



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LAND REVITALIZATION & SUSTAINABLE MATERIALS MANAGEMENT
235 Promenade Street, Providence, Rhode Island 02908

REMEDIAL DECISION LETTER

June 5, 2025

File No. SR-28-0143

Richard Land (Special Master)
Chase Ruttenburg & Freedman, LLP
1 Park Row, Suite 300
Providence, RI 02903

AARE, LLC (Owner)
c/o Richard Nicholson, Esq.
Nicholson & Associates, LLP
9 Thurbers Blvd., Suite D
Smithfield, RI 02917

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

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

Dear Attorney Land:

On April 22, 2020, the Rhode Island Department of Environmental Management's (the Department) Office of Land Revitalization and Sustainable Materials Management (LRSMM) enacted the codified 250-RICR-140-30-1, Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations). Following periodic refiling, the active Rule became effective on January 4, 2022. The purpose of these regulations is to create an integrated program requiring reporting, investigation, and remediation of contaminated sites in order to eliminate and/or control threats to human health and the environment. A Remedial Decision Letter (RDL) is a formal, written communication from the Department that approves a site investigation, identifies the preferred remedial alternative and authorizes the development of a Remedial Action Work Plan (RAWP) in order to achieve the objectives of the environmental clean-up.

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

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

16. SIR Addendum – Post Fire Sampling, received by the Department on June 11, 2024, and prepared by LSE;
17. Response to Request for Additional Detail – Conceptual Remedy for On-Site Encapsulation of Regulated Soil at RIRM Site, received by the Department on July 11, 2024, and prepared by LSE;
18. PIP Public Meeting (Public Notification), received by the Department on July 12, 2024, and prepared by LSE;
19. E-mail: RIRM – Remedial Design Comment (response), received by the Department on August 29, 2024, and prepared by LSE;
20. E-mail: RIRM – PIP Public Mtg Summary Report & Transcript, received by the Department on September 9, 2024, and prepared by LSE;
21. E-mail: RIRM – Remedial Design Comment (response #2), received by the Department on September 20, 2024, and prepared by LSE;
22. Post Public Involvement Plan Meeting Summary, received by the Department on October 18, 2024, and prepared by LSE;
23. Notification to the Public – Site Investigation, received by the Department on November 1, 2024, and prepared by LSE;
24. Public Meeting II – Public Involvement Plan, received by the Department on November 15, 2024, and prepared by LSE; and
25. Meeting Transcript, received via email by the Department on December 18, 2024, and submitted by LSE.

Collectively, these documents define “Existing contamination” at the Site and fulfill the requirements of a Site Investigation Report (SIR) as described in Section 1.8.8 of the Remediation Regulations. In addition, according to our records, public notice was conducted to all abutting property owners, tenants, easement holders, the municipality, and Environmental Justice Focus Area regarding the substantive findings of the completed investigation in accordance with Sections 1.8.7(A)(2) and 1.8.9 of the Remediation Regulations. The Department has received documentation demonstrating that the requirements of Rhode Island General Laws (R.I.G.L.), Title 23, Health and Safety, Chapter 23-19.14, Industrial Property Remediation and Reuse Act, 23-19.14-5, Environmental Equity and Public Participation, have been fulfilled. The opportunity for public review and comment on the technical feasibility of the proposed remedial alternatives commenced on November 1, 2024, a public meeting held on December 3, 2024, and following a 38-day extension, the period closed on December 23, 2024. Public comments were received regarding the proposed remedy for the Site, safety measures, and expectations and/or concerns regarding the

completion of an approved remedial plan for the Site. All comments were formally responded to in writing on May 28, 2025 by the Department's Site Remediation Program.

The preferred remedial alternative, as stated in the SIR, consists of the following conceptual measures:

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

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

- The maintenance and monitoring of the engineered controls through the recording of an institutional control in the form of a Department approved Environmental Land Usage Restriction (ELUR). The ELUR shall be recorded on the deed for the entire property (Plat Map 47 / Lot 601 and Plat Map 55 / Lot 10). The ELUR shall require the performance of annual inspections to document the status of the ELUR and the condition of the engineered controls. The ELUR shall also include a Department approved post remediation soil management plan (SMP) which will address any future activities that may disturb on-Site soils. The ELUR shall be recorded for the entire Property in the Land Evidence Records for the City of Providence and recorded copy forwarded back to the Department within fifteen (15) days of recording.

The Department hereby approves the SIR, with the above identified preferred remedial alternative, and requires a RAWP be submitted for review and approval, and implemented, to achieve the objectives of the environmental clean-up, in accordance with the following conditions:

1. In accordance with Sections 1.9 and 1.10 of the Remediation Regulations, a RAWP shall be submitted for Department review and approval within sixty (60) days from the date of this letter. The RAWP shall describe all of the technical details, engineer design elements, and schedules associated with the implementation of the proposed remedy. All of the subsections outlined in Section 1.10 of the Remediation Regulations must be included in

order to facilitate the review and approval of the RAWP. If an item is not applicable to this Site, simply state that it is not applicable and provide an explanation in the RAWP.

2. Pursuant to Section 1.11.2 of the Remediation Regulations, an application fee for Remedial Action Approvals in the amount of one thousand (\$1,000.00) dollars shall be made payable to the State of Rhode Island General Treasurer and remitted to the Office of LRSMM with the attached Remedial Action Approval Application Fee Form. Receipt of this Remedial Action Approval Application Fee is required prior to the Department's RAWP review.
3. Once the Department reviews the RAWP for consistency with Sections 1.9 and 1.10 of the Remediation Regulations, any written comments generated and forwarded as a result of the review(s) shall be incorporated forthwith into a RAWP Addendum, to be submitted for final approval.
4. Upon finalization of the RAWP, the Department will issue a Remedial Approval Letter (RAL) signifying Department approval. All remedial measures required by the Department shall be implemented, in accordance with the approved schedule, to ensure all applicable exposure pathways at the site are appropriately addressed.

Please be advised that the Department reserves the right to require additional actions under the aforementioned Remediation Regulations at the Property should any of the following occur:

- Conditions at the Site previously unknown to the Department are discovered;
- Information previously unknown to the Department becomes available;
- Policy and/or regulatory requirements change; and/or
- Failure by AARE, LLC or any future holder of any interest in the Property to adhere to the terms and conditions of the Department approved RAWP, schedule, RAL, ELUR, and/or SMP for the Property.

Additionally, the Site Remediation Program consulted with the Department's Office of Water Resources (OWR) and Administrator of Surface Water Protection, Joseph Haberek, P.E. As of the date of this letter, OWR has still not received the required Notice of Intent (NOI) that must be submitted under the Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity. The Site Remediation Program cannot approve the RAWP without concurrent review of the NOI by OWR. OWR has concluded that 60 days from this letter is a reasonable and achievable deadline for said submission. If the NOI is not submitted by the specified deadline, the Department will consider further legal action to bring this Site into compliance.

Guidance on submitting the NOI may be found at the following website:

<https://dem.ri.gov/environmental-protection-bureau/water-resources/permitting/stormwater-permitting/industrial-ripdes>.

If you have any questions regarding the above requirements or would like the opportunity to meet with Department personnel, please contact Jenna Giguere, Esq.

Sincerely,

A handwritten signature in black ink, appearing to read "Ashley L. Blauvelt", with a long horizontal flourish extending to the right.

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

Attachment: Remedial Action Approval Application Fee Form



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LAND REVITALIZATION & SUSTAINABLE MATERIALS MANAGEMENT
235 Promenade Street, Providence, Rhode Island 02908

REMEDIAL ACTION APPROVAL APPLICATION FEE FORM

Rule 1.11.2 of the Department's Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases, requires an application fee for Remedial Action Approvals in the amount of one thousand (\$1,000) dollars. Please submit this form and check, made payable to the State of Rhode Island General Treasurer, directly to:

**R.I. Department of Environmental Management
Office of Land Revitalization & Sustainable Materials Management - Rm 380
235 Promenade Street
Providence, RI 02908-5767**

Please complete this page and attach it to the check or money order. This information must be provided to coordinate your fee with the application submitted.

Site Name: RI Recycled Metals

Address: 434 Allens Avenue

Town/City: Providence

File Number: SR-28-0143

Contact Person: _____

Phone No: _____

RIDEM Project Manager: Ashley Blauvelt

FOR RIDEM OFFICE USE ONLY:

Fee Amount Received: _____

Date Received: _____

Check#: _____

Receipt Account:

10.074.3765103.03.461043

cc:74:3481 Leg.17-18-841