



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF WASTE MANAGEMENT
235 Promenade Street, Room 380
Providence, Rhode Island 02908

Letter of Compliance
June 2, 2015

Mr. Arthur Palmer
AP Enterprises, LLC
28 Teal Drive
Wakefield, RI 02879

Re: Notice of Intent to Enforce (OWM/WFM # 317) of October 30, 2014

Dear Sirs:

On October 30, 2014 the Department issued a Notice of Intent to Enforce (NOI) as a result of sampling done by the Department. The Department's sampling indicated the soils exceeded the criteria set forth in the Beneficial Use Determination last renewed in September of 2014.

In the NOI, the Department required the following actions:

1. The Parties shall excavate and remove the soil that originated from 590 Bellevue Avenue from the Portsmouth Landfill.
2. SF Pacific LLC shall dispose of the soils at an alternate location permitted to accept the material and provide the Department with the appropriate documentation.
3. The Parties shall ensure that no additional material is sent to the former Portsmouth Town Dump from the 590 Bellevue Avenue site.
4. AP Enterprises LLC shall reimburse the Department for the sampling. A check for the amount of \$1,026.80 made payable to Rhode Island General Treasurer should be mailed to the Office of Waste Management.
5. AP Enterprises LLC shall submit a plan to the Department describing measures that will be instituted in order to prevent inappropriate material being accepted by the Landfill. Measures could include increased sampling frequency for acceptance of material or AP Enterprises conducts sampling of the material to confirm analytic results.

On January 21, 2015 Department representatives witnessed the removal of soils as prescribed in the NOI. At that time, soils samples were collected by Woodard & Curran and split with a RIDEM inspector (see attached report).

On February 2, 2015, Woodard and Curran submitted a Summary of Soil Removal Actions at the former Portsmouth Town Dump. This plan described removal actions at the former dump as well as increased frequency of sampling at the 590 Bellevue Avenue site.

On April 7, 2015, the Department received a closure report from Woodard & Curran with sampling results and shipping documents showing the disposal of the four dumpsters containing the soil in question.

On April 9, 2015, the Department received sampling reimbursement in the amount of 1026.80 from AP Enterprise, LLC.

On June 2, 2015, the Department received the following proposal to increase sampling frequency at the site:

- 1. The frequency of sampling of soils meeting the method one RIDEM Industrial Commercial criteria will be increased for total metals analysis to one sample for every 2,000 cubic yards. The sampling will cover the Resource Conservation and Recovery Act eight metals*

Having previously determined the SF Pacific fulfilled its requirements under the NOI, the Department has now determined that AP Enterprise, LLC has fulfilled its requirements, and therefore, is now considered in compliance with the *Regulations*.

Please be advised that you are responsible for continued compliance with all of the conditions of your 2014 Beneficial Use Determination Renewal, as amended by the increased sampling frequency proposed above and the 2010 Remedial Approval Letter, as well, as all applicable Regulations.

If you have any questions or are in need of any clarification regarding this document, please contact me by telephone at (401) 222-2797 ext. 7112 or by email at mark.dennen@dem.ri.gov.

Sincerely,



Mark M. Dennen, C.P.G.
Principal Environmental Scientist
Office of Waste Management

Authorized by,



Laurie Grandchamp, P.E.
Supervising Engineer
Office of Waste Management

cc: David Peter, Site Remediation Technologies
Leo Hellested, Chief, OWM