



**Rhode Island**  
**Department of Environmental Management**

---

235 Promenade St., Providence, RI 02908-5767 TDD 401.222.4462

August 12, 2014

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

**CERTIFIED MAIL**

RE Request for Renewal of Beneficial Use Determination

Dear Mr. Palmer:

The Department has reviewed the above referenced request submitted by Tim O'Connor & Company, LLC on your behalf. The Department has two major concerns that must be addressed in order to extend the Beneficial Use Determination (BUD) approval.

1. As mentioned in your request, only 188 tons of material was accepted between February 10, 2014 and July 8, 2014. The Department recognizes that part of the reason an insignificant amount of material was received during this time frame was due to the Department's and Coastal Resources Management Council's review and subsequent approval of the additional capping activities. In addition, you reported this was partially due to the weather and the economy, particularly related to construction. As these are not under the Department's control, we are concerned that extending an approval based on economic factors will result in a BUD with no foreseeable conclusion and ultimately no closure. Our main concern is to minimize the impact to the surrounding neighborhood. To that end, the Department needs some assurance that work at the site will lead to a conclusion of capping activities in a reasonable time frame.
2. Secondly, the request calls for no closure activities to begin until the additional grading and shaping activities in the northern and northwestern portions of the site are complete. As these activities are occurring in very limited areas of the property, locations in the eastern portion of the site that abut residential properties could be brought to final grade and loamed and seeded at any time. The Department believes that final capping activities should proceed as quickly as possible.

The Department would like a plan to address both these issues prior to proceeding. If you have any questions regarding this letter, please contact me by telephone at (401) 222-2797 ext. 7112 or by e-mail at [mark.dennen@dem.ri.gov](mailto:mark.dennen@dem.ri.gov).

Sincerely,

Mark M. Dennen, Principal Environmental Scientist, OWM  
Office of Waste Management

cc: Laurie Grandchamp, P.E. Supervising Engineer  
Leo Hellested, Chief, OWM  
Terrence Gray, P.E. Associate Director, RIDEM  
Rep. John G. Edwards