



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LAND REVITALIZATION & SUSTAINABLE MATERIALS MANAGEMENT

235 Promenade Street, Providence, Rhode Island 02908

RAWP COMMENT LETTER

October 1, 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 Action Work Plan (RAWP) Comments
Rhode Island Recycled Metals, LLC
434 Allens Avenue, Providence, RI
Plat Map 47 / Lot 601
Plat Map 55 / Lot 10

Dear Attorney Land:

The Rhode Island Department of Environmental Management's (the Department) Office of Land Revitalization and Sustainable Materials Management (LRSMM) has reviewed the Remedial Action Work Plan (RAWP) for the above referenced property (the Site), which was submitted on August 5, 2025, by Lake Shore Environmental, Inc., in accordance with 250-RICR-140-30-1, Section 1.10 of the Department's Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations).

After careful review of the RAWP, the Department requires a response to the attached comments, questions, and concerns about the submittal, which must be fully addressed in writing to receive a Remedial Approval Letter.

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,

Kelly J. Owens

Kelly Owens
Deputy Administrator
Office of Land Revitalization &
Sustainable Materials Management

DEPARTMENT COMMENTS
September 25, 2025

Remedial Action Work Plan, dated August 5, 2025
Rhode Island Recycled Metals
434 Allens Avenue
Providence, Rhode Island

1. Please include a section in the responsive RAWP Addendum that summarizes the current status of the interim controls at the Site, including the crushed stone construction entrance, the asphalt berm surrounding the front of the shoreline trench, the recycled asphalt layer in the operating area, and maintenance of the two soil piles toward the eastern end of the property. While we appreciate that RIRM's representatives have provided periodic updates to Department personnel, the RAWP itself needs to have a section memorializing the status of these interim measures.
2. RAWP Section 3.4 *Limited Design Investigation*
 - a. Please provide a copy of the geotechnical evaluation completed by DiPrete Engineering that is the basis for the engineered cap designs, including the post-remediation facility operation details the evaluation considered.
3. Cap Loading
 - a. Please provide details pertaining to machinery, metal and material piles, and operations that will take place post-remediation at the site, to include square footage, weight & operating weight, uses, type of cap beneath each machine, its location, and any other details potentially relevant to the long-term maintenance of the engineered controls at the Site.
4. RAWP Section 3.5.1 *Points of Compliance in Soil*

The RAWP states: "*The Direct Exposure Criteria (DEC) are applicable to all soil within 2 feet of grade.*" Please specify either Industrial/Commercial or Residential DEC. Further, because the DEC applies to all soils regardless of depth, please update the RAWP to delete all words in this sentence after the word "applicable."

5. Soil Management
 - a. Please prepare and submit a Site-Specific Construction Soil Management Plan that outlines how soils are to be handled by those working at the Site, the appropriate level of PPE, how soil will be managed and secured on Site, procedures for off-Site disposal of Site soils, sampling protocol for imported soil and exported soils, etc.
 - b. As part of the Soil Management Plan, please provide a detailed dust mitigation and erosion control plan that outlines procedures and protocols to be employed to

ensure Hazardous Substances do not leave the Site through fugitive dust/particulate matter, surface water run-off, soil erosion, construction vehicle trackout, etc.

6. RAWP Section 3.6 *Proposed Schedule for Construction and Remediation*.

- a. A schedule for implementing the RAWP, following Department approval is required in accordance with § 1.10.7 of the Remediation Regulations. Please propose a timeframe to implement the RAWP.
- b. The construction of the engineered cap must be completed at one time – implementing the RAWP in “phases over time” will not be approved. Due to the inherent risk for a release of Hazardous Substances to occur during the scrap metal recycling process, operations must cease during the construction of the engineered controls in order to prevent further releases of Hazardous Substances to sub-surface. Moreover, the court order of January 10, 2025, requires closure during capping. Specifically, it provides: “Within thirty (30) days after final approval of the Plan by RIDEM and other required environmental regulatory agencies (including RIRM’s application for a RIPDES permit), RIRM shall terminate operations at the Premises, and shall thereafter commence implementation of approved plans.”

7. RAWP Section 3.8 *Site Plan* and Figure 2 *Site Plan*

- a. Please submit Site Figures that are drawn-to-scale, and, at a minimum, contain a scale, a north arrow, property lines, and a populated legend.
- b. Please provide one or more site plans that depicts all current and existing site features and details such as lot lines, property entrances & exits, ground surface type, defines all structures and their primary use(s), scrap piles and contents, hazardous materials storage and handling areas, loading and unloading areas, locations of air monitoring, details regarding the bulkhead, soil piles, vehicle decontamination stations, etc.
- c. Please provide one or more site plans, drawn-to-scale, that depicts the locations of all post-remediation site-features including, structures, caps and specification, specific operation areas, scrap piles and contents, hazardous materials storage and handling areas, loading and unloading areas, crushing machinery, vehicle traffic pattern, where specific sorting operations take place, vehicle scale, decontamination stations, trackout emissions prevention, barriers of any type, etc.
- d. Please specify on the site plans any areas that will be accessible to customers or the public.

8. RAWP Section 3.1.4 *Air Objectives* and 3.9.1 *Air Specifications*

- a. Section 3.1.4 of the RAWP states that continuous dust monitoring is employed along the property line and that, “thus far have not recorded any exceedances of EPA standards of the daily average concentrations due to Site activities.” If this statement is to remain in the RAWP, an appendix of the data upon which it is based must also be included in the RAWP Addendum.
- b. In accordance with § 1.10.3(A)(3) of the Remediation Regulations, the Department is requiring that air monitoring data for particulate matter (PM_{2.5} and PM₁₀) be submitted to the department for the duration of all construction activities, i.e., the period during which any soils at the Site are exposed uncovered and/or being disturbed. Upon approval of the RAWP, fence line air monitoring (upwind and downwind) data shall, at a minimum, contain the average air concentrations of PM₁, PM_{2.5}, and PM₁₀ for every hour, 24 hours per day until the construction of the engineered controls are completed in full. This comment does not require a revision to the RAWP but please be advised that the Remedial Approval Letter will include these conditions.

9. RAWP Section 3.9.3 *Soil Specifications*

- a. In accordance with § 1.10.10 of the Remediation Regulations and as required by the Remedial Decision Letter, please provide the specifications for each cap design which shall include materials, construction specifications, and drawings for each, stamped and signed by the Professional Engineer responsible for the design.
- b. Please make a correction to the last of the three bullet points where a space appears between the numbers 4 and 6.

10. RAWP Section 3.12 *Contingency Plan*

In accordance with § 1.10.13 of the Remediation Regulations, the RAWP shall include a Contingency Plan. Please prepare and submit a Site-Specific Contingency Plan.

11. In accordance with § 1.12.5 of the Remediation Regulations, the Department will require weekly progress reports containing the daily operating logs, photos (during cap construction), air monitoring data, daily watering logs, weather, and summary of work completed, etc. This comment does not require a revision to the RAWP but please be advised that the Remedial Approval Letter will include these conditions.

12. Best Management Practices

- a. Please provide details pertaining to the prevention of future hazardous material releases at the Site due to scrap metal operations. How it will be ensured that all metal piles remain on concrete caps given what appears to be relatively small areas of concrete? Will there be a contingency plan, or new SOPs incorporated into future daily operations that instruct personnel to limit all scrap piles to

concrete slabs and to make a new pile in the event that the base of a scrap pile exceeds the boundaries of the underlying concrete slab?

- b. Where will liquid wastes such as antifreeze, gasoline, used oil, solvents, brake fluid will be stored and how they will be managed at the site to reduce the potential of a future release? Additionally, where lead acid batteries will be stored and what procedures for the proper management and storage of leaking/damaged batteries will be in place?
- c. Please outline the specific equipment that will be used for breaking, cutting, processing, sorting, and moving recycled materials at the site. Identify whether the use of compactors, balers, briquette machine, etc. are proposed. Vehicle compaction activities must be performed within secondary containment to prevent a release of Hazardous Substances.

13. Please submit a RAWP addendum that addresses the abovementioned comments on or before November 3, 2025.