court. I am not
11 an employee or representative of Rhode Island Recycled
12 Metals. I don't have a proverbial horse in this race. I
13 am representing the Court's interests and that of --
14 generally the Court's interests, but acting as sort of a
15 mediator person here.

16 Rhode Island Recycled Metals is represented by Rich
17 Nicholson to my left, and to my right are Dave Hazebrouk
18 and Isabella Giacomo, both from Lake Shore Environmental,
19 who have been working with Rhode Island Recycled Metals
20 to put the plan together for Rhode Island Recycled Metals
21 to continue operating as a metals recycling facility.

22 So I volunteered to moderate this session. I'm
23 happy to answer questions relating to what's going to be
24 presented tonight, although, I will say that Dave and

1 Isabella are more appropriate to direct your questions
2 to. Nevertheless, if you do have questions for me, I'm
3 happy to do my best to answer them.

4 We do want to follow a relatively straightforward
5 agenda this evening. It's primarily to present
6 information to you folks and then give you an opportunity
7 to ask questions.

8 Channel 12 is here. They've set up a microphone up
9 at that first table. We would invite people to come up
10 and speak near that so that their questions can be heard,
11 but also so they can be picked up by the microphone.

12 So tonight's agenda, as indicated over here, we have
13 site updates for the project and facility since the last
14 public meeting. We have the site investigation report
15 results to be shared, the proposed remedy relative to the
16 environmental condition of the site, and any additional
17 updates as we move forward, and then, lastly, Q and A.

18 We are going to try to move through items 1 through
19 4 relatively quickly this evening, but we certainly
20 wanted to leave you plenty of time to ask questions. We
21 would ask that you hold your questions until the end so
22 we can get through the materials and so that everybody
23 has an opportunity to speak.

24 And so with that, I will turn it over to Isabella

1 for site updates, or am I doing mine first?

2 MS. GIACOMO: You're doing yours.

3 MR. LAND: My apologies. A little more planning
4 next time.

5 Just to give people a sense of what has already
6 occurred at the site, and lot of this came following the
7 last fire that most people are aware of. The site has
8 had that infrared technology added to the site.

9 Primarily, there's camera that is directed toward the
10 scrap pile that's located in the middle of the site, and
11 that camera has been tested to confirm that it can
12 identify hotspots before they become a fire. And it has
13 been functioning very -- it does function very well.
14 It's been tested as recently as today.

15 There is a new fire suppression system or plan in
16 place that includes both water and foam around the site.
17 As I go there, I do visit the site each week, I check on
18 those systems. But in addition to me, as I'm not a fire
19 suppression expert, we have a gentleman -- Rhode Island
20 Recycled Metals, I should say, engaged a gentleman, Matt
21 Leonard, who manages and monitors that system on a
22 regular basis.

23 The personnel at Rhode Island Recycled Metals have
24 been trained on how to address fire -- potential fire

1 issues, but they've also gone through OSHA training and
2 materials training to identify inappropriate materials
3 that might be delivered to the site, and address those
4 prior to getting into the pile, primarily batteries, and
5 there are systems in place to move those batteries out of
6 the pile and into safe containers and then similarly be
7 disposed of.

8 And, again, when I'm talking about these controls
9 that are being put in place, these are controls that were
10 recommended by the fire safety experts and approved by
11 the Court previously.

12 Recently, there were air-monitoring controls placed
13 on and continuing on an ongoing basis on employees at the
14 location to determine whether there were health --
15 specific health hazards related to dust and other
16 materials in the air, and that's an ongoing process as
17 well.

18 Berms have been placed around the premises,
19 including berms across the entire waterfront. And I'm
20 talking about either stone or asphalt berms to prevent
21 water flow into the Bay, into the river. In addition to
22 that, there are hay socks that run along the waterfront
23 to catch any overflow that might happen during
24 rainstorms.

1 VOICE: Can you hold the mic up a little bit more?

2 MR. LAND: Oh, I'm sorry. My apologies. Yeah.

3 As I noted, the scrap pile itself has been broken
4 down into two smaller scrap piles. If you folks were
5 familiar with the prior site at the time of the fire,
6 materials were being placed in one large pile in the
7 center of the site. That has been broken up into two
8 smaller areas, and so scrap piles are consistently much
9 smaller than they have been in the past, and there's more
10 frequent trucks coming in to remove the materials for
11 offsite recycling.

12 Again, I am there regularly, which means I can
13 confirm that the scrap piles are considerably smaller
14 than they were in the past.

15 The operating footprint of the site has also been
16 reduced. There are barriers in the front of the site and
17 at the back, and so the actual area being used presently
18 is primarily the middle section where the scale is,
19 trucks come in and out through that scale, and the
20 dumping area is immediately in front of that.

21 So there's, again, a reduced footprint. On an
22 ongoing basis the soil piles that were the result of
23 digging out the trench years ago, those are maintained
24 with tarps. Those are replaced on a regular basis. The

1 wind tends to blow them around, but there is a constant
2 diligence to keep those in decent shape.

3 There are limitations on who the can come into the
4 site and where they can travel; again, primarily in that
5 middle area along the scale and to dump materials.

6 People -- the public is not allowed to travel beyond
7 those areas in the site.

8 And then, finally, there are periodic safety
9 reviews, as I mentioned, by Matt Leonard, the fire and
10 safety expert.

11 So that's just a thumbnail update of what their site
12 conditions are presently. When we get to the Q and A, if
13 people have specific questions about that, I'll be happy
14 to answer that.

15 With that, I will turn it over to Isabella.

16 MS. GIACOMO: Hi everyone. Before I get into the
17 remainder of the slides, I did want to touch on the
18 handouts that were on that table right as you walk in.
19 If you missed picking them up, you know, I'll just list
20 out what's there. You can take any of them or none of
21 them. But we have just a summary of the SIR results. I
22 know we went over that at the previous meeting if you
23 were there, but it's just sort of a condensed
24 bullet-point summary of everything that we did as part of

1 the site investigation for Rhode Island Recycled Metals.

2 We have a fact sheet that goes over the proposed
3 conceptual remedy. So it sort of touches on what the
4 remedy will consist of, and I'll also go over it this
5 evening as well.

6 We have a word bank, so that really breaks down
7 those sort of technical terms that we breezed through a
8 bit last meeting, including the lab analyses as well as
9 regulatory criteria.

10 And then DEM also provided a couple of handouts as
11 well, including some, you know, just a very helpful
12 handout that goes over, you know, the public involvement
13 plan, important dates, documents you can look at in the
14 information repository, and then also the community guide
15 to capping, which is a part of the remedy that we are
16 proposing. So that just really goes through the basics
17 of what encapsulation is.

18 So moving forward -- oh, also, it touches on the
19 project updates as well. On October 8th DEM issued the
20 program letter, and then on November 1st, that's when we
21 sent out that post-SIR public notice. That was sent to
22 everybody on the mailing list. If you don't know if
23 you're on the mailing list, if you don't know if you
24 received it, we do have that sign-in sheet up front if

1 you'd like to list out your name and your e-mail address,
2 and you can be added to it. Please try to write legibly
3 or as legibly as possible, because I do have to try to go
4 through and figure out what people wrote, so it's helpful
5 if I can read your handwriting.

6 So moving forward, I know we went over this in depth
7 in the previous meeting, but I just wanted to touch on
8 some things to make sure we're all clear. So this is the
9 entire site. All of these -- all of these triangles and
10 the circles are where we sampled. The green are where we
11 sampled post the first fire, and then -- using the
12 pointer -- and so these orange ones, if you can even tell
13 the difference when it's up on the screen here, are the
14 soil borings. These red ones are the surficial soil
15 samples, and then these blue ones are both borings, and
16 then where we ultimately installed the three monitoring
17 wells.

18 MONICA HUERTAS: Where can we find that map?

19 MS. GIACOMO: Huh?

20 MONICA HUERTAS: Where can we find this map?

21 MS. BLAUVELT: We'll post it online tomorrow.

22 I'll post that, and I'll post all the handouts that
23 are available here, and they'll all be posted online
24 tomorrow, as soon as I can, but by tomorrow.

1 MONICA HUERTAS: Okay. Thank you.

2 MS. BLAUVELT: Yes. You'll send me the PowerPoint
3 by tomorrow?

4 MS. GIACOMO: Yup. Yeah. I'll send the PowerPoint
5 as well, and also the site plan that Ashley will be
6 posting. This is -- I tried to make the figure itself as
7 large as possible so you guys could see it, but what
8 Ashley is going to be posting will have both a legend to
9 what these mean, which I'm going to go over soon, and
10 also what each of these, you know, different sample
11 location colors and shapes mean. So that will all be on
12 that same site plan.

13 But what we're really demonstrating here is this red
14 is where we found TPH, which is total petroleum
15 hydrocarbons. The yellow figures here is where we found
16 exceedances of direct exposure criteria, either
17 residential or industrial/commercial of metals.

18 So we have two bigger sort of shapes here, and then
19 the blue is the semivolatile organic compounds. Those so
20 are sort of explained more in detail in that word thing.
21 I can also go over that during the Q and A portion if
22 anybody would like me to go over that.

23 MONICA HUERTAS: Yes, please, because that's nasty.

24 MS. GIACOMO: So as you can see it does encompass

1 the site where we found those residential or
2 industrial/commercial direct exposure criteria
3 exceedances, which is why we're proposing site-wide
4 encapsulation of the entire site.

5 So this is just an excerpt from that community guide
6 for capping handout that was up front. This is what, you
7 know, the EPA put together just as a general guide for
8 what a cap consists of. It's really just a barrier to
9 prevent public direct contact with soil that is
10 jurisdictional, so that we found to have exceedances, and
11 then that will be in conjunction with a deed restriction
12 in the form of an environmental land use restriction that
13 would apply to the entire site. That would be filed with
14 the Providence City Hall, connected to the entire site.
15 So what goes with that is like a soil management plan.
16 It really just demonstrates future use for this site,
17 what can and cannot be done at that site, and it goes
18 through all of that, and it prohibits some types of uses
19 for that site.

20 And then just some upcoming dates. The PIP comment
21 deadline is December 19th, and the post-SIR comment
22 deadline is December 23rd. So any comments, if you guys
23 have comments, any lingering issues with either the PIP,
24 the public involvement plan, or the site investigation

1 report, please send them to Ashley by these dates,
2 respectively, if you want those, you know, comments to be
3 considered. All right.

4 MS. BLAUVELT: Do you mind if I elaborate on those
5 two comment areas?

6 MS. GIACOMO: Yes.

7 MS. BLAUVELT: Just for clarification. I posted on
8 our website as well an explanation of the two
9 simultaneous comment areas that are going on right now.
10 It is unusual to have two going on, but we are looking
11 for comments on the draft PIP, public involvement plan,
12 that was originally posted February 23rd. That's still
13 in draft. We welcome any comments anyone has about that.

14 And then the post-SIR comment period. I believe it
15 the began November 1st. That is soliciting comments
16 specifically on the technical feasibility of the proposed
17 remedy.

18 However, we're not going to -- if you have questions
19 that don't fit in those two boxes, please submit them.
20 You know, we will answer your questions. You know, we're
21 not saying you're limited to those two things. If you
22 have inquiries, we want to hear them. The only
23 requirement for comments is that they have to be
24 submitted in writing. And throughout the various

1 documents, there are instructions on how to do that,
2 whether it's by directly e-mailing me or mailing or
3 dropping off written comments.

4 There's also a document there that kind of lists the
5 most relevant or important documents. I know the list is
6 exhaustive that is posted. There's about maybe ten or so
7 that address all of the investigation work and results,
8 and then the formulation of the essential remedy of the
9 capping requirements and that environmental land use
10 restriction which would include the requirement to
11 inspect and maintain that cap as well. That's an
12 important part of that. And, you know, even though we're
13 from site remediation and separate from water resources
14 and stormwater, there is also a pending application
15 pending with our office of water resources for the
16 approval of a stormwater collection system -- management
17 system that will also be going on this site. So we're
18 not necessarily addressing it here.

19 MONICA HUERTAS: Is there going to be a PIP for
20 that, or you have to submit it?

21 MS. BLAUVELT: I'm not sure what the regulations
22 are. I would reach out --

23 MONICA HUERTAS: Could you please let me know?

24 MS. BLAUVELT: Yes. Yes. Just in case, just e-mail

1 me.

2 MONICA HUERTAS: Okay. I will.

3 MS. BLAUVELT: Otherwise, I might not remember until
4 the transcription come through. Yeah, I will -- again,
5 it will have our attention.

6 I believe that's everything as far as the public
7 comments. Just the most important thing is try to get in
8 the before the holidays and make sure they're in the
9 writing.

10 MS. GIACOMO: I'm all set, so if you guys have any
11 questions now, we can open it up for Q and A.

12 MR. LAND: So if anybody has questions about what's
13 been presented, about the materials, about the site,
14 about what I said, if you can just come up. There's a
15 microphone up here, we'd ask you to just come up and ask
16 your question, and then we can respond. You don't have
17 to move.

18 JED THORP: Can you talk a little bit more about --
19 (Interruption by the court reporter)

20 JED THORP: Sure. Jed Thorp with Save the Bay. Can
21 you talk a little bit more about the ELUR, the land use
22 restriction, and what type of activity would be permitted
23 under that ELUR in terms of future use of the site?

24 MR. HAZEBROUK: So the ELUR will prevent residential

1 use, for one. Okay. It will require that engineered
2 barriers installed have to be maintained over time. It
3 will require that, you know, people are not going to be
4 exposed to --

5 (Interruption by the court reporter)

6 MR. HAZEBROUK: Sure. It will require annual
7 inspections for that deed restriction to ensure that the
8 conditions that are required are maintained over time, so
9 annually that has to be submitted to DEM.

10 JED THORP: But it wouldn't prohibit any industrial
11 uses of the cite, just if they were to disturb the cap,
12 they would have to do some remediation if the cap was
13 disturbed?

14 MR. HAZEBROUK: So it would not prohibit industrial.
15 It's a commercial/industrial site as it is.

16 JED THORP: Right.

17 MR. HAZEBROUK: The other restriction is no use for
18 -- there's no potable water supply.

19 What was the second part of your question?

20 JED THORP: I think you've answered it, yeah. Thank
21 you.

22 MONICA HUERTAS: I have a couple of questions. And
23 my name is Monica Huertas, the People's Port Authority.
24 But something that I just thought about, can you explain

1 a little bit -- and I know you've got to rush through the
2 things because you guys already had presented it,
3 although 80 percent of us were not there, so that's
4 unfortunate, but can you explain -- I don't know if this
5 is a DEM question or whoever -- but I'm under the
6 understanding that the sites on that side of the
7 waterfront, they have to be water dependent, so can you
8 talk a little bit about how you guys -- about the
9 process, and if it is a true water dependent, or if you
10 guys just put the scrap metal inside of the trucks and
11 truck them out? Because it's my understanding, according
12 to Providence Zoning -- according to Providence Zoning,
13 anything on that water has to be water dependent. Thank
14 you.

15 MR. NICHOLSON: So, yes. It's a W-3 zone, so to be
16 compliant with zoning, we have to be water dependent. In
17 2017 the City of Providence filed a lawsuit against AARE,
18 which is the owner of the land, and RIRM --

19 MONICA HUERTAS: I'm listening, but I have to get
20 the baby's bottle.

21 MR. NICHOLSON: I appreciate that. I have four of
22 them.

23 In 2020 after a full adjudication of the City's
24 complaint, the City dismissed the zoning issue as well as

1 other issues in the complaint with prejudice. So that
2 issue on zoning has been completely adjudicated to our
3 favor.

4 MONICA HUERTAS: Uh-hum.

5 MR. NICHOLSON: That said, what we plan on doing as
6 part of our general application is to have a system where
7 we load and offload metals on the river.

8 So back in the day when we were ship breaking, CRMC
9 issued two assents to us to drag ships up on land and to
10 break those vessels.

11 MONICA HUERTAS: Uh-hum.

12 MR. NICHOLSON: And over the years we broke about 50
13 vessels with DEM and CRMC approval. That all said, we're
14 not going that route. What we're going to be doing
15 instead is building some engineered system, subject to
16 the permitting process approval, where we'll just unload
17 and load metals on a barge. So a lot less invasive, far
18 more basic than what we had in the past.

19 MONICA HUERTAS: Thank you. That doesn't mean I
20 approve of it. I'm just asking a question. I don't want
21 them to be there, period.

22 MR. LAND: Can you come up. I know it's little
23 inconvenient, or we can pass the mic.

24 That microphone is for Channel 12. It's not --

1 MONICA HUERTAS: Exactly.

2 JUSTICE GAINES: Hi, I'm Justice Gaines. I'm a
3 resident of Downtown Providence. I'm curious, because
4 the ELUR won't ban anything industrial that could
5 recontaminate the site, and that just sounds foolish,
6 frankly, and unsustainable. So, I guess, how is the
7 site, the management, the State involved in the
8 management, your role making sure that nothing is
9 happening on the site, because it not only impacts the
10 cap, but potentially recontaminates the soil that's being
11 put on the cap now? I just doesn't feel like a complete
12 plan to me.

13 MONICA HUERTAS: Mind you, they already had a cap
14 before.

15 MR. LAND: So I'm going to turn that question over
16 to you, Dave, in terms of how the ELUR works and the
17 ultimate use on the site.

18 MR. HAZEBROUK: Well, the site is currently zoned
19 for commercial industrial use, so it's a legal use, legal
20 activity to have there. The environmental land use
21 restriction is not intended to restrict current legal
22 use. The cap, which is also known as an engineered
23 barrier, that's going to encapsulate any contaminants
24 underneath, but it also serves the purpose of collecting

1 any contaminants that are released on the surface of the
2 cap, and it will direct it to stormwater controls where
3 those contaminants are filtered out.

4 So that's how they'll address current and future
5 possible releases of contaminations, and ELUR is just a
6 deed restriction that makes sure that those restrictions
7 are maintained into the future.

8 Does that answer your question fully?

9 MS. BLAUVELT: I think I can -- if I may, I can
10 build on that about the ELUR. There are provisions in
11 there that require us to be notified should there be a
12 change in ownership, a change in site use, any type of
13 reinvolvement, any type of disservice to the cap,
14 intentional or unintentional. If for whatever reason the
15 property ceases to be an operating metals processing
16 facility, something else is processed, that will have to
17 come through us.

18 So that's in there. You know, we do audits of sites
19 that have ELURs annually ourselves to make sure uses
20 haven't changed, or that the caps that are supposed to be
21 there are in place and are effective, there's not any
22 giant cracks that are expose underlying soils or allowing
23 for new contaminants to get to the underlying soil.

24 For the soil management plan, usually part of the

1 soil management plan is erosion control, things like
2 that, and what to do if -- like in an emergency, utility
3 work or something that requires that there's no time to
4 notify us, they have to deal with a gas line, there's
5 provisions for that.

6 But the bottom line is any of those situations
7 require someone to notify our office, and then we'll make
8 sure they are dealt with appropriately and remedied.

9 That's the intention of the ELUR as well.

10 MONICA HUERTAS: Another question. So the fire, is
11 that a fire marshal, is that a fire inspector or
12 something? What does periodically mean when they go to
13 inspect?

14 And just for the record, the fire that happened, I
15 believe the April/May fire of 2024, I had a really bad
16 asthma attack. I was awoken. I live a quarter mile away
17 from the site, and I what awoken with asthma. I would
18 say I was curious because my asthma had been pretty well
19 controlled. And 30 minutes after I woke up, my kid woke
20 up, and then 30 minutes after that my other kid woke up
21 with asthma. I was like, what the heck is going on?
22 Sure enough, Linda Perry at 6:30 in the morning was like,
23 There's a fire at the scrap.

24 So I want to bring that to you since you have four

1 children so you can understand where I'm coming from. I
2 have six children, and, yeah, I want to put that out
3 there for the record. And so I was awoken by an asthma
4 attack because of the smoke coming in.

5 And so if you explain a little bit about what the
6 fire person does -- the fire marshal, or like what they
7 do, what's periodically mean, et cetera. Thank you.

8 MR. LAND: So as I mentioned earlier, I regularly go
9 once a week at least, and I check on that the systems are
10 still there, for instance, there's fire suppression
11 equipment on site. I believe Matt Leonard was going
12 weekly, I'm not sure --

13 MR. NICHOLSON: He is.

14 MR. LAND: So he's still going weekly.

15 MONICA HUERTAS: This is a fire person?

16 MR. LAND: Yeah, he's not a fire marshal. He's a
17 fire safety expert.

18 MONICA HUERTAS: Okay.

19 MR. LAND: And he was hired by RIRM following the
20 last fire as part of the proceedings in court after that
21 fire occurred.

22 MONICA HUERTAS: Uh-hum.

23 MR. LAND: And he was instrumental in developing a
24 plan approved by the Court to be implemented at the site.

1 But there are several different types of fire
2 suppression systems in place. There's a water truck on
3 site that serves multiple purposes, but there are also
4 extinguishers, small and large, spread out throughout the
5 site, including on each piece of equipment. So each of
6 the employees have been trained by Matt again on how to
7 use that equipment and how to identify risks for fire.

8 And so if there is a spark or something that is
9 observed or easily observed, they are immediately to take
10 action to suppress that, keeping their own safety in
11 consideration, and to notify the fire department right
12 away.

13 In addition to that, and more significant to the
14 fires that occurred, is an infrared camera directed to
15 the large piles, and that can detect increases in heat
16 signatures deep in the pile. And that system notifies
17 several different people if it detects any heat increase
18 in the pile, and those people then will notify the fire
19 department to get there before -- the goal being to get
20 there before any fire erupts as we had, or as Rhode
21 Island Recycled Metals had a couple of times this year.

22 MR. NICHOLSON: Including, particularly after hours,
23 the heat signature from a body, so management and the
24 safety consultant are alerted immediately on those heat

1 signatures. So that's how sensitive these infrared
2 cameras are.

3 ELLEN TUZZOLO: Do I need this?

4 MR. LAND: You don't, if you can speak loudly.

5 ELLEN TUZZOLO: I can speak loudly. Hello, my name
6 is Ellen Tuzzolo. I'm a resident of Washington Park. I
7 live about a mile away from the site with my family and
8 my child, who also has asthma. And I have a lot of
9 questions, but the one I want to prioritize in case we
10 don't get to the other ones is, who has the power to shut
11 down this business, and by what process would the people
12 who have that power shut this business down? Thanks.

13 MONICA HUERTAS: Good question.

14 MR. LAND: So respectful of the question and
15 understanding why you're asking it, I do want to say the
16 purpose of this meeting is not to address litigation and
17 legal matters like that. The purpose of this meeting was
18 to talk about what Rhode Island Recycled Metals has done
19 at the site in terms of site investigation, what
20 remediation is necessary, and what their plans are for
21 the future.

22 I will say that the Attorney General has filed
23 pleadings in court. There were several days of hearings.
24 And the Judge is considering what action the Judge would

1 like to take or intends to take based upon legal
2 principles, the facts that were presented during that
3 hearing, and what whatever other factors the Judge wants
4 to consider.

5 That is the process for addressing the question that
6 you raised about shutting it down. There are other
7 regulatory authorities. DEM has its regulatory charge
8 and has actively been addressing issues at the site.
9 Beyond that I don't know that I can really answer your
10 question, but I think that, in my view, the governmental
11 authorities that have responsibility in this context have
12 been proactive in pursuing their charges in the public's
13 interests. That's my personal view of what's occurred.

14 Do you want to defer, Rich? Okay.

15 LINCOLN O'NEIL: Okay. Hi everyone. My name is
16 Lincoln Oliver O'Neil, a Providence resident born and
17 raised. I appreciate the question of enforcement.
18 There's been a lot of talk about inspections and, like,
19 what is an inspection without enforcement if there were
20 issues found? So I think it's a fair question. But my
21 question is in more regards to the cap, putting a cap so
22 close to sensitive, like, estuarine ecosystem. It's
23 adding impervious surfaces with increased stormwater due
24 to climate change and whatnot. I know there are

1 potential stormwater catchment systems that might be
2 coming online, but I'm curious if you can speak to the
3 potential for flooding and carrying all these hazardous
4 contaminants that will be continuing to be dumped on this
5 site with the addition of this impervious surface, the
6 cap. Thank you.

7 MR. HAZEBROUK: Yes. The stormwater management
8 system is being designed in conjunction with this
9 engineered barrier to prevent direct exposure to
10 potential underlying soils. And with respect to
11 stormwater and contaminants, most of the contaminants are
12 mobilized, you know, in small storms, so those will
13 regularly be within the capacity of the system to filter
14 out before that treated stormwater water is discharged.
15 And then we have very large storms that may very well
16 overwhelm the system, but that's mostly rainwater at that
17 point. It's the contaminants that are flushed out very
18 early on in the process and they're filtered.

19 So that's the basic premise behind most stormwater
20 systems, they're designed to capture 95 percent of the
21 storms that are smaller in its ability to treat. It's
22 the rare hundred-year storms, no stormwater systems are
23 designed to fully treat that.

24 ELI NIXON: But there isn't currently a stormwater

1 system; correct?

2 (Interruption by the court reporter)

3 ELI NIXON: Sorry. I'm Eli Nixon. I am just
4 following up on further stormwater concerns.

5 MR. LAND: So I appreciate that question. I will
6 ask that everybody try to manage their responses because
7 it can get a little unwieldy, and we do have people that
8 have been raising their hands. So I do want to follow up
9 on that.

10 If you could pause for one second. I don't know,
11 Mr. Stang, did you have a question?

12 RICHARD STANG: I'll defer.

13 MR. LAND: Go ahead.

14 JUSTICE GAINES: Justin Gaines again. I'm trying to
15 say this respectfully. I don't know what timeline y'all
16 are living in. We're in 2024. Our hundred-year storms
17 are now 15-year storms. (Applause). They are happening
18 regularly, so how can we can be sure when we do even have
19 the design of this stormwater system that it can capture
20 a hundred-year storm, because that's what those of us who
21 live in the area are worried about. We are worried about
22 a hundred-year storm.

23 If we're saying the ELUR, or whatever it's called,
24 the land management thing, is not going to stop more

1 contaminants from being put on top of the site, what
2 you're saying is that we're putting a cap now, we're
3 going to keep contaminating the site, and once the big
4 storm overwhelms our system, y'all are fucked. That's
5 what you're telling us, and that's what we're hearing.

6 So that's why I'm confused by the plan, and I think
7 some of the rest of us are, because it doesn't sound
8 sustainable. It sounds like a stopgap to allow Recycled
9 Metals to keep polluting the area. (Applause).

10 ELI NIXON: That's right.

11 MR. HAZEBROUK: So, you know, in conjunction with
12 putting a cap down there, impervious cap, there will be
13 processes in place to minimize the use of hazardous
14 materials in the first place. But it is a salvage yard.
15 It's a metal recycling facility, and when it comes to
16 stormwater, you're managing what you can, you're
17 minimizing releases should there should be less
18 contamination on the surface of this thing. And in most
19 cases, storms that are within the design criteria of the
20 system will be effectively treated and captured, which
21 represents the vast majority of the potential
22 contaminants.

23 But, you know, I recognize climate change, and
24 bigger storms are becoming more prevalent, you know, more

1 often, but there's a limit to what you can treat or what
2 you can capture. You know, if you're getting 20,000
3 gallons a minute, you know, going into a tank that's
4 designed to hold maybe 10,000 gallons, obviously, that's
5 not feasible. And the entire site would be one giant
6 vessel. So that's not feasible, nor is it feasible on
7 any other properties that need to manage stormwater.

8 So the stormwater design is being done in compliance
9 with every other site that needs to show and demonstrate
10 to DEM that it's effectively capturing and filtering any
11 pollutants before it's discharged.

12 MR. NICHOLSON: And that's essentially the answer.
13 Our application is -- our applications, and assuming they
14 get approved, will be compliant with state law and
15 regulations.

16 MONICA HUERTAS: Who changes state law now?

17 JED THORP: Two other the stormwater-related
18 questions. One is in Metro Providence a lot of
19 stormwater is now captured and sent to the wastewater
20 treatment plant. Can you clarify for me the storm drains
21 that are on the street side of the property, those storm
22 drains do not go to -- the stormwater that is captured in
23 those drains does not go to the wastewater treatment
24 plant; is that correct?

1 MR. HAZEBROUK: The catch basins that are on Allens
2 Ave?

3 JED THORP: Right.

4 MR. HAZEBROUK: Those go out to the --

5 JED THORP: They are discharged to the Bay.

6 MR. HAZEBROUK: Yes.

7 JED THORP: Either directly or almost directly.

8 MR. HAZEBROUK: Yes.

9 JED THORP: And my second question is, recognizing
10 my understanding you guys have to complete the site
11 remediation plan before you can move forward with the
12 stormwater discharge permit, how long do you expect the
13 time to be between when you put the cap in place and
14 complete this work and when you're able to create a
15 stormwater collection system on site? Are we looking at
16 six months, a year, two years? It might be hard to
17 guess, but how long are we going to be looking at in
18 between that? Is that question better for Rich?

19 MR. HAZEBROUK: You might be better in tune with the
20 scheduling.

21 MR. NICHOLSON: Sure. So right now we're in the
22 pre-application phase. On the heels of DEM issuing a
23 program letter, they asked us to -- they requested that
24 we bring in a structural engineer. So we're now going

1 through the process of the geotech design. I anticipate
2 in the next two weeks we'll have a complete timeline as
3 to when we can complete our application, submit to DEM a
4 hundred percent design, and from there we would then make
5 our applications, and we're anticipating that process
6 will take about nine months.

7 JED THORP: Thank you.

8 MR. NICHOLSON: You're welcome.

9 And the first part of your question with regard to
10 catch basins outside on Allens Ave, they're being
11 directed to a tributary that leads into the Providence
12 River, and that's been under DEM investigation, and
13 they're looking at, I suspect, ways of treating that
14 water because of the constant stream of water, oil sheen
15 and the like coming from the highway system.

16 JED THORP: Of course.

17 MONICA HUERTAS: Uh-hum.

18 MR. NICHOLSON: Yeah, you've seen them.

19 MONICA HUERTAS: In that site, all the stuff that
20 was outlined in the map, that all goes down there.

21 JOANNE RICH: Hello, my name is Joanne Rich, and I
22 worked for 15 years at the Community Preparatory School,
23 so that's my connection on the neighborhood. I live on
24 the East Side. And I'm concerned about the stormwater

1 because all of the flooding that we've seen when things
2 go downhill. And the Washington Park, South Providence,
3 it all goes right down that hill, catches everything
4 that's on the highway, and then goes to the site. So
5 there's ongoing runoff toxic stuff onto this site that's
6 capped. So the wastewater system needs to be able to
7 capture all of that.

8 But the thing that has me concerned, I know there's
9 adjudication and things before the Court system, when the
10 design for the cap is determined, I'm assuming that the
11 company is paying for it?

12 MR. NICHOLSON: Yes.

13 JOANNE RICH: And who gets to determine if the
14 design is adequate, and who gets to determine whether or
15 not it has been adequately executed, and what are the
16 steps along the way, and how much teeth does DEM -- I
17 keep pointing in the DEM direction -- how much teeth does
18 DEM have to grind things to a halt at the first sign of
19 noncompliance?

20 I just also wanted to mention, I got here about 6:04
21 because I had to walk around the building, and the
22 meeting was already underway, and I had to assume who all
23 of you are. It would have been nice if you had name
24 cards or if you reintroduced yourselves. I think it felt

1 to me as somebody walking in like that you really didn't
2 want us to know. And so I would appreciate it -- I'm new
3 to this. Post election I thought that I've got to get
4 active locally. I would appreciate more show of good
5 faith. We're a community, and we're all in this
6 together. These are all our kids. These are -- we're
7 all known to this ecosystem. So I hope to see that we
8 don't have to have an adversarial relationship with your
9 company --

10 MR. NICHOLSON: I agree.

11 JOANNE RICH: -- but instead, as members of a
12 community, you are, we are, if we're going to work
13 together to keep everybody's kids healthy. What I have
14 saw at Community Prep is that kids would -- this is in
15 South Providence, kids would have to miss school because
16 of asthma. These are some of the hardest working kids
17 with so much promise that were going to Community Prep.
18 What we find is that pollution reenforces the cycles of
19 poverty that we see in the community, and it ends up just
20 costing everybody more when the kids can't get ahead.

21 So I want to invite you to consider yourself an
22 active member of our community and to act in good faith
23 and transparency and go forward together to solve this
24 problem.

1 MR. LAND: So I'm going to try to unpack that. That
2 was a lot. I'll start with the introductions, and I'm
3 sorry you missed it, and whoever missed it. My name is
4 Rick Land. I am the court-appointed special master. I'm
5 not an advocate for RIRM. I'm not a representative of
6 the State. I was appointed by the Court for a variety of
7 purposes, all encapsulated in various court orders.

8 JOANNE RICH: You are an attorney.

9 MR. LAND: I am an attorney.

10 To my far right is Isabella Giacomo and David
11 Hazebrouk, and they are from Lake Shore Environmental.
12 They are the consultant for RIRM. They're consultants
13 that have been working on all these materials that have
14 been shared today.

15 To my left is Rich Nicholson. He is the attorney
16 for Rhode Island Recycled Metals.

17 So that is the introduction. I volunteered to
18 moderate this meeting after the last one didn't go as
19 well as some people would have hoped. So I'm hoping that
20 this one is going better from multiple perspectives.

21 So coming back to try to address each of your
22 questions, not necessarily in order. There are different
23 aspects -- I'm going to stop and start over.

24 There are different aspects of the project, and I'm

1 calling it Rhode Island Recycled Metals waterfront
2 project for simplicity purposes. The first step in the
3 process was to identify what contaminants existed at the
4 site or exist at the site. That was part of the
5 presentation last time, in much more detail. It was
6 intentionally less detailed this time based upon feedback
7 that Rhode Island Recycled Metals received. And the
8 presentation was created by folks around the table, not
9 by me, but that's the reason it was less detailed this
10 time. Last time it was more detailed, and of course it's
11 not intended to provide less information generally, but
12 to try to move this process along and be more helpful.

13 The site investigation report then educates as to
14 what needs to be done on the site to address whatever
15 contaminants are there. That is the encapsulation that
16 these folks have been talking about. The encapsulation
17 is intended to address the contaminants that exist.

18 The next phase is what do with this site going
19 forward. And in some respects, some of these things are
20 dealt with together. So talking about stormwater
21 controls is part of the overall system that will be part
22 of the encapsulation, because you wouldn't want to, for
23 instance, put a four-foot -- and I'm not saying this will
24 be the solution -- put a four-foot layer of concrete on

1 the site, and then just go dig that up to put stormwater
2 controls in place. So there will be a plan.

3 All throughout this process DEM has been proactive
4 in addressing both issues at this site, separate and
5 apart from the site investigation report and separate and
6 apart from the plan that RIRM wants to have in place, but
7 independently exercising their jurisdictional obligations
8 to address issues at this site.

9 So I did want to make that clear, because there have
10 been questions before about what is DEM doing. In my
11 view DEM has been very proactive here is making their
12 very significant effort to protect the interests of the
13 general public.

14 MONICA HUERTAS: Community made them.

15 MR. LAND: Well, you know --

16 MONICA HUERTAS: Community made them.

17 MR. LAND: That may or may not be the case. I'm
18 just telling you from my perspective having --

19 MONICA HUERTAS: My perspective.

20 MR. LAND: -- observed what's been going on from my
21 perspective. Again, DEM has been proactive.

22 On a going-forward basis DEM has oversight in what
23 gets approved at this site. And, again, that's a
24 process. That includes applications, pre-application

1 meetings, as you've heard, and then an application
2 process for each phase. And that also includes the ELUR
3 and what the ELUR requires and what ultimately gets
4 improved.

5 So I think I touched upon all of your questions. I
6 don't know if I've done an adequate job of answering
7 them. On a going-forward basis, you know, I've heard
8 this evening about ongoing contamination. I don't want
9 to minimize anybody's concerns. That is not my intention
10 here. The goal of any good operator is to minimize
11 releases, minimize environmental contamination.

12 So on an assumption that over time something does
13 get approved and implemented at this site, ongoing
14 operations are subject to regulatory oversight, just like
15 this site is now. So my expectation is that both the
16 operator of this site, whether RIRM or somebody else, has
17 an obligation to maintain and perform -- maintain the
18 business and perform consistent with environmental
19 regulations, and DEM has an obligation and duty to
20 oversee that. And I think you've heard them say that
21 that's what they have done and that's what they intend to
22 do.

23 So I share that, and I hope I've touched upon all
24 your questions. Again, I'm not trying to advocate one

1 way or another, I just want to share information as best
2 I can.

3 JOANNE RICH: So maybe a follow-up question. Are
4 you a DEM person?

5 MS. BLAUVELT: Me?

6 JOANNE RICH: Yes.

7 MS. BLAUVELT: Yes, I am.

8 JOANNE RICH: Can I ask a question to you? So if at
9 a point there's noncompliance, what are DEM's options?

10 And it seems, you know, I'm reading here, I'm
11 reading there, it seems like they've been fined, and
12 there have been fines, and they have been paid or not be
13 paid. So at what point -- again, I'm interested in good
14 faith, right -- so at what point are there teeth.

15 MS. BLAUVELT: So on this site in particular, it's
16 not easy to -- we're already kind of in that where the
17 teeth are with the courts. This is simultaneously being
18 worked through in the court system and getting things in
19 order. I'm not lawyer, so I can't really speak to that,
20 but, you know, we have our administrative process of, you
21 know, we refer things down for notice of violation, and
22 that goes out to, you know, our legal office, and it's
23 considered for legal -- what do you call it -- we do
24 legal enforcement actions.

1 So there is this whole other simultaneous, you know,
2 case with the courts where we are also come to agreement
3 in writing with the courts. Correct me if I'm wrong.

4 VOICE: We're waiting for a decision from the
5 courts.

6 JOANNE RICH: Okay.

7 MS. BLAUVELT: So we're kind of there. And our
8 other mechanism is if we don't -- once that remedial
9 action work plan comes, as all the fine details of the
10 proposed cap and remedial plan, you know, we review that
11 in detail, and we'll issue comments back to them if we
12 don't like what we see or something is missing. We won't
13 issue an approval for that until we are fully satisfied
14 that we believe that this remedy is going to protect
15 human health and the environmental from both the
16 contaminants at the site and future releases that may
17 occur, knowing what we know about the operations at the
18 site that are ongoing.

19 You know, I don't want to sign my name to anything
20 that goes bad.

21 JOANNE RICH: True.

22 MS. BLAUVELT: I take that responsibility very
23 seriously. You know, you only have my word for it.

24 JOANNE RICH: And I apologize for being new and

1 having a lot of questions. I know a lot of people have
2 been working very hard for a long time.

3 MS. BLAUVELT: There is also -- there's handouts
4 over there, and if you go to our website, all these site
5 remediation documents, which it's an exhaustive list, are
6 posted, uploaded there. For review of stormwater, that
7 is a separate office than us. So it's simultaneous, but
8 details pertaining to the stormwater proposal application
9 process would be better directed to them through their
10 office. However, we're not going to issue, you know,
11 full approval of anything until we're all kind of
12 internally working together to make sure we're in line.
13 We need to also know that there's going to be stormwater
14 systems that they're good with that their office is going
15 to work through. So we're certainly behind the scenes
16 making sure of that. You know, we're doing our duty.

17 MR. LAND: This gentleman over here.

18 DWAYNE KEYS: Good evening everyone. Dwayne Keys,
19 resident of the south side of Providence. I actually
20 have two questions. One, this ELUR, I don't know who can
21 answer this, like, is there something in writing that we
22 all can read that says what happens if there's something
23 that is found in these annual inspections that is
24 harmful? What actions do they have, that would cause us

1 to have a better understanding? What are those steps in
2 place that can give us a better idea? What can we expect
3 in terms of what would happen, what could occur? Was is
4 the action that's going to take place whoever is involved
5 in that process?

6 And then to a follow-up to that, as to the
7 regulatory bodies, where is the Department of Business
8 Regulations involved in this process as the one who
9 overall does the overall business regulation with any
10 business operating in the state? I don't know in terms
11 of their involvement in regulation with this business,
12 that can be helpful with us, just as I'm hearing about
13 these concerns with DEM, where is it at? So it's kind of
14 like those two things.

15 MR. LAND: So let me answer a couple of things.
16 First off, the ELUR will be a document that is be worked
17 through between Rhode Island Recycled Metals at the
18 appropriate time and DEM, and ultimately there's a
19 process for approval of an ELUR. That document will
20 spell out what limitations there are on the property and
21 what requirements are imposed upon Rhode Island Recycled
22 Metals to report any issues, but also what happens if.

23 Then at that point I'm going to defer to DEM to
24 comment on what would happen if there's a violation,

1 because there's different kinds of violations
2 potentially.

3 And then once you are done, I'm going to turn it
4 over to Rich to answer the DBR question, because I think
5 Rich is best situated to do that.

6 MS. BLAUVELT: So the environmental land use
7 restrictions begin with a standard template that's been
8 worked on over the years with the legal department. So
9 there is standard language that we work off of that will
10 address a the lot of what you're asking. You know, every
11 site is different with slightly different, you know,
12 restrictions or reporting requirements, but on our
13 website, and I can certainly send it out or post it,
14 there is an ELUR template that gets worked off of, and
15 then we have examples of what a soil management plan
16 looks like. Again, different for every site, but it
17 spells out what normally you would see as far as when DEM
18 should be notified, and the timelines for remediating an
19 issue post after it's filed, after the site is in
20 compliance.

21 And then on top of that, we, ourselves, we audit
22 sites every year that have -- you know, doing inspections
23 that have ELURs, and if we see a cap that needs repair,
24 or if we see, Oh, my God, there's a house there, then

1 that triggers our enforcement process for us to go to the
2 property owner with, What the hell is going on? And that
3 triggers our response, and we follow-up with our
4 requirements and make sure, you know, at least we get
5 back on track.

6 So we have a couple of thousand sites, so we do our
7 best to stay on top of them all, but that's kind of the
8 process. It's supposed to be -- for the most part we're
9 supposed to be notified. It's spelled out in ELUR, the
10 soil management plan. We notify you, What's up with X,
11 Y, Z? A, B, C happened. We also try to do our own
12 inspections to check those out.

13 MONICA HUERTAS: So they've got to call the cops on
14 themselves?

15 MS. BLAUVELT: Yes.

16 MONICA HUERTAS: Okay.

17 MS. BLAUVELT: That would be the requirement. Then
18 if we don't receive those inspections, then we also, you
19 know, send out a letter of noncompliance.

20 MONICA HUERTAS: I know. That's why I called them
21 for. You guys are the cops.

22 MS. BLAUVELT: Oh, we're the cops in that situation.
23 Okay.

24 MR. LAND: So with that, I'm going to ask Rich to

1 answer the DBR question.

2 MR. NICHOLSON: Right. So DBR does not issue
3 licenses to our facility. We enjoy two license, a
4 precious metals license and a metal recycling license,
5 and DBR isn't the authority on it.

6 DWAYNE KEYS: Who is -- first of all, who is the
7 authority?

8 MR. NICHOLSON: The Rhode Island Attorney General.

9 VALERIE REISHUK: Hi, I'm Val Reishuk, and I live on
10 the East Side too. A friend of mine who lives in
11 Washington Park asked me earlier this year to pay more
12 attention to this issue, and I promised her I would do
13 that. And I'm glad I came tonight because you guys have
14 given me ton of information that's very, very helpful.
15 And I am pleased to see that the health equity concerns
16 are being recorded tonight. I think that seems to be
17 part of what's going on here. Not only are the solutions
18 to capping being examined and explained, but the health
19 equity concerns are being voiced so that I can hear that,
20 and other East-Siders can hear that and can let people
21 know about that.

22 When there are health equity concerns in the city,
23 it affects all of us. If there are kids growing up here
24 who have asthma, that's affecting their futures. It's

1 affecting their learning, I know, I'm a retired teacher.
2 It's affecting the future of this whole city.

3 So I'm glad I came, and I hope that more East-Siders
4 will get involved in the issue, and thank you very much
5 for being thorough and complete.

6 MONICA HUERTAS: You're welcome. Because we asked
7 them to come here again because they didn't do a good job
8 the first time. So you're very welcome, ma'am.

9 PAULA DONOVAN: My name is Paula Donovan. I'm also
10 a resident of the south side. And perhaps this question
11 has already been asked, but I'm reading under proposed
12 remedy that encapsulation is the remedy, and I wondered
13 why there was no discussion about actually removing some
14 of the contaminated soil before it's encapsulated, if
15 that is an option, and if it is an option, why it isn't
16 being done?

17 MR. HAZEBROUK: Well, the volume of soil that has
18 contaminants by DEM standards would be so large, there
19 would be a caravan of trucks non-stop running from there
20 to the landfill, taking up valuable landfill space. That
21 just shifts the problem to another town.

22 MONICA HUERTAS: God forbid it's in Johnston.

23 MR. HAZEBROUK: And, realistically, the
24 contaminants, you know, the emissions from all those

1 trucks are going to be far worse than any impact from the
2 soil that's on the site. It's not volatile, so they're
3 not contaminants that evaporate and can cause an issue
4 of, like, indoor air problems.

5 Ground water contamination has not exceeded any DEM
6 standards. So it's strictly a soil issue and potential
7 for exposure through direct contact or potentially dust.

8 So if you encapsulate it in place, it's not going
9 anywhere. You're not creating extra pollution from
10 having all those trips of trucks going somewhere. And if
11 it was a hotspot in one particular location that was
12 exceedingly high, that might make sense to do that, a
13 hotspot for remediation. But this is wide spread across
14 the whole site.

15 A lot of it -- you know, some of the contaminants
16 that are there were from the prior occupant of the site.
17 That area along Allens Avenue has had hundreds of years
18 of industrial activity. So in those cases when you're
19 dealing with large volumes of soil that generally have
20 low contaminant levels, and they only exceed in direct
21 contact, then encapsulating them in place is often
22 environmentally the best way to deal with it.

23 MR. NICHOLSON: So as part of the SIR, we worked
24 with DEM closely, and DEM put a lot of requirements in

1 place, so much so we were concerned whether there was
2 even a legal basis to ask us for those types of testing
3 they're asking for. Because, again, we're sitting on top
4 of a GB water table, decades, actually --

5 VOICE: What does that mean, GB?

6 MR. NICHOLSON: Not potable. You can't drink the
7 water. It's been contaminated for decades and decades
8 and decades and decades and decades, and that's the water
9 table we sit on.

10 And we got into it at the last presentation that the
11 soil contamination there is characteristic to urban fill,
12 preexisted my client, characteristic of asphalt cover.

13 So what you see at RIRM, other than perhaps some
14 petroleum that spilled, but it's not something where you
15 would excavate because it hasn't even reached a certain
16 exceedance to be hazardous. Right. If it's hazardous,
17 it would have to be taken to a hazardous landfill. We
18 did not meet that criteria where by regulation it would
19 have to be removed from the site.

20 And I think where Mr. Hazebrouk was going is if the
21 regulations required us to excavate the site, that's all
22 of Allens Avenue. And the site characteristics here are
23 very consistent with what you see up and down Allens
24 Avenue. That's just the nature of what we inherited when

1 we moved back there in 2009.

2 MONICA HUERTAS: Five hundred years of
3 capitalization -- what is it? Capitalism and
4 destruction.

5 MR. LAND: Just a minute, please.

6 PEDRO ESPINAL: Thank you. Councilman Pedro
7 Espinal. I represent Washington Park, which is exactly
8 where this is happening. So I want to be thankful and
9 grateful to the people that are here, here on our behalf,
10 especially if you don't live in the area. So the folks
11 from the East Side, thank you so much, because you have
12 an interest in this, because this is critical and this is
13 very important.

14 I'm not going to ask specific questions. I'm going
15 to leave that to the expert here, Mr. Richard Stang from
16 the Conservation Law Foundation, Jeb Thorp, and Monica
17 and some of the advocates that are here that have
18 contributed immense work when it comes to this. But my
19 comments are more as far as community, I want to build on
20 what you guys said, the process.

21 As I was driving here, I was asking myself, Why am I
22 driving to the West End, three miles from where this is
23 happening? You know, right there it tells you that there
24 is something wrong, which is what you were saying. Thank

1 you for that.

2 The first meeting we had a few blocks from here, the
3 Memorial Library not far from here. This is the West
4 End. This is happening in Washington Park, lower south
5 Providence, on that side near the port. We don't need to
6 find ourselves three or four miles away from there in a
7 small room in the West End in a confined space where
8 we're probably breaking the fire code right now, because
9 I don't think this number of people belongs here.

10 But here we are. Let me be positive about this.
11 Where we are today we were not six months ago. So you're
12 here. There was something happening, and there's a
13 process in place, the community is here, although not
14 where it belongs, but it's here, and people have an
15 opportunity to ask questions. So that's positive, that's
16 good, because at least we're getting something going.
17 But going forward, I don't know if you're going to have
18 another opportunity like this, God knows what tomorrow
19 holds, please know this belongs to the Washington Park
20 Community Center or belongs to the John Rollins Center.
21 Please take note because any other meeting like this has
22 to happen there or it's just not going to work. We
23 should open up an opportunity for all the residents that
24 want to be part of this to have that opportunity and not

1 do it in such a way that signals that there is something
2 wrong. It should not be this way. I think that it's
3 something positive when you bring the community together.
4 And if we can tackle this issue together, we can produce
5 better results, and I think we all aim at doing that, and
6 that's what we want.

7 So I'll yield the rest of my time to Richard,
8 because it's getting late, and I'm sure he's got a ton of
9 questions, and he's probably going to talk about things
10 that make a lot more sense than me trying to put some
11 things into context.

12 Richard, please.

13 MR. LAND: Before we hear from Richard, if you don't
14 mind, I do want to give Isabella an opportunity to speak.

15 You set up the meetings; right?

16 MS. GIACOMO: I did.

17 MR. LAND: I'll give her an opportunity to speak.
18 I'm not sure what's funny about that, because I know
19 there were some issues in terms of getting a space.

20 MS. GIACOMO: So we reached out to quite a few
21 facilities. One of the comments about the Knight
22 Memorial Library, understandably, it was not ADA
23 compliant. So that was one of the stipulations for the
24 next meeting, we wanted to make sure the location was ADA

1 compliant.

2 We did look into the John H. Rollins Community
3 Center. We did that last time and this time. We reached
4 out to the assistant director there, and they informed us
5 that we needed to get approval from you, Councilman
6 Espinal. So we did reach out both times. I think Dave
7 got in touch with your secretary. He said that he'd
8 leave a message with you about scheduling it. But that
9 was the preferred location for, honestly, both of these
10 past meetings, the John H. Rollins Center, because, you
11 know, obviously, we're trying to reach the Washington
12 Park residents.

13 So that was absolutely our intention, but because
14 that didn't work out, we pivoted to another ADA compliant
15 location that was further, but still accessible. So
16 that's why we are here tonight.

17 PEDRO ESPINAL: If that did happen, I'll find out
18 tomorrow. That message never got to me, because you
19 would have a space at the John Rollins Center because
20 that's where it belongs, the Washington Park Community
21 Center. I'll find out tomorrow. If that is true, I
22 apologize. I thank you for that.

23 MR. NICHOLSON: I can also speak about my
24 conversations. We have had dozens of e-mails back and

1 forth between our team and DEM, also the city solicitor,
2 Mr. Mario -- help me out.

3 MR. LAND: Mario Martone?

4 MR. NICHOLSON: Martone, yes. Asking Mario to reach
5 out to you as well for help. Our Mr. Hazebrouk and
6 Isabella actually went to these other sites in person and
7 asked permission. We got denied. We struggled. We
8 struggled really hard. We had three locations in your
9 area, and we were denied.

10 So we went back to DEM and said, What else do we do?
11 They made some suggestions. We still ran into
12 roadblocks. I suggested, let's get a hotel, and we'll
13 rent buses to bring everyone to another location if we
14 needed to. We worked really hard to have a place that
15 was convenient.

16 PEDRO ESPINAL: So that was all the locations?

17 MR. NICHOLSON: We were turned away. At some point
18 we can share all of the e-mails.

19 PEDRO ESPINAL: Please share more specific
20 information on locations.

21 MR. NICHOLSON: Yeah, we can send you those e-mails
22 so you can get an appreciation for the amount of effort
23 that went into us trying to get a location in your
24 neighborhood.

1 PEDRO ESPINAL: Thank you.

2 MR. NICHOLSON: Thank you.

3 MR. LAND: So, Richard, did you have a question?

4 RICHARD STANG: Thank you. I'm Richard Stang,
5 Conservation Law Foundation in Providence, Rhode Island.
6 I have several questions, but I'll try to limit it just
7 to one right now.

8 Just looking at the DEM site remediation regulations
9 under Section 1.10, remedial action work plan, that says
10 that the work plan shall present a remedial action which
11 addresses remedial objectives. One of those objectives
12 is air objectives. The performing party shall propose a
13 remedial objective for all hazardous substances found
14 that have actual or potential impacts on air quality,
15 whether from gaseous or particulate emissions. And that
16 actually references directly the Rhode Island Clean Air
17 Act, which, as you know, is basically part of the Federal
18 Clean Air Act.

19 And one of the purposes of the Clean Air Act
20 regulation is to prohibit burning any material in an open
21 fire in connection with any salvage, industrial,
22 commercial, or institutional operation.

23 There's been two out-of-control open fires at this
24 site within the last year alone. When I was at this

1 public participation plan meeting the first time, we were
2 told that based upon air-quality monitoring in the area,
3 it proved that there was no contaminants coming out of
4 those flaming piles. I challenge anyone to stand in that
5 smoke for five minutes and see how you survive that
6 period.

7 You know, Monica has testified after the first fire
8 she and her family had asthma attacks. The problem is,
9 and I ask for this, CLF asked for this, and other people
10 asked for this in the last round of comments, there
11 should be very sophisticated air-monitoring equipment,
12 continuous air-monitoring equipment at the site so if
13 another fire breaks out, you can monitor everything
14 that's happening and coming off that site and the extent
15 of it, because that's one of the biggest problems. If
16 you have damage, but you can't prove where that damage
17 came from, you're stuck. And that's been a problem
18 plaguing this site and this community for a couple of
19 decades.

20 So, again, I would really say that the site
21 remediation plan should require sophisticated continuous
22 air-monitoring equipment on the site, and that DEM has
23 the ability so that those monitoring results are
24 constantly fed to DEM so they can see what's happening,

1 and that the DEM has the right to inspect those
2 monitoring controls. Without that, we're just -- I know
3 that you put in or you are looking to put in a fire
4 suppression system, infrared pieces, but let's be honest,
5 those two fires were caused in metal piles. I know there
6 was some question, maybe there was some arson going on
7 with one of the fires, which seems strange because it's
8 supposed to be a secure site, but when a metal pile
9 catches on fire, it's because it's not managed correctly,
10 and it's exposed to the elements, which cause chemical
11 processes to undergo in those piles, and it heats up to a
12 point that it's a flash point. And it's not just metal.
13 You have metal with plastic, with fibers. There's PFAS
14 materials in that stuff, and when it connects with a
15 flame and goes up in smoke, God only knows what
16 contamination is being spread around the community.

17 Absolutely, DEM has the authority to require and
18 should require these air-monitoring systems be put in
19 place at the site. (Applause).

20 MR. NICHOLSON: My client will remain open minded
21 about putting those types of control -- monitoring
22 systems in place. You know, we're sensitive to the
23 community. We're sensitive to our employees and people
24 that come to our site, which is why we put OSHA PELs on

1 our employees, and fortunately, those results came back
2 where they have no exposure. Okay. This is the dust.

3 That said, I appreciate your point about putting
4 24/7/365 air monitoring around the perimeter, but part of
5 the problem here is we have Motiva, we have Narragansett
6 Home Improvement, the actual facility, we have Sims, we
7 have Schnitzer.

8 MONICA HUERTAS: They need it too.

9 MR. NICHOLSON: Right. Right. No, seriously, if
10 one needs to do it, everyone needs to do it, because air
11 travels -- contaminants from sites travel. And we have
12 95 and 195. We have house fires. We have car fires.
13 The amount of house fires and car fires in your
14 neighborhood far exceed what happened at my client's, but
15 fires happen.

16 MONICA HUERTAS: That's not in good faith. That's
17 not good faith.

18 MR. NICHOLSON: But fires happen, and my client has
19 put a system in place and technology in place for early
20 detection and suppression. And, you know, it would be
21 disingenuous if we said there will never will be another
22 fire there, because fires are known to happen at metals
23 recycling facilities. Why, because things happen. But
24 we have been working with the State Fire Marshal, working

1 with our experts, we have reconfigured our site, better
2 management of the piles, with infrared, nearby
3 suppression, and we do put PELs on our employees for
4 periodic monitoring. And, yes, we will certainly be
5 happy to put constant air monitoring around the system on
6 our site, but everyone else needs to do it too, because
7 we have smells and other dust contaminants coming from
8 those sites, those locations.

9 I mean, how on God's green earth can we then discern
10 that what is being detected by air monitoring isn't
11 coming from next-door? Right?

12 VOICE: You can figure it out.

13 MR. NICHOLSON: Yeah, but it requires more.

14 RICHARD STANG: First of all, as you know, we are
15 talking about RIRM now, not all these other players. And
16 I wish we had the power to get the legislature, get the
17 city to ban these pieces going further. God knows we've
18 tried and failed because they don't want to listen to us.
19 However, your company -- not your company, but the
20 company you represent, has been there for over 20 years.
21 When did they first start operation?

22 MR. NICHOLSON: 2009, at the request of the State.

23 RICHARD STANG: Okay. Fifteen years. Okay, so 15
24 years. In the meantime there's just a DEM record of over

1 133 documents that you need to review if you really want
2 to know what's going on. There's a court litigation
3 started in 2015.

4 MR. NICHOLSON: I have been there since then.

5 RICHARD STANG: Seven pages of documents that have
6 been filed, back and forth, back and forth. If there's
7 ever a case now where a site, a company, should be made
8 to have continuous monitoring equipment on it is this
9 one. I'm glad you're taking care of the employees with
10 the dust. But I don't think the community is concerned
11 about dust. They're concerned about what goes up in
12 smoke at those sites and having the ability to fully
13 document that smoke.

14 And if a byproduct of that testing means the testing
15 equipment picks up materials sent by Motiva or sent by
16 the asphalt plant, et cetera, that's a great public
17 service, because it's telling the community,
18 specifically, there is more of a problem from around
19 here, it's not just Rhode Island Recycled Metals, and it
20 opens up the ability to force those other companies to
21 have the same thing as well.

22 You have to be able to allow the communities to
23 measure the harm that's happening to them. If you don't,
24 you're able to hide behind that lack of information in

1 the court system that you know you'll be protected every
2 time because you can't come up with the sufficient proof.
3 That's my point.

4 MR. NICHOLSON: We welcome the conversation. We're
5 not going to sit here and say, no, we're not going to do
6 that. And I'm not going to say we're going to consider
7 it and not. We have to look at the technology that's out
8 there. Maybe there's a way of installing these types of
9 systems so if there is a fire, they activate. So there
10 are systems out there, we just need to look at them to
11 see what's reasonable and practical under the
12 circumstances.

13 And there's one thing I just want to just make
14 clear, if I may, is -- now, I'm going to go back to the
15 transcript, but I don't think we said there are no
16 contaminants coming out of the fire. I think what we
17 said was that the DEM reported to the Providence Journal
18 that there are no impact to public health. And we didn't
19 report that to the paper. It was DEM that reported it to
20 the paper, and it was also the State Fire Marshal.

21 MR. LAND: Just to be clear, and I don't want to get
22 too bogged down here, I'm not sure it was DEM, Rich. I
23 know it was reported in the paper, I read it too, I just
24 don't know where that report came from. It was

1 published.

2 MR. NICHOLSON: It was remarks --

3 RICHARD STANG: I also have my own notes. I wrote
4 down what was said. So my own notes tell me, unless I
5 lie to myself when I write the notes --

6 MR. NICHOLSON: Yeah, I'll go back to the
7 transcript.

8 RICHARD STANG: In my comments, I asked
9 specifically, and the answer, response back from the
10 company was that is something between DEM and the
11 company. But the whole point of this is to have the
12 community participate in the clean-up plan, participate
13 in the remediation plan.

14 I've spoken to a lot of these community members,
15 they want those -- they, their voices, they want those
16 monitors. So if you include the community with the
17 company and DEM, it's very clear what this group that's
18 participating, by law has a right participate in this,
19 and participation just doesn't mean listening.

20 MONICA HUERTAS: Thank you.

21 RICHARD STANG: Then that is what they want. That's
22 the demand being made. I'm saying it to the company, I'm
23 saying to DEM, I'm saying it to you, Richard.

24 MR. NICHOLSON: And it's Richard; right?

1 RICHARD STANG: Richard Stang.

2 MR. NICHOLSON: Yeah, I'll reach out to you in the
3 next day or two, and we can have this dialog. Because,
4 again, I think we're on the same sheet of music. We care
5 about the people on the site, we care about the customers
6 who use the site, we care about the community, and
7 anything we can do to bring the anxiety level way down,
8 we are all in.

9 RICHARD STANG: Good.

10 JOANNE RICH: So I love to see that good faith.
11 That's great. What I did at Community Prep for 15 years
12 was fundraising, and this seems like a great grant
13 request.

14 MR. NICHOLSON: I love that.

15 JOANNE RICH: No, no, no. You're going to pay for
16 it. If you don't, I can think of a list of foundations
17 that might really love to put air monitors all over the
18 place, and then maybe you don't get to decide what they
19 are and how they work and if they report in realtime, and
20 maybe they go to public feed. Maybe those air monitors
21 are on a public website and not --

22 MONICA HUERTAS: Or a billboard.

23 JOANNE RICH: -- something you've arranged with DEM.
24 It's not A threat. I'm just always writing grants in my

1 head. So I want to encourage the cooperation and the
2 good faith so that information can get out to the
3 community, and maybe it does spread all up and down that
4 waterfront, and maybe it becomes clear that that's really
5 not a great place to have those businesses. And
6 eventually we make that public use, access to the
7 community, we clean up that space, and we have it be a
8 real asset to the city, which I wish would have happened
9 in the comprehensive plan.

10 And we can talk about that at another time, but that
11 comprehensive plan is another reason I'm here tonight.
12 So anyway...

13 ELLEN TUZZOLO: I'm hoping that some of you all can
14 imagine why the community might be skeptical of sort of
15 looking at the history of this business and the various
16 ways that citations and lawsuits and settlements and
17 whatnot have been ignored and disregarded, and now
18 somehow we can pivot from that to believing there's a
19 state-of-the-art fire suppression system going in with
20 heat sensors and bluegedy blah, and fire -- I don't know
21 what 30-pound fire extinguishers are going to do to that
22 fire, but it's really hard for me to accept that label of
23 "state of the art."

24 And I'm curious in terms of the experts you're

1 consulting with. My guess is that there are differences
2 in fire suppression systems that are needed in a scrap
3 yard that's not right next to a giant petrochemical
4 holding facility. And I'm wondering if we -- I would
5 like to request as a community member, you asked how you
6 all can reduce our anxiety, I will tell you I go to sleep
7 thinking about this, about what would happen if a giant
8 fire in that scrap yard sets one of those jet fuel tanks
9 on fire. Because I'm pretty sure the 14 miles of us
10 would be dead, from what I can understand.

11 So my question is, are there other places in the
12 country that have so brilliantly put these two types of
13 facilities next to each other, and if they have, what are
14 the best practices for fire suppression for a scrap metal
15 yard for which apparently fires are just going to happen
16 because things happen next to a giant petrochemical
17 facility?

18 Obviously, I'm very fired up about this, and I would
19 love to hear any information you have, and I'm
20 legitimately asking for some information about best
21 practices on that. Thank you.

22 MR. LAND: Well, I'll speak for myself. I'm not
23 familiar with whether or not this exact situation is in
24 other places.

1 ELLEN TUZZOLO: Somebody should be familiar with
2 that. That seems like a big deal.

3 MR. LAND: Perhaps the company is. As I mentioned
4 earlier, I'm not the representative of the company.

5 I will say, I just want to be clear that what I
6 described was what was implemented factually. So I don't
7 know if your takeaway was different than what I said, but
8 I reported what was actually being implemented. And I
9 don't think I used the term "state of the art." I used
10 the term "infrared camera." I just want to be clear of
11 what I communicated. I don't know if you were referring
12 to what other people communicated, so.

13 But I don't know if you have any comments about this
14 location versus some other location around the country.
15 I don't know if you have an answer for that, or you,
16 Dave.

17 MR. HAZEBROUK: Not really.

18 ELLEN TUZZOLO: As a person who does team building
19 as my job, one of the things that is typically done is
20 that you look at what's happening in other places --

21 MONICA HUERTAS: Best practices.

22 ELLEN TUZZOLO: -- best practices, and you say,
23 okay, how does what our system does, our little heat
24 sensors, measure up to what's happening in Portland,

1 Maine, where they have a similar size port, you know, and
2 maybe there's a scrap yard there? Like, these seem like
3 pretty basic things. It's even more concerning to me
4 that those things haven't been researched. So I would
5 like know more.

6 MR. LAND: Just, again, to be clear, I would say we
7 have a fire suppression expert who was approved by the
8 Court, and that gentleman made recommendations, those
9 were submitted to the Court, and those were approved.
10 One of those recommendations was the infrared camera.

11 I can tell you that there are other systems that can
12 be implemented, based upon conversations with him,
13 research that I did independently, but I'm not a fire
14 suppression expert to tell you what the best practices
15 are in a situation like this. I guess that's my point.
16 I know that you're asking --

17 ELLEN TUZZOLO: You're the special master; right?

18 MR. LAND: Right, but not necessarily to the scope
19 that you are describing and suggesting. That's all.

20 Again, I am not punting on your question. I'm being
21 honest. I don't have an answer for you. But I don't
22 want to give the misimpression that there wasn't an
23 expert involved in this. Mr. Leonard is an expert, the
24 Court approved him as an expert, and he made a

1 recommendation based upon his evaluation of the site.

2 ELLEN TUZZOLO: Okay. Well, I'm saying this
3 community member would like to request more information
4 about everything that I just heard.

5 MR. NICHOLSON: May have your name again?

6 ELLEN TUZZOLO: Ellen Tuzzolo, T-u-z-z-o-l-o.

7 MR. NICHOLSON: Did you sign in?

8 ELLEN TUZZOLO: I sure did.

9 MR. NICHOLSON: With an e-mail?

10 ELLEN TUZZOLO: Yup.

11 MR. NICHOLSON: Okay. So, you know, a couple of
12 things. We can put you in touch with or we can have a
13 conversation with our fire expert. He can share with you
14 what he discussed with the chief of fire and State Fire
15 Marshal. I can't tell you what was discussed with regard
16 to our site in proximity to Motiva. Our facility is
17 where it is. Schnitzer, Sims, other metals recyclers up
18 and down Allens Avenue are closer to Motiva. What
19 they're doing, I believe my consultant looked at their
20 systems, but just to bring transparency to how our
21 investigation went and how we decided what we decided on,
22 we can share the details with you. So if you'd like, I
23 can e-mail you, introduce you so, again, your concerns
24 are addressed.

1 DWAYNE KEYS: Hello, Dwayne Keys again. Just a
2 couple of observations/recommendations. As folks are
3 asking questions that you may not have an answer to,
4 maybe it would be a good thing to have, like, taking down
5 those questions, and saying, as it was referenced when we
6 signed in with an e-mail address, how about you have cues
7 or solid documentation of those answers and send it out
8 to everybody. So I appreciate you want to answer her
9 question, but in terms of transparency, have it open
10 where we all have that information, we all have access to
11 that information. I'm not sure if there's a place on the
12 website that that also can be placed. That can be the
13 proactive aspects of community engagement that you want
14 to be putting up there. And also translate it into
15 Spanish and have it there as well, so someone who may not
16 speak that language, primarily Spanish, it's available in
17 those aspects.

18 With these observations, I also want to say too, if
19 you're not really doing anything intentionally wrong, you
20 should have no problem answering any questions, so you're
21 being open, being honest.

22 I also just want to follow-up in terms of a question
23 other businesses surrounding, from a business
24 perspective, and someone from a consulting business as

1 well, I'm concerned about my business, so if there are
2 things I need to do from a cost perspective in terms of
3 legal fees, all this negative attention, having Channel
4 12 here looking at you, I would be more concerned with
5 what do I need to do with my own business so I can
6 operate, make that money, but also do it in a way in
7 which I'm not having this negative attention, I'm not
8 having a lawsuit, not having this constant negative eye
9 on me.

10 So, yes, those cameras, all those things they're
11 recommending, I would see that as a way of, like, what do
12 I need to do if I really wanted to maintain my business
13 and be profitable to do the things I do and have that
14 cooperation so I'm having these continuous meetings,
15 which cost more and which cost them money.

16 MR. NICHOLSON: We agree a hundred percent. We've
17 been in court well over a hundred times, all public, and
18 it's all out there on the docket, there's transcripts,
19 but, yeah, we're at this point now where several things
20 have been done under various court orders, mostly consent
21 orders, and now we're at the point where we're hoping in
22 the very near term where we can complete this project,
23 operate. And, again, because we're in an environmental
24 justice zone, we're required and we want to share all

1 this information with you.

2 DWAYNE KEYS: And I would like to say, yes, there's
3 a requirement and there's what they've got to do, but
4 there's things you kind of go further without having to
5 be told or having to be met, there's regulations as part
6 of preventative measures. I just say that to take into
7 consideration, maybe you want to go further than what the
8 Court said you have to do with this.

9 MR. LAND: Ashley, you wanted to speak.

10 MS. BLAUVELT: Yeah, I wanted to follow-up on a
11 couple of things. We do have -- I totally forgot the
12 word -- a transcriber -- stenographer, Thank you -- a
13 stenographer here, as part of this. So in addition to
14 the public comments submitted via e-mail or by mail or
15 dropping off, I also will be combing through the
16 transcript when it comes, so that all the questions that
17 are in there are addressed.

18 I like your idea that I think you might think
19 perhaps even those maybe those have been addressed, I
20 think it's worth reiterating them with their answers, and
21 maybe going back for us to, you know, maybe expand upon
22 on those of the answers we're providing here. So it may
23 take us a little bit longer. I mean, I know it's
24 involved to get back to the previous meeting's public

1 comments, but then we will addressing all those, and part
2 of that is combing through the transcript. And we'll
3 make sure that's posted, and we will e-mail everyone we
4 have e-mail addresses for, trying to do our best with
5 that, trying to get the information out.

6 And the other thing, I wanted to say that regardless
7 of whether it's in the community or not, anything DEM has
8 is public record. So you need something, whether it's
9 this site or another site, if it's not online, because
10 we're working in the dark ages at our agency, but we're
11 working on it, you can always call or e-mail us or
12 request records and ask questions regardless of public
13 comment periods or whatever. Please do feel free to
14 contact us. Our e-mails and phone numbers are all
15 online, or just call right in person, and hopefully we
16 can direct you to the right place.

17 So I hope that helps a little bit at least.

18 MR. LAND: Yes?

19 JUSTICE GAINES: Hi, Justice Gaines again. So I
20 have two questions and, you know, taken up more space,
21 but I hope they're helpful. One is about the capping,
22 since fires are just going to happen eventually. One --
23 actually, two questions related to the fire. One, what
24 were the temperatures of that fire? Was that reported,

1 and will the cap be resistant to those temperatures or
2 higher temperatures of a fire? And then the second
3 question is about the E-L-U-M -- I can't get the acronym
4 right -- you mentioned that was going to restrict
5 residential uses at that space any more.

6 I'm curious, what the -- I don't want that
7 regulation to become restrictive to the community when we
8 decide to change the zoning of that site, because the
9 community will decide to change the zoning at that site
10 eventually. So how can you speak to how long that will
11 be in place, how that will relate to a change in zoning,
12 and particularly how that can relate if the city decides
13 to change that from an industrial to a nonindustrial
14 zone?

15 MR. LAND: So I'm going to answer the question about
16 the fire temperature. I don't believe any of us have any
17 information as to how hot that got. I don't think those
18 measurements were taken that day. I certainly don't have
19 -- none of us have that information. And I was there at
20 the second fire, and I don't recall the fire department
21 actually taking those type of measurements at the time.
22 Quite frankly, putting out the fire and maintaining
23 safety was more of a priority.

24 I'm going to refer to Dave on the cap and its

1 susceptibility to damage by fire.

2 And for the ELUR, I think we should defer to DEM.

3 MS. BLAUVELT: I can detail that.

4 MR. LAND: Let's have Dave answer the question about
5 a cap and fire.

6 MR. HAZEBROUK: All right. So the cap that will end
7 up being there will need to be pretty substantial. It's
8 going to be concrete, probably reinforced. It has to be
9 able to withstand heavy equipment driving across it day
10 in and day out. So if there's a fire, it's unlikely to
11 be -- it's concrete, so it's unlikely to be damaged by
12 that. If it is, and it shows cracking or scalding or
13 something like that, when the next annual inspection is
14 done, that will be noticed, and there will be a
15 recommendation to repair that section of the cap. So
16 there is a mechanism for making those repairs.

17 Now, at the risk of stealing Ashley's thunder, as
18 far as if you change the zoning, you have the ability to
19 change the conditions of it. Either you submit a
20 notification of what that change will be, and they review
21 it, and they look at the risks associated with that
22 change. The contamination will still be there. So if
23 it's changed to -- it's unlikely it will be changed to
24 residential, but if it was changed to open space or

1 walking paths, you know, it might be a different type of
2 cap, but it will still have to be protective, you know,
3 probably to avoid infiltration, and certainly prevent any
4 sudden or direct contact.

5 I don't know if you want to add something.

6 MS. BLAUVELT: As far as the ELUR, we do try not to
7 box in a site unless they are super hazardous, like, no
8 one should ever use the site. We know what the site has
9 been used as in the past and what it was going to be used
10 for in the foreseeable future.

11 If we do put industrial or commercial use, we do use
12 language that's very specific that says, no residential
13 use that is contrary to department approval. So down the
14 line somebody could come in and say, I want to use this
15 property for residential, what do I have to do to make
16 that site safe? And then we'll go through -- you know,
17 it's a state process, but like to a higher degree of
18 protection, and, you know, additional investigation, et
19 cetera, and then we would update the ELUR.

20 So we have mechanisms for changing the use for our
21 program. At this point sites are being redeveloped all
22 the time for different uses. So really, typically, 99
23 percent of the time it's not an issue, we can work
24 through it.

1 As far as Providence Zoning, we have no idea what
2 they do, if they even looked at our ELUR, to be honest.
3 We're mostly concerned about human health risks than
4 environmental. Of course, that's there to, that's our
5 job. But site remediation, primarily human health first,
6 and then obviously environment, of course, we can't
7 forget that.

8 MR. LAND: Just one minute.

9 LINCOLN O'NEIL: Just a quick yes or no. Lincoln
10 Oliver O'Neil again, for the record. Asking for a
11 friend, are we still -- is Rhode Island Recycled Metals
12 still planning on doing ship breaking and ship salvage?
13 I didn't catch that at the beginning.

14 MR. LAND: I'll let you answer, if you know the
15 answer.

16 MR. NICHOLSON: No.

17 MR. LAND: Yes?

18 JOANNE RICH: Yeah, I guess I was just wondering
19 about if anyone in the community realm, or I would
20 imagine coming at you all, but someone has done studies
21 to look at the cost of -- both in terms of cost in terms
22 of health impacts, pollution, exhaust, all of that, and
23 also financial costs, of what it would cost of instead of
24 recapping the site and rebuilding all of these infrared

1 monitors, and all of the energy it would take to make the
2 site safe to continue to pollute it, or if there has been
3 any analysis anyone has done on what does it cost if
4 we're removing that stuff and planting remediative plants
5 and algae and fungus, and other things that do the work,
6 and we're leaving it alone and letting nature take it
7 back? I wonder what the cost to the city would be were
8 we to go the route of the long-haul natural recovery of
9 this spot that humans are maybe temporarily not allowed
10 to use because it's unsafe, but other organisms are using
11 and making it safer?

12 If you're looking for a thing to fundraise around, I
13 think that kind of research study would be useful,
14 because I think the numbers would speak to the fact that
15 it would actually save us a shit-load of money and stop
16 more people from getting sick and would stop us from
17 polluting the port more, and would stop us from lining
18 the pockets of industries that are polluting us all.

19 MONICA HUERTAS: You sound so crazy though.

20 JOANNE RICH: I know it sounds crazy, but it seems
21 also not crazy.

22 VOICE: Not crazy.

23 JOANNE RICH: I guess that was a question for the
24 room. Does anyone know if anyone is doing this work to

1 find out how much that would cost?

2 MS. BLAUVELT: Not specific to the site, but I know
3 there are some white papers in general of other specific
4 areas where things like that have been done, as far as
5 comparing from an economic standpoint of, you know, kind
6 of remediation versus -- remediation/reuse versus
7 remediation and just kind of like a passive fire
8 remediation or enhanced bioremediation. So there are
9 academic studies and things, just I think practically
10 speaking and, again, not specific to the site, it
11 requires a buy-in from -- there's no profit to be made,
12 obviously, which, you know --

13 JOANNE RICH: But there's no health to be lost and
14 money to be lost.

15 MS. BLAUVELT: Yes, but it requires buy-in by
16 municipalities, whoever the site owner is, things like
17 that. There's logistical things like that. There's
18 definitely economic studies. I know I had them when I
19 was doing my grad work, so I'll see if I can find any.

20 JOANNE RICH: Cool to know. If anyone locally
21 especially that is leading that work, let's get them over
22 to sniff around.

23 JED THORP: Actually, a question about the
24 remediation plan, and you may have discussed this at the

1 beginning, and I probably missed it because I was having
2 a problem getting in here. The cap is a horizontal cap
3 to prevent things from moving up and down. Is there any
4 sort of vertical cap component to prevent contaminants
5 from moving horizontally to the Bay, for example?

6 And I'm assuming the answer to that is no, and if
7 the answer to that question is no, how do you ensure that
8 things aren't migrating into the Bay? Presumably, there
9 is ground water monitoring wells. I'd be curious to know
10 how many of those there are and where they're located.

11 And then a last question. As you were sort of
12 analyzing that, did you take sea level rise into account
13 and the fact that waters will be higher, and thus,
14 presumably, horizontal migration more likely of
15 contaminants into the Bay?

16 MR. HAZEBROUK: So we've monitored ground water at
17 the site on numerous occasions going back to, I think in
18 2008 and then, you know, several years later. There has
19 never been any contaminants detected anywhere that exceed
20 DEM's standards for GB ground water. But there are
21 contaminants --

22 JED THORP: I have to interject. When you say
23 exceed DEM standards, that's DEM standards for a specific
24 type of water at a specific location; right?

1 When you say GB waters, that's the standard for how
2 much can be contaminated on an industrial site like this?

3 MR. HAZEBROUK: Yes. I mean, GB classified ground
4 water is presumed to be unfit for drinking without
5 treatment.

6 JED THORP: Okay.

7 MR. HAZEBROUK: So the contaminants are primarily in
8 the soil. And they're not mobile by themselves in the
9 soil. They have to be transported in ground water to go
10 lateral.

11 JED THORP: Right.

12 MR. HAZEBROUK: So the solution is if you have a cap
13 over that is impervious, you're cutting off that pathway
14 for rain water to infiltrate down to the contaminated
15 soil and potentially carrying it down to the water table.
16 Okay. So the horizontal cap across the whole site that
17 is impervious would be the solution to make sure there's
18 no lateral migration in the ground water.

19 JED THORP: But how do you prevent the horizontal
20 migration of water in the Providence River to
21 infiltrating that soil and potentially making the
22 contaminants mobile?

23 MR. HAZEBROUK: Because ground water flows from the
24 land and discharges to the Bay. There's some tidal

1 influence right at the edge of the shoreline there, but
2 the Bay water does not migrate into the soils on the
3 property. The ground water from the whole Washington
4 Park neighborhood slowly migrates down and discharges to
5 the Bay along the coast line.

6 VOICE: What about the erosion that happens when sea
7 levels rise around the caps? Has that been taken into
8 account?

9 MR. HAZEBROUK: Well, I mean, there has been an area
10 installed around the perimeter of the property with
11 boulders. It's a rugged shoreline, but it's pretty
12 stable at this point. And I would imagine as part of the
13 stormwater plan, they're going to have to show how any
14 additional, you know, protection needs to happen along
15 the coastline to make sure there's no erosion.

16 MONICA HUERTAS: How tall is that right now? How
17 tall is that shoreline? It's a fake shoreline, like,
18 because everything on Allens Avenue is all fake. It's
19 like filled, landfill.

20 MR. HAZEBROUK: Well, at the water's edge, I think
21 it would be a guess, but it's tidally -- it changes based
22 on the tide. I mean, anywhere from five feet to eight
23 feet.

24 MONICA HUERTAS: The wall is?

1 MR. HAZEBROUK: I'm saying the land surface at the
2 edge of the property where the Bay is. The depth of the
3 water from the land surface is maybe five to eight feet.

4 MONICA HUERTAS: Okay.

5 MR. NICHOLSON: I think we're approaching the hour;
6 right? We only have 15 minutes. I just want to give
7 everyone a heads-up, we have 15 minutes or so left.

8 So I want to turn back to -- I didn't catch your
9 name.

10 ELI NIXON: Eli.

11 MR. NICHOLSON: Eli. Okay. So we are interested in
12 sitting down with the community, with city planners,
13 state planners to actually discuss the higher and better
14 use for the site.

15 Yes, we're a metals recycling facility. We accept
16 metals. We don't process metals, we just accept the
17 metals, we put them on trucks and send them off. Unlike
18 Schnitzer and Sims, where they do process metals. Right.
19 We just accept white goods and ship them -- drive them
20 off site. A lot of the folks that bring materials there
21 live in your community and depend on this income.

22 That aside, we are looking at alternative operations
23 or alternative higher and better uses, and it might
24 require a change in zoning. We don't know. But we're

1 open to having an open dialog with the community to
2 literally discuss what the higher and better use of this
3 site is.

4 And I don't know if you realize, but the city plan,
5 the state plan is to expand this facility, or expand Prov
6 Port to use this facility. Save the Bay is all over
7 this. In 2016 the State passed -- well, the General
8 Assembly through legislation introduced a referendum to
9 the State. It was voted, a referendum, to acquire
10 property, starting with my client's properties, for the
11 expansion of Prov Port.

12 So, listen, as much as I hear the conversation, but
13 you've got to deal with city and state planners. Because
14 I can almost guarantee you that two years from now when
15 we're done doing what we're doing, the state and city may
16 take this my eminent domain for the benefit of Prov Port.
17 And I really believe that a lot of litigation that is
18 going on is to try to accomplish that goal.

19 MS. BLAUVELT: That's not really relevant to the
20 hearing.

21 MR. NICHOLSON: I'm just saying. I'm answering her
22 question.

23 MS. BLAUVELT: We're here to disseminate information
24 relative to site remediation and the site as far as the

1 fire controls. I prefer that we stay in fact, known
2 things.

3 MR. LAND: As Ashley said, let's try to keep it
4 focused.

5 MONICA HUERTAS: Scandalous. Messy.

6 MR. LAND: I mean, there was a question about it.

7 MR. NICHOLSON: It's public record.

8 MR. LAND: We only have, again, 15 minutes. We
9 don't want to cut people off, but, please, she had her
10 hand up.

11 MONICA HUERTAS: Quick question. You referenced
12 like people who work there several times. How many
13 people actually work there? And are you including people
14 that work there, like, people just scrap refrigerators
15 and the people going around and collect the refrigerators
16 and stuff and bring them to the area? Are you just
17 assuming that they are Providence residents? So, anyway,
18 do you have numbers?

19 MR. NICHOLSON: I don't have a census of the regular
20 folks that come in there with their pick-up trucks. We
21 have that information, because everyone that brings
22 metals in, we write a check, they get money from dropping
23 off the metals.

24 MONICA HUERTAS: So are those being counted as

1 workers?

2 MR. NICHOLSON: No, no, no, no. They're customers.
3 They're customers.

4 MONICA HUERTAS: Uh-hum.

5 MR. NICHOLSON: Workers, employees, that would be
6 five. Five.

7 MR. LAND: You had a question back there.

8 VOICE: Hi, my name is Phea, I'm a health worker and
9 a direct services provider in Providence and a member of
10 the 1199 union. I'm not representing them. I'm
11 representing my big mouth today. I'm curious, because I
12 know that a big reason that Providence is so vested in
13 scrap metal as a business is because it's the State's
14 largest export. If we shut down every business on Allens
15 Avenue, the economy would simply not -- would cease to
16 exist. Rich, is it?

17 MR. NICHOLSON: Yes.

18 VOICE: Great to meet you tonight.

19 MR. NICHOLSON: Nice to meet you.

20 VOICE: Could you let us know, if it's public
21 record, do you know what your client's annual revenue is?

22 MR. NICHOLSON: I unfortunately do not know the
23 answer to that question.

24 VOICE: A Google search told me that perhaps one

1 year it was about 2.3 million dollars. So I think that
2 perhaps is a different income bracket than most people
3 who reside on the south side.

4 I'm curious to know how much money do you think your
5 client is willing to offer in order to invest in the
6 community's health and well-being?

7 MR. LAND: If you want -- do you want to answer
8 that?

9 MR. NICHOLSON: So right now, the facility as it's
10 operating now is much different than what it looked like
11 seven or eight years ago. We're doing a fraction of what
12 we were doing. And part of it is we're working with DEM
13 and the Court just trying to make it as rudimentary as
14 possible, keeping the facility operational, and really
15 paying its bills as they come due.

16 So I don't have optics on the numbers per se,
17 specifically, but what I can say is that we're paying
18 approximately 130,000 a year in real estate taxes, we're
19 paying tangible personal property taxes, we're paying our
20 licensing fees. So we're paying into the state and local
21 coffers, but I don't believe we have much in profit at
22 the end of the day given the basic operation that we have
23 right now.

24 MR. LAND: Anyone else have any questions?

1 Ashley, do you want to add anything?

2 MS. BLAUVELT: I just encourage everyone to please
3 just reach out, e-mail me, or any comments, or send me an
4 e-mail before the 23rd of this month. We don't get the
5 comments -- we didn't get a lot of comments last time.

6 The PIP, the draft public information or involvement
7 plan has been posted since January. We haven't gotten
8 any comments directly about that. This is kind of a call
9 for if you have any comments, edits, suggestions,
10 thoughts, just send them in.

11 VOICE: What will be the results of those comments?
12 Will they be incorporated? What difference will it make?

13 MS. BLAUVELT: We'll take them into consideration.
14 I mean, a lot of what you heard, especially, the
15 air-monitoring stuff you heard today. With the PIP, that
16 is -- the PIP specifically is kind of like a negotiation
17 between the community and the responsible party about how
18 the information would be disseminated, public meetings,
19 how many, et cetera. So that's what that's about. It
20 will be evaluated and incorporated as appropriate with
21 the location.

22 As far as the remedial approach, we'll take them
23 into consideration as well, reply to -- we'll have Rhode
24 Island Recycled Metals reply with a supplemental

1 response. They will be considered and reviewed. You
2 know, depending on what we get, we will incorporate them.
3 They may require follow-up or additional measures, if
4 needed. We just want to hear from people. Otherwise, if
5 we don't know, if we don't get the comments in, it's
6 difficult for us to kind of respond to them.

7 MR. LAND: Okay. Well, thank you all for coming
8 out, and I appreciate it.

9 (The proceedings concluded at 7:56 p.m.)

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C E R T I F I C A T E

I, Linda M. Cordeiro, a Notary Public in and for the State of Rhode Island, hereby certify that the foregoing pages are a true and accurate record of my stenographic notes that were reduced to print through computer-aided transcription.

In witness whereof, I hereunto set my hand this 13th day of December, 2024.

Linda M. Cordeiro

LINDA M. CORDEIRO, NOTARY PUBLIC

My commission expires on 1/17/25

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