

**STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

OFFICE OF COMPLIANCE & INSPECTION

IN RE: Robert W. Carosi

FILE NO.: OCI-HW-25-45

NOTICE OF VIOLATION

A. INTRODUCTION

Pursuant to Sections 42-17.1-2(21) and 42-17.6-3 of the Rhode Island General Laws, as amended, (“R.I. Gen. Laws”) you are hereby notified that the Director of the Rhode Island Department of Environmental Management (“Director” of “RIDEM”) has reasonable grounds to believe that the above-named party (“Respondent”) has violated certain statutes and/or administrative regulations under RIDEM's jurisdiction.

B. ADMINISTRATIVE HISTORY

On 2 March 2025, the RIDEM’s Office of Emergency Response (“OER”) issued a Notice of Responsibility (“NR”) for an oil release to Respondent. On 7 July 2025, RIDEM issued a Letter of Non-Compliance (“LNC”) for the alleged violations that are subject of this Notice of Violation (“NOV”). As of the date of this NOV, Respondent has not corrected the alleged violations.

C. FACTS

- (1) The property is located at 7 South Street, Assessor's Plat 56, Lot 104 in Coventry, Rhode Island (“Property”). The Property includes a residence.
- (2) Respondent owns the Property.
- (3) On 28 December 2024, an OER representative responded to a release of home heating oil that occurred at the Property and met with Respondent and a technician from Petro Home Services (“Petro’s Technician”). The inspection revealed the following:
 - (a) The Property had two 275-gallon above ground storage tanks (“ASTs”) that were connected to one another via a manifold line.
 - (b) Petro’s Technician stated that the company had delivered 168 gallons of No. 2 heating oil to the Property on 3 December 2024, which filled both ASTs.
 - (c) Petro’s Technician showed OER the location of the leak on the underside of the tank closest to the bulkhead.
 - (d) OER’s representative observed that the two ASTs were empty at the time of inspection and there was oil staining on the ground surface, underneath the ASTs.

- (e) OER's representative advised Respondent that remedial action was required and provided Respondent with a list of contractors qualified to perform the necessary remedial action.
- (f) There was no immediate response to clean up the oil release on the ground surface underneath the ASTs.
- (4) On 2 January 2025, OER's representative returned to the Property and placed polyethylene sheeting atop the oil-contaminated soil in an effort to mitigate the adverse impacts. The OER representative also investigated further and detected an oil odor in a crawl space under the house.
- (5) As of the date of this NOV, Respondent has failed to demonstrate that all of the issues of non-compliance identified in Section C (3) above have been rectified in accordance with the applicable statutes and regulations.

D. VIOLATION

Based on the foregoing facts, the Director has reasonable grounds to believe that Respondent has violated the following statutes and/or regulations:

- (1) **R.I. Gen. Laws Section 46-12.5.1-3(a)** - prohibiting discharges of oil into or upon the waters or land of the State except by regulation or by permit from RIDEM.
- (2) **Rhode Island's *Oil Pollution Control Regulations*, 250-RICR-140-25-2 (the "OPC Rules")**
 - (a) **Part 2.6(A)** – prohibiting the placement of oil or pollutants into the waters or onto land of the State or in a location where they are likely to enter the waters of the State.
 - (b) **Part 2.12(B)(2)** – requiring any person responsible for a release of oil to immediately stop the discharge, control the release and begin containment and removal of the oil and waste material.

E. ORDER

Based upon the violations alleged above and pursuant to R.I. Gen. Laws Section 42-17.1-2(21), Respondent is hereby ORDERED to:

- (1) **IMMEDIATELY upon receipt of this NOV**, cease any further release of oil to the land or into the waters of the State.
- (2) **Within 30 days of receipt of this NOV**, procure the services of a qualified environmental consultant or contractor to prepare a remedial action work plan ("RAWP") for the Property in accordance with Part 2.12 of the OPC Rules and submit the plan to the RIDEM's Office of Compliance and Inspection ("OC&I")

for review and approval. The RAWP shall detail all remedial actions proposed to rectify the release of oil in accordance with the OPC Rules.

- (3) Within 45 days of receipt of RIDEM's approval of the RAWP, excavate all oil contaminated soils [at or above the 500 milligrams per kilogram ("mg/kg") total petroleum hydrocarbon ("TPH") residential standard] from the Property and dispose of the oil contaminated soils at a facility approved to accept such soils as specified in the OPC Rules. The oil spill cleanup debris must be stored on an impermeable base and covered to prevent leaching or wind dispersal. Upon completion of the excavation work, the consultant shall obtain groundwater samples from each of the groundwater monitoring wells installed on the Property and submit them to a certified laboratory for analysis via *Massachusetts Method EPH and VPH with Target Analytes*.
- (4) Within 20 days of completion of the work in subsection E(3) above, submit a written report detailing all actions taken to OC&I. The report shall include: the laboratory analytical report for the confirmatory soil samples taken from the base and side walls of the excavation that verify the remaining soils are at or below the 500 mg/kg TPH residential standard; and the laboratory analytical report for the groundwater sample analysis.
- (5) The report required in subsection E(4) shall be subject to RIDEM's review and approval. Within 14 days of a notice of deficiency from RIDEM (unless a longer time is authorized), correct or address each deficiency and provide a response to RIDEM.

F. PENALTY

- (1) Pursuant to R.I. Gen. Laws Section 42-17.6-2, the following administrative penalty, as more specifically described in the attached penalty summary and worksheets, is hereby ASSESSED against the Respondent:

\$5,000

- (2) The proposed administrative penalty is calculated pursuant to Rhode Island's *Rules and Regulations for Assessment of Administrative Penalties* (250-RICR-130-00-1) ("Penalty Rules") and must be paid to RIDEM within 30 days of your receipt of the NOV.
- (3) Penalty payments shall be by one of two methods:
 - (a) By certified check, cashier's check, or money order made payable to the **General Treasury – Environmental Response Fund** and forwarded to:

Administrator, RIDEM Office of Compliance and Inspection
235 Promenade Street, Suite 220
Providence, RI 02908-5767

- (b) By wire transfer in accordance with instructions provided by RIDEM.
- (4) Penalties assessed against Respondent in the NOV are penalties payable to and for the benefit of the State of Rhode Island and are not compensation for actual pecuniary loss.
- (5) If any violation alleged herein shall continue, then each day during which the violation occurs or continues shall constitute a separate offense and the penalties and/or costs for that violation shall continue to accrue in the manner set forth in the attached penalty summary and worksheets. The accrual of additional penalties and costs shall be suspended if RIDEM determines that reasonable efforts have been made to comply promptly with the NOV.

G. RIGHT TO ADMINISTRATIVE HEARING

- (1) Pursuant to R.I. Gen. Laws Chapters 42-17.1, 42-17.6, 42-17.7 and 42-35, each named respondent is entitled to request a hearing before RIDEM's Administrative Adjudication Division regarding the allegations, orders and/or penalties set forth in Sections B through F above. All requests for hearing MUST:
 - (a) Be in writing. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.6-4(b).
 - (b) Be **RECEIVED** by RIDEM's Administrative Adjudication Division, at the following address, within 20 days of your receipt of the NOV. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.7-9:

Administrative Clerk
RIDEM - Administrative Adjudication Division
235 Promenade Street, Room 350
Providence, RI 02908-5767
 - (c) Indicate whether you deny the alleged violations and/or whether you believe that the administrative penalty is excessive. See R.I. Gen. Laws Section 42-17.6-4(b).
 - (d) State clearly and concisely the specific issues which are in dispute, the facts in support thereof and the relief sought or involved, if any. See Part 1.7(B) of Rhode Island's *Rules and Regulations for the Administrative Adjudication Division* (250-RICR-10-00-1).
- (2) A copy of each request for hearing must also be forwarded to:

Maria I. Rice, Esquire
RIDEM - Office of Legal Services
235 Promenade Street, 4TH Floor
Providence, RI 02908-5767

- (3) Each named respondent has the right to be represented by legal counsel at all administrative proceedings relating to this matter.
- (4) Each respondent must file a separate and timely request for an administrative hearing before RIDEM's Administrative Adjudication Division as to each violation alleged in the written NOV. If any respondent fails to request a hearing in the above-described time or manner regarding any violation set forth herein, then the NOV shall automatically become a Final Compliance Order enforceable in Superior Court as to that respondent and/or violation and any associated administrative penalty proposed in the NOV shall be final as to that respondent. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and (vi) and 42-17.6-4(b) and (c).
- (5) Failure to comply with the NOV may subject each respondent to additional civil and/or criminal penalties.
- (6) An original signed copy of the NOV is being forwarded to the Town of Coventry, Rhode Island wherein the Property is located to be recorded in the Office of Land Evidence Records pursuant to R.I. Gen. Laws Chapter 34-13 and Section 23-19.1-33, as amended.
- (7) The NOV does not preclude the Director from taking any additional enforcement action nor does it preclude any other local, state, or federal governmental entities from initiating enforcement actions based on the acts or omissions described herein.

If you have any legal questions, you may contact (or if you are represented by an attorney, please have your attorney contact) Maria Rice of RIDEM's Office of Legal Services at (401) 537-4189 or maria.rice@dem.ri.gov. All other inquiries should be directed to Richard LeFebvre of RIDEM's Office of Compliance and Inspection at (401) 537-4452 or richard.lefebvre@dem.ri.gov.

Please be advised that any such inquiries do not postpone, eliminate, or otherwise extend the need for a timely submittal of a written request for a hearing, as described in Section G above.

FOR THE DIRECTOR

By: Christina Hoefsmit, Administrator
RIDEM Office of Compliance and Inspection

Dated: _____

CERTIFICATION

I hereby certify that on the _____ day of _____
the within Notice of Violation was forwarded to:

Robert W. Carosi
7 South Street,
Coventry, RI 02816

by Certified Mail.



ADMINISTRATIVE PENALTY SUMMARY

Program: Oil Pollution Control Compliance

File No.: OCI-HW-25-45

Respondent: Robert W. Carosi

GRAVITY OF VIOLATION					
SEE ATTACHED "PENALTY MATRIX WORKSHEETS."					
VIOLATION No. & CITATION	APPLICATION OF MATRIX		PENALTY CALCULATION		AMOUNT
	Type	Deviation	Penalty from Matrix	Number or Duration of Violations	
D (1) & D (2)(a) – Release of oil to the land of the State	Type I <i>(\$25,000 Max. Penalty) *</i>	Minor	\$ 2,500	1 violation	\$2,500
D (2)(b) – Failure to take remedial action after a release of oil	Type I <i>(\$25,000 Max. Penalty) *</i>	Minor	\$2,500	1 violation	\$2,500
SUB-TOTAL					\$5,000

*Maximum Penalties represent the maximum penalty amounts per day, per violation.

ECONOMIC BENEFIT FROM NON-COMPLIANCE

COSTS OF COMPLIANCE, EQUIPMENT, O&M, STUDIES OR OTHER DELAYED OR AVOIDED COSTS, INCLUDING INTEREST AND/OR ANY COMPETITIVE ADVANTAGE DERIVED OVER ENTITIES THAT COMPLY. NOTE: ECONOMIC BENEFIT MUST BE INCLUDED IN THE PENALTY UNLESS:

- THERE IS NO IDENTIFIABLE BENEFIT FROM NON-COMPLIANCE, OR
- THE AMOUNT OF ECONOMIC BENEFIT CAN NOT BE QUANTIFIED.

A review of the record in this matter has revealed that Respondent has either enjoyed no identifiable benefit from the non-compliance alleged in this enforcement action or that the amount of economic benefit that may have resulted cannot be quantified.

COST RECOVERY

ADDITIONAL OR EXTRAORDINARY COSTS INCURRED BY THE DIRECTOR DURING THE INVESTIGATION, ENFORCEMENT AND RESOLUTION OF AN ENFORCEMENT ACTION (EXCLUDING NON-OVERTIME PERSONNEL COSTS), FOR WHICH THE STATE IS NOT OTHERWISE REIMBURSED.

A review of the record in this matter has revealed that RIDEM has not incurred any additional or extraordinary costs during the investigation, enforcement, and resolution of this enforcement action (excluding non-overtime personnel costs), for which the State is not otherwise reimbursed.

TOTAL PENALTY PROPOSED UNDER PENALTY RULES = \$5,000

PENALTY MATRIX WORKSHEET

CITATION: Release of oil to the land of the State

VIOLATION NO.: D (1) and (2)(a)

TYPE		
<u> X </u> TYPE I <u>DIRECTLY</u> related to protecting health, safety, welfare, or environment.	<u> </u> TYPE II <u>INDIRECTLY</u> related to protecting health, safety, welfare, or environment.	<u> </u> TYPE III <u>INCIDENTAL</u> to protecting health, safety, welfare, or environment.
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
FACTORS CONSIDERED: Taken from Part 1.10(A)(1)(b) of the Penalty Rules. The extent to which the act or failure to act was out of compliance: An accidental release of oil occurred on the Property, which is owned by and under the control of Respondent. The unpermitted release of oil to the land of the State is prohibited by the R.I. Gen. Laws and the OPC Rules. The release of oil to the land and/or waters of the State can result in adverse impacts to drinking water resources, public health and safety, and the environment. Environmental conditions: The Property lies within both GA and GB groundwater classification zones. GA groundwater classification zones are groundwater resources designated as suitable for drinking water use without treatment. Whereas GB groundwater classification zones are groundwater resources that may not be suitable for drinking water use without treatment, due to known or presumed degradation. The Property lies within the Pawtuxet River watershed. Amount of the pollutant: The amount of oil released to the land is unknown at this time. Upon information and belief, approximately 550-gallons may have been released. The Property had two 275-gallon ASTs that were connected to one another via a manifold line. Petro's Technician stated the company completely filled both ASTs on 3 December 2024. At the time of the inspection, OER's representative observed that the two ASTs were empty. Toxicity or nature of the pollutant: No. 2 heating oil is capable of causing significant, deleterious impacts to subsurface soils, groundwater, and surface water if released to the environment. Certain petroleum constituents are harmful to human health. Duration of the violation: Approximately one year and 25 days. The release of oil was first observed by RIDEM on 28 December 2024. Areal extent of the violation: Unknown. The remedial actions required by RIDEM will likely reveal the full extent of the release.		

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- (7) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the non-compliance:** Apart from contacting his insurance company for assistance, RIDEM has no information of what steps, if any, Respondent has taken to mitigate the release.
- (8) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by RIDEM, or any law which RIDEM has the authority or responsibility to enforce:** Considered but not utilized for this calculation.
- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Respondent had control over the occurrence of the violation and failed to take steps to prevent the occurrence. Upon information and belief, the ASTs were aged and in poor condition.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered but not utilized for this calculation.

MAJOR	MODERATE	<u> X </u> MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250 \$2,500	\$1,250 to \$2,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION: Failure to take remedial action after a release of oil

VIOLATION NO.: D (2)(b)

TYPE		
<u> X </u> TYPE I <u>DIRECTLY</u> related to protecting health, safety, welfare, or environment.	<u> </u> TYPE II <u>INDIRECTLY</u> related to protecting health, safety, welfare, or environment.	<u> </u> TYPE III <u>INCIDENTAL</u> to protecting health, safety, welfare, or environment.
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
FACTORS CONSIDERED: Taken from Part 1.10(A)(1)(b) of the Penalty Rules. (1) The extent to which the act or failure to act was out of compliance: Respondent failed to complete the required remedial actions following the release of oil on the Property. The OPC Rules require responsible parties to take immediate corrective action following the release of oil to the land or waters of the State. Failure to comply would likely result in adverse impacts to the land and waters of the State, public health and safety and the environment. (2) Environmental conditions: The Property lies within both GA and GB groundwater classification zones. GA groundwater classification zones are groundwater resources designated as suitable for drinking water use without treatment. Whereas GB groundwater classification zones are groundwater resources that may not be suitable for drinking water use without treatment, due to known or presumed degradation. The Property lies within the Pawtuxet River watershed. (3) Amount of the pollutant: The amount of oil released to the land is unknown at this time. Upon information and belief, approximately 550 gallons. The property had two 275-gallon ASTs that were connected to one another via a manifold line and Petro's Technician stated that the company completely filled both ASTs on 3 December 2024. At the time of the inspection, OER's representative observed that the two ASTs were empty. (4) Toxicity or nature of the pollutant: No. 2 heating oil is capable of causing significant, deleterious impacts to subsurface soils, groundwater, and surface water if released to the environment. Certain petroleum constituents are harmful to human health. (5) Duration of the violation: Approximately one year and 25 days. The release of oil was first observed by RIDEM on 28 December 2024. (6) Areal extent of the violation: Unknown. The remedial actions required by RIDEM will likely reveal the full extent of the release.		

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- (7) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the non-compliance:** Respondent failed to take reasonable and appropriate steps to prevent the violation by completing immediate corrective action when the oil was released to the land of the State. Respondent failed to take steps to mitigate the non-compliance despite receiving the NR and LNC from RIDEM, which required that he do so. Apart from contacting his insurance company for assistance, RIDEM has no information of what steps, if any, Respondent has taken to mitigate the release.
- (8) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by RIDEM, or any law which RIDEM has the authority or responsibility to enforce:** Considered but not utilized for this calculation.
- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Respondent had complete control over the occurrence of the violation and failed to take adequate steps to prevent the occurrence. The OPC Rules require that responsible parties take immediate corrective action whenever a release of oil occurs.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered but not utilized for this calculation.

MAJOR	MODERATE	<u> X </u> MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250 \$2,500	\$1,250 to \$2,500	\$250 to \$1,250