



## **RI Department of Environmental Management**

**Office of Compliance & Inspection**

**2013 Annual Report**

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***Cover: Wetland located off of Slocum Road in Exeter that was the subject of an extensive wetland restoration in 2013.***

***Photograph obtained from Google Earth***

## ***Who We Are***

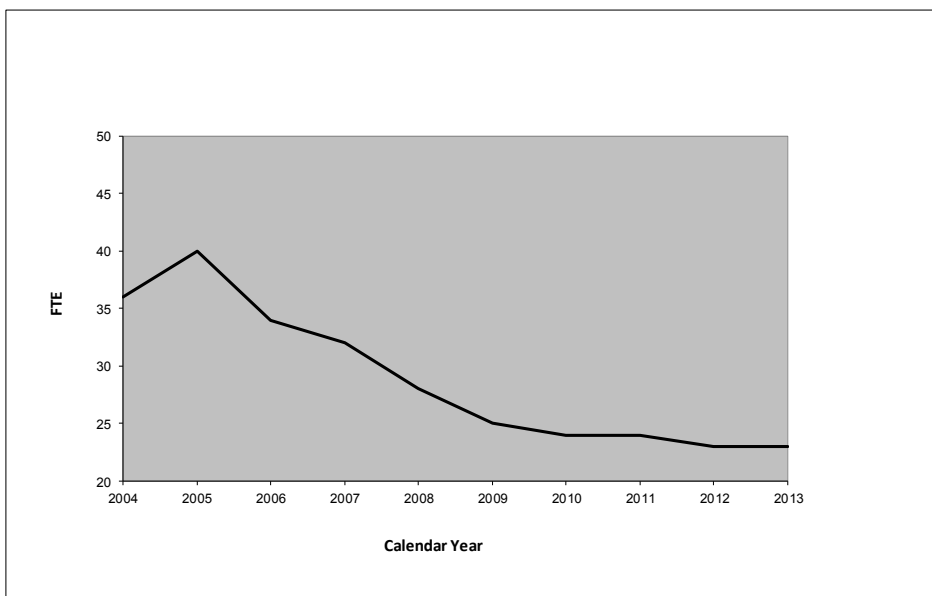
The Office of Compliance and Inspection (OC&I) is within the Rhode Island Department of Environmental Management (RIDEM) Bureau of Environmental Protection and is responsible for regulatory compliance and enforcement for the following programs: Air Pollution, Dam Safety, Freshwater Wetlands, Hazardous Waste, Onsite Wastewater Treatment Systems (i.e., Septic Systems), Solid and Medical Waste, Underground and Leaking Underground Storage Tanks, and Water Pollution.

## ***What We Do***

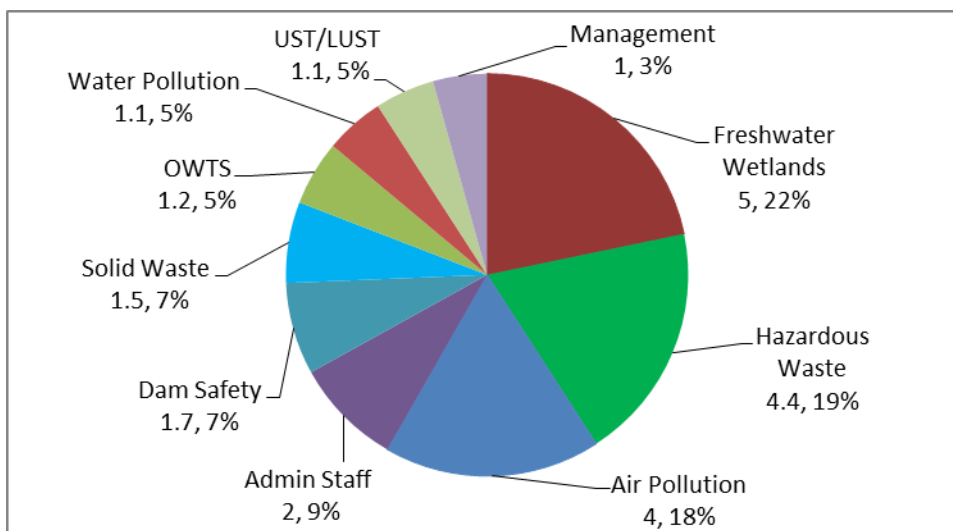
The OC&I investigates citizens' complaints regarding alleged environmental violations and performs compliance monitoring inspections to determine compliance with environmental statutes and the RIDEM's regulations. The OC&I issues informal or formal enforcement actions for violations that are identified and tracks compliance until environmental violations are corrected. **Informal enforcement** includes those actions that do not result in an enforceable order or assessment of a penalty. **Formal enforcement** is usually in the form of a Notice of Violation (NOV). Each NOV advises the responsible party of the alleged facts that support the violation, the statutes and regulations that are alleged to have been violated, the requirements to meet compliance and usually include an administrative penalty. The requirements to meet compliance are set forth in the order portion of the NOV. Not all the OC&I programs focus on compliance and enforcement activities in the same way. For example, one program may spend considerable time on citizens' complaint response while another may spend most of its time on compliance monitoring. In fact, much of our compliance and enforcement effort is a team approach, either internally in the office or externally with other RIDEM divisions and offices. In many cases, our activities are coordinated with other offices at RIDEM including the Offices of Air Resources, Emergency Response, Water Resources, Waste Management, and Legal Services and the Division of Law Enforcement. Under some circumstances, we support the Office of Criminal Investigation and assist them with sampling, regulatory interpretation, and expert witness testimony. In many cases, we are in close communication with the Environmental Protection Agency (EPA) since the RIDEM has specific authority delegated under federal regulations regarding air, water, underground and leaking underground storage tanks and hazardous waste.

# Staffing

At the beginning and end of 2013, the OC&I had a working staff of 23 full time equivalents (FTEs). The OC&I lost 1 FTE (Admin Staff) and added 1 FTE (Freshwater Wetlands) during the year. The staffing levels from 2004 through 2013 are shown in the graph below<sup>1</sup>.



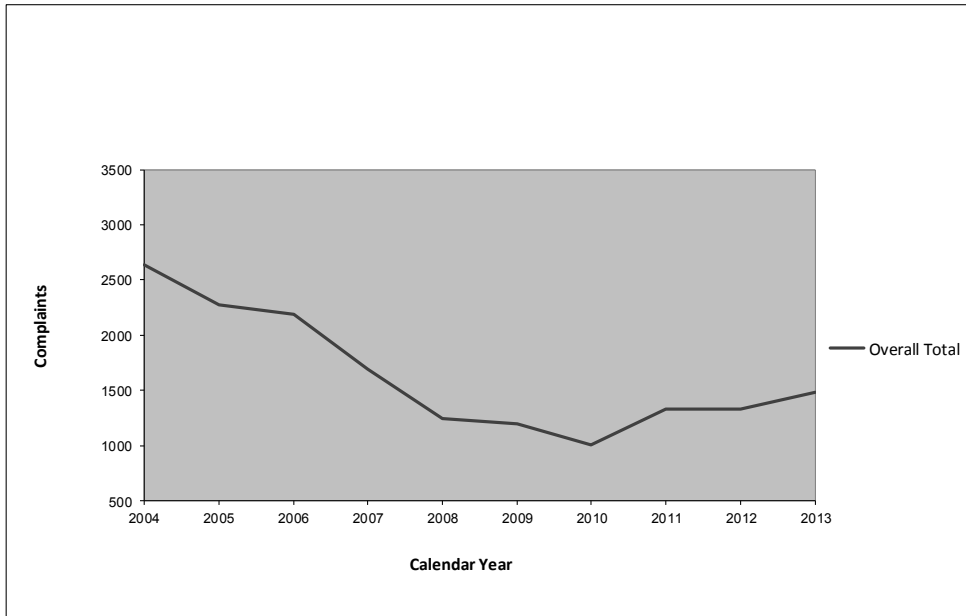
The FTEs assigned to each program (by number and percentage) at the end of 2013 is illustrated by the chart below.



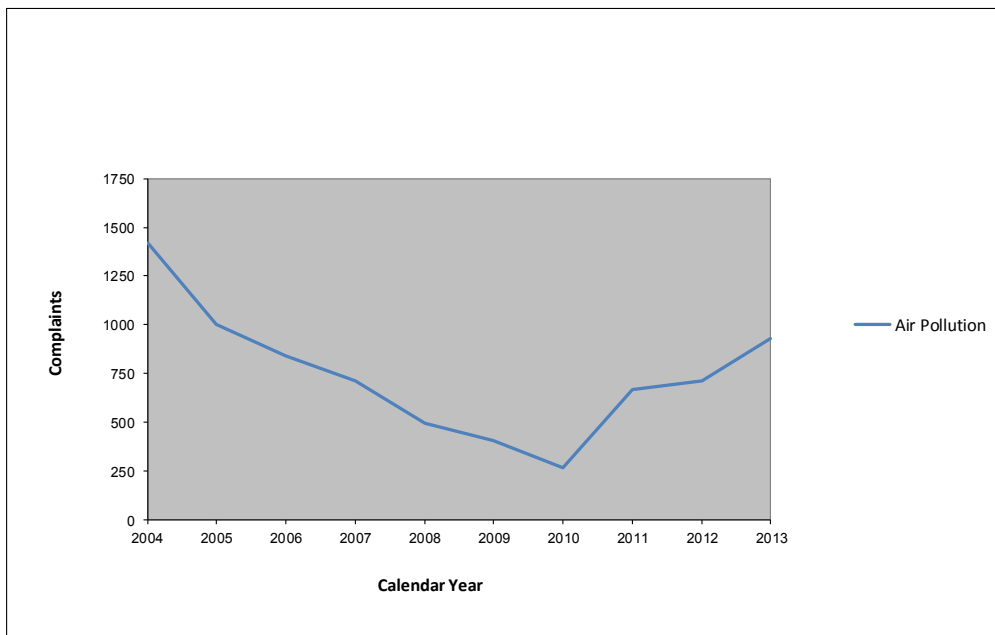
<sup>1</sup> In 2006 5 FTEs responsible for responding to releases of petroleum, hazardous materials and hazardous waste were formally transferred from the OC&I to a newly created Office of Emergency Response.

# Complaint Response

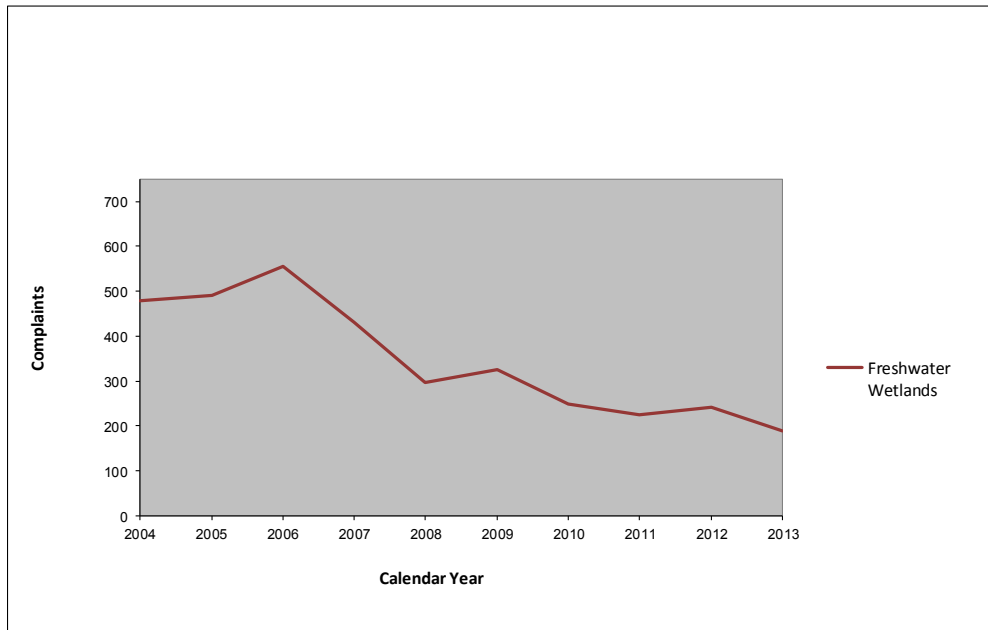
As noted earlier, the OC&I is involved in extensive citizens' complaint related work. In 2013, the OC&I received **1483** citizens' complaints. This is an increase of **162 complaints** from the **1321** citizens' complaints OC&I received in 2012.



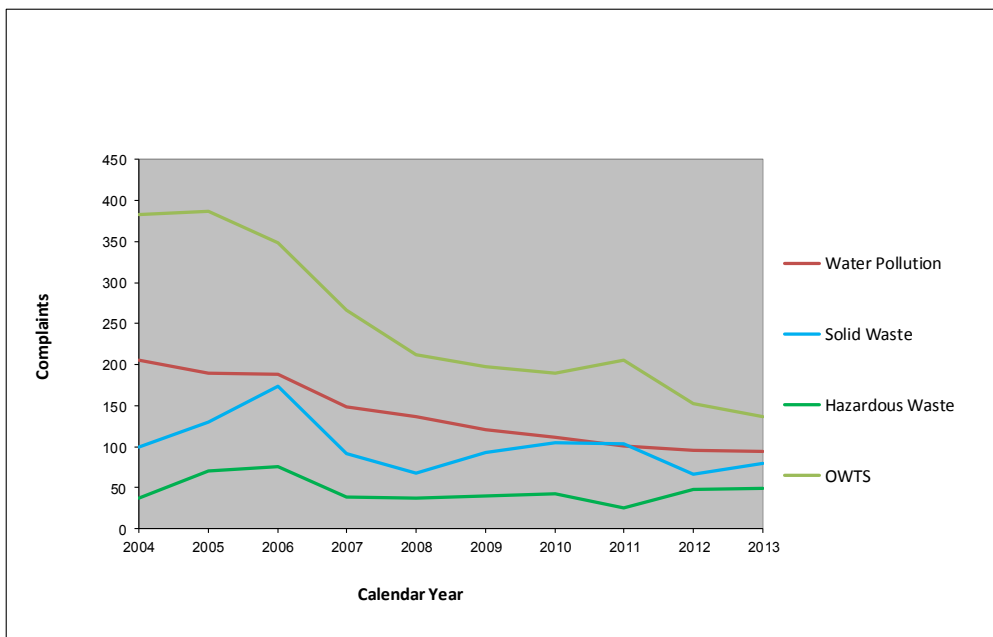
The air pollution program had the largest volume of complaints received. The number of complaints increased from **714** in 2012 to **928** in 2013. The number of complaints in this program has more than tripled in the last 3 years.



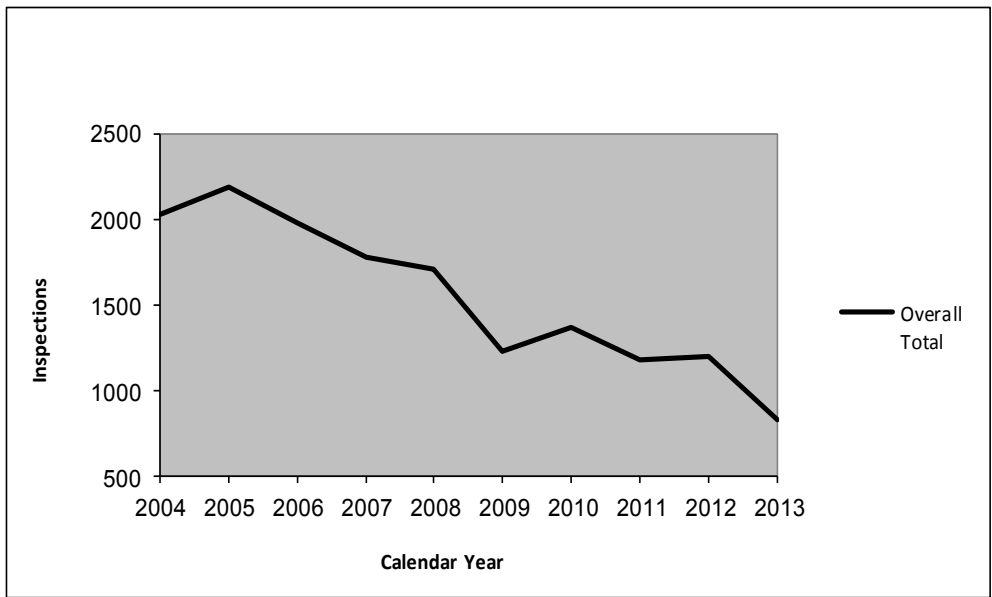
For the freshwater wetlands program the number of complaints decreased from **241** in 2012 to **189** in 2013 (a 20% decline).



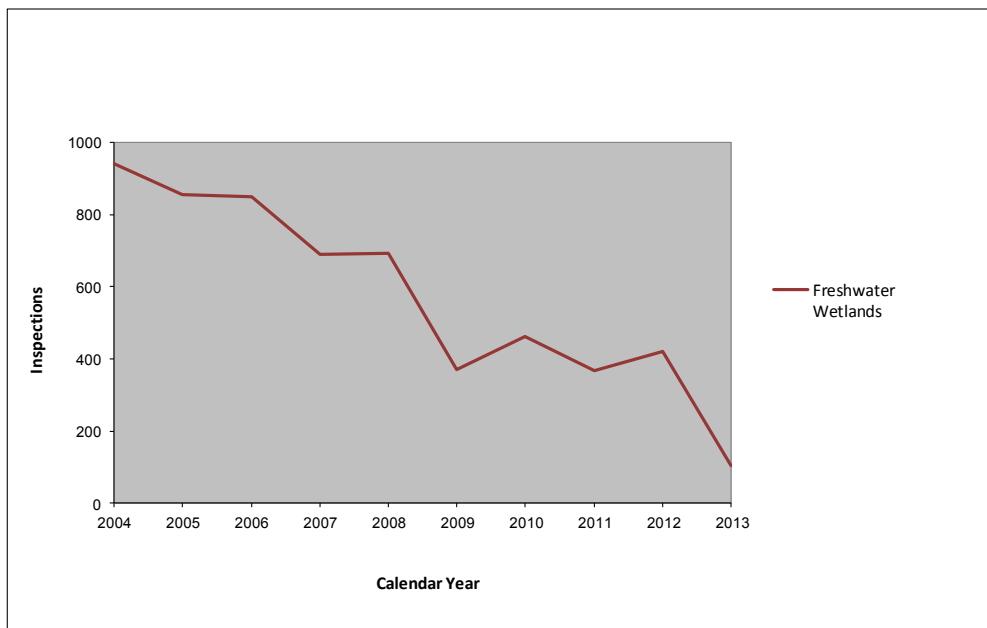
For the OWTS (septic system) program the complaints decreased from **153** in 2012 to **137** in 2013 (a 10% decline). For the water pollution program and hazardous waste program the complaints stayed almost the same (**95** in 2012 and **94** in 2013 for water pollution and **48** in 2012 and **49** in 2013 for hazardous waste). For the solid waste program the complaints increased from **66** in 2012 to **79** in 2013 (a 20% rise).

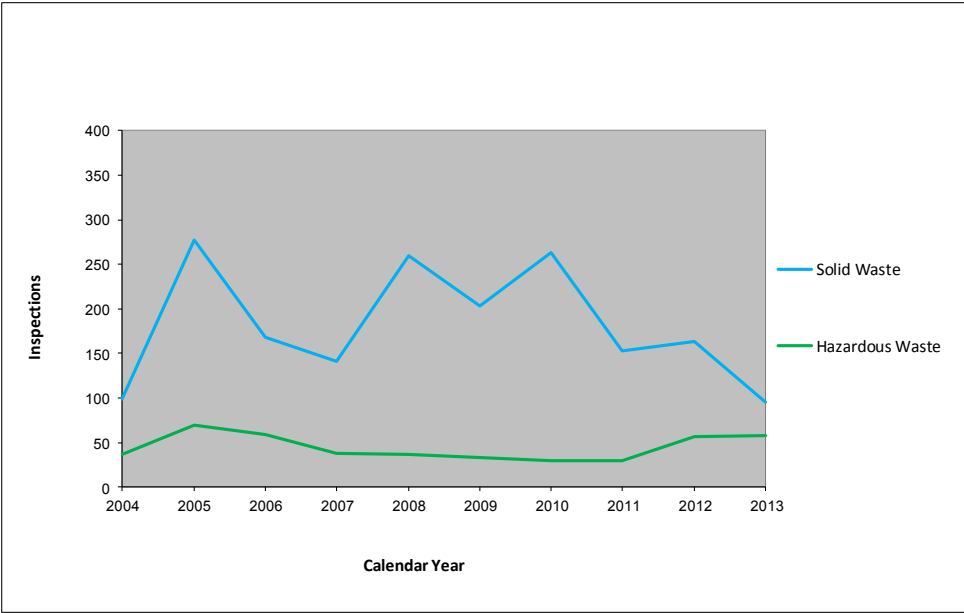
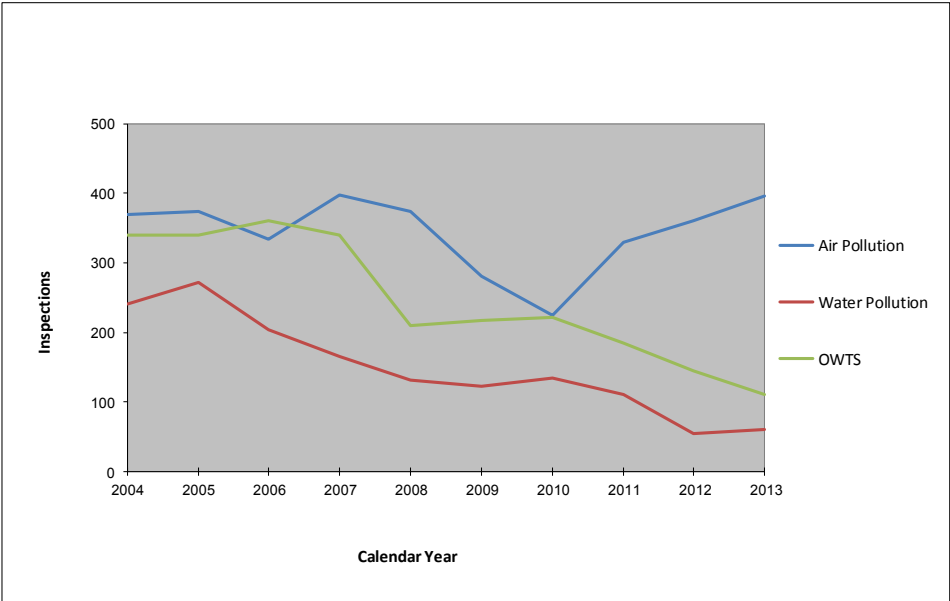


In 2013, the OC&I conducted **826** complaint inspections. This is a decrease of **374** inspections from the **1200** complaint inspections conducted in 2012. The sharp decrease is mostly due to the loss of inspectors in the freshwater wetland program. One inspector left in October 2012 and was not replaced until December 2013. A second inspector was on sick leave from July 2013 for the remainder of the year.



The number of complaint inspections completed from 2004 to 2013 for the freshwater wetlands, air pollution, water pollution, OWTS, solid waste, and hazardous waste programs is illustrated on the graphs below.







A summary of the complaints investigated by OC&I in 2013<sup>2</sup> (by program), excluding the dam safety program, is as follows:

**Air Pollution** – The program responds to complaints involving visible emissions, odors, fugitive dust, and exterior lead paint removal. The program received **928** complaints, investigated **919** complaints and conducted **396** inspections. Of the complaints investigated, **874** were unfounded (i.e., a violation could not be verified), **13** were closed as no action (i.e., a violation was identified but a decision was made to close the case with no enforcement action taken) and **9** were referred to another program, department or agency. Not all complaints could be investigated due to time delays from receipt of the complaint or other factors including lack of resources. The program did not investigate **18** complaints, which is a decrease from the **21** complaints that the program did not investigate in 2012.

**Freshwater Wetlands** – The program responds to complaints involving unauthorized alterations to freshwater wetlands such as filling, excavating, grading, clearing, or construction. The program received **189** complaints, investigated **120** complaints and conducted **105** inspections. Of the complaints investigated, **36** were unfounded, **58** were closed as no action, and **13** were referred to another program, department or agency. The program did not investigate **12** complaints because no one was present to allow access. Complaint investigation in this program is time consuming and complex due to the varied nature of wetlands, land conditions, land ownership and regulatory requirements.

**Hazardous Waste** –The program responds to complaints involving illegal disposal or mismanagement of hazardous waste. The program received **49** complaints, investigated **52** complaints and conducted **58** inspections. Of the complaints investigated, **13** were unfounded, **5** were closed as no action and **2** were referred to another program, department or agency.

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<sup>2</sup>Not all the complaints investigated in 2013 correspond to complaints received in that year. The statistics include complaints investigated and resolved that were received prior to 2013.

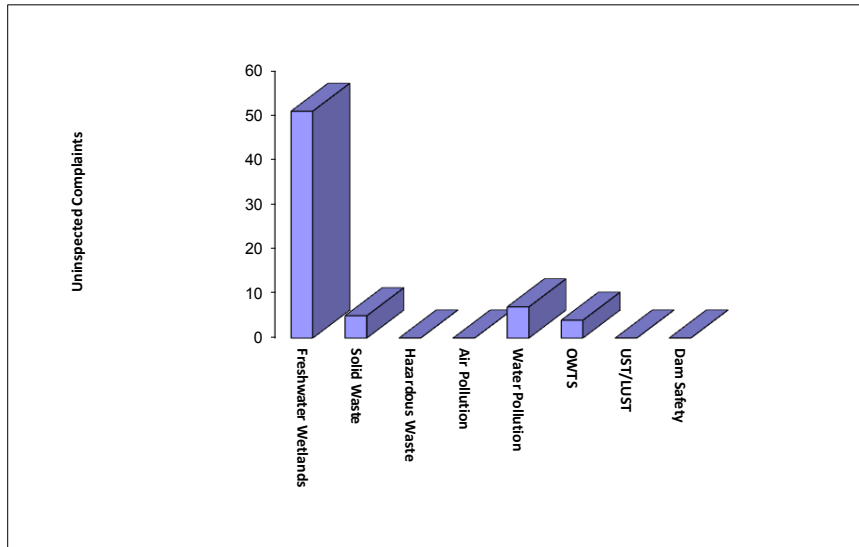
**On-Site Wastewater Treatment System (OWTS or Septic System)** – The program responds to complaints involving septic system overflows or failures, septic odors, laundry discharges, and illegal repairs. The program received **137** complaints, investigated **126** complaints and conducted **111** inspections. Of the complaints investigated, **59** were unfounded, **1** was closed as no action, and **1** was referred to another program, department or agency. The program did not investigate **8** complaints due to an inability to obtain permission from the property owner to conduct the inspection.

**Underground Storage Tanks (UST)/Leaking Underground Storage Tanks (LUST)** – The program responds to complaints involving underground storage tanks such as leaking or abandoned tanks. The program received **2** complaints, investigated **2** complaints and conducted **2** inspections. Of the complaints investigated, **1** was unfounded and **1** was closed as no action.

**Solid Waste** – The program responds to complaints involving illegal disposal of solid waste and operation of unlicensed facilities handling solid waste, construction & demolition debris, compost or other forms of solid waste. The program received **79** complaints, investigated **66** complaints and conducted **95** inspections. Of the complaints investigated, **33** were unfounded, **7** were closed as no action, and **3** were referred to another program, department or agency. The program did not investigate **7** complaints due to an inability to obtain permission from the property owner to conduct the inspection.

**Water Pollution** – The program responds to complaints involving discharges of pollutants to surface waters or ground waters or in a location likely to enter such waters. The program received **94** complaints, investigated **65** complaints and conducted **61** inspections. Of the complaints investigated, **38** were unfounded, **5** were closed as no action, and **5** were referred to another program, department or agency.

With the exception of the freshwater wetlands program, all of the programs ended 2013 with a small number of uninspected complaints. The backlog of uninspected complaints in the freshwater wetlands program decreased from **53** in 2012 to **51** in 2013.



As stated on page 7 of this report, the freshwater wetlands program was without 2 inspectors for most of 2013, leaving only 1 inspector for the entire State. More generally, for some time the program has struggled to keep up with the investigation and enforcement of complaints. Quite simply, the OC&I is charged with enforcing more than our resources allow. To address this problem, in 2010 several actions were taken:

- The OC&I streamlined the formal enforcement process to increase staff productivity
- A new policy was issued to prioritize complaint investigations and enforcement of violations
- Staff in the RIDEM's Office of Water Resources began to provide assistance by performing initial investigations of complaints

It was hoped that these actions and the reduced complaint volume would allow the OC&I to keep up with the current complaints and start chipping away at the backlog. Unfortunately, that did not happen. Absent more resources, the only way to get the program into balance is to further limit the types of violations we enforce.

In response, in November 2012, the policy to prioritize complaint investigations and enforcement of violations was revised as follows:

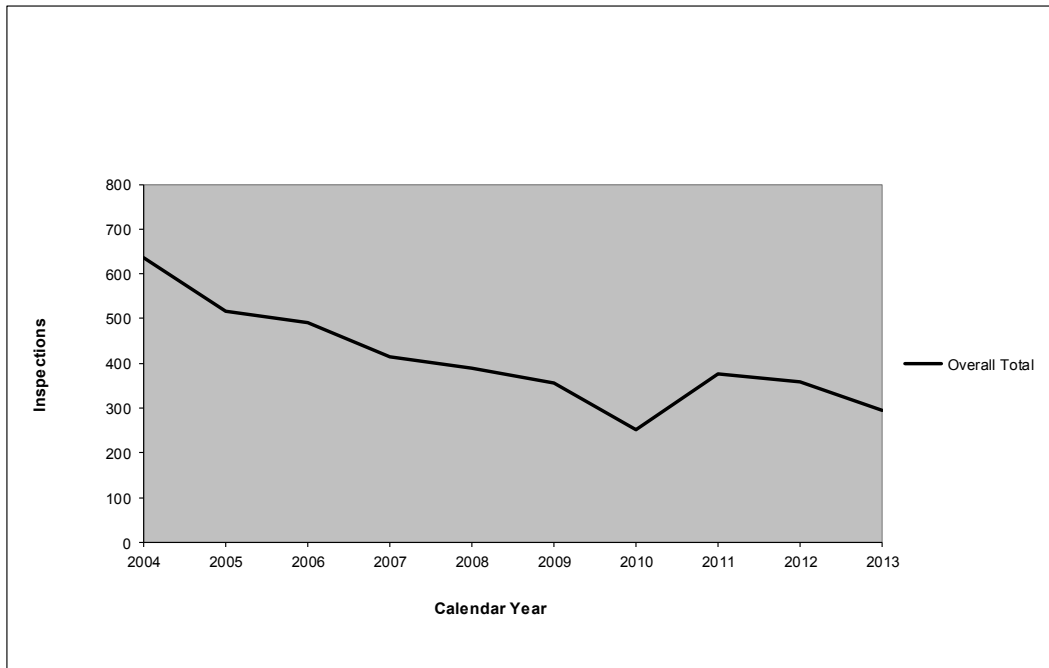
- Investigation of complaints without specific information as to the location or that the supervisors believe are unworthy of serious attention shall not be undertaken without approval of the Chief of the OC&I.
- Enforcement of violations involving solely alteration to buffer wetlands shall not be taken without approval of the Chief of the OC&I.

This policy was in effect for all of 2013.

## ***Compliance Monitoring***

Compliance monitoring refers to efforts by the RIDEM to oversee closely regulated businesses and facilities. In many cases, State laws require businesses and facilities to be licensed by the RIDEM or to obtain specific detailed conditional approvals. Such businesses and facilities are not allowed to operate unless they obtain these licenses or approvals in advance. In other cases, businesses and facilities may operate provided they are in compliance with specific regulations that set forth criteria that must be met. The businesses and facilities are not generally required to obtain a permit or license to operate. The RIDEM's Offices of Air Resources, Water Resources and Waste Management perform most compliance monitoring. The OC&I's compliance monitoring involves air pollution, dam safety, hazardous waste management, and UST/LUST facilities. The OC&I generally targets a portion of the regulated community and conducts compliance evaluation inspections to determine whether compliance is being met. Since the RIDEM is delegated regulatory authority and given grant money by the EPA for air pollution, hazardous waste management and UST/LUST facilities, the RIDEM and the EPA coordinate their efforts regarding types and numbers of inspections to be conducted. In many cases, the EPA provides federal guidance for such inspections and for appropriate and timely enforcement response if compliance is not being met.

In 2013, the OC&I conducted **303** compliance monitoring inspections. This is a decrease from the **357** compliance monitoring inspections conducted in 2012.



A summary of the compliance monitoring inspections conducted by the OC&I in 2013 (by program) is as follows:

**Air Pollution** – The program is responsible for ensuring that the State’s businesses and facilities are being operated in a manner to prevent impacts to human health and the environment in compliance with the RIDEM’s *Air Pollution Control Regulations*. The program seeks to meet that responsibility by performing compliance inspections and issuing enforcement actions. The majority of compliance monitoring inspections are conducted to verify compliance at businesses, facilities or sites with historic violations or potential violations. The program conducted **77** inspections of **29** businesses, facilities or sites to determine compliance. Of the inspections conducted, no businesses or facilities were found in violation. Additionally, **9** inspections were conducted to ensure proper cleanups were conducted at lead paint sites.

A list of the businesses, facilities or sites inspected is shown in Appendix A.

**Dam Safety** – The program is responsible for ensuring that the State’s **96** high hazard dams and **81** significant hazard dams are maintained in a safe condition in compliance with the RIDEM’s *Rules and Regulations for Dam Safety*. The program seeks to meet that responsibility by performing compliance inspections, investigating complaints and issuing enforcement actions. The program conducted **46** inspections of such dams.

A comprehensive report on the activities of the program can be found at <http://www.dem.ri.gov/programs/benviron/compinsp/pdf/damrpt13.pdf>.

**Hazardous Waste Management** – The program is responsible for ensuring that the State’s thousands of hazardous waste generators are managing hazardous waste in a manner to prevent impacts to human health and the environment in compliance with the RIDEM’s *Rules and Regulations for Hazardous Waste Management*. The program seeks to meet that responsibility by performing compliance inspections, investigating complaints and issuing enforcement actions. Federal guidelines require states to inspect at least 20% of the Large Quantity Generators (LQG) during the federal fiscal year. The OC&I has followed EPA’s target for the last few years to monitor the management of hazardous waste at facilities generating large volumes of waste on a regular basis. Given the current number of LQGs in Rhode Island, this equates to inspections at least once every three years at each facility. In addition to the target of 20% of known LQGs operating in Rhode Island, the OC&I targeted any newly reporting LQGs and those that did not previously notify the RIDEM that they fall into this category.

The program inspected **25** LQGs. Of those, **8** were determined to be in significant noncompliance, **14** were found to have secondary violations, and **3** were determined to have no violations.

For Small Quantity Generators (SQGs), the program's inspection efforts in 2013 did not concentrate on one particular manufacturing sector. Inspection targets involved companies in the manufacture and retail distribution of pharmaceutical products, auto salvage companies and auto body repair companies that failed to submit a self-certification checklist to the RIDEM. The OC&I inspected **66** known or suspected SQGs. Of those, **10** were determined to be in significant noncompliance, **50** were found to have secondary violations, and **6** were determined to have minor violations that were resolved immediately or were found to have no violations.

Overall, the program completed **91** inspections of known or suspected hazardous waste generators to ensure that compliance with the regulations was being met and **82** of the businesses and facilities inspected had violations that were more than minor in nature.

A list of the businesses and facilities inspected is shown in Appendix B.

The following are the 5 violations most frequently observed in 2013:

- Waste not properly characterized as hazardous waste (waste determination) by the generator
- Lack of a required label or proper labeling on hazardous waste containers
- Lack of a contingency plan in case of a release or spill of hazardous waste
- No notification to the RIDEM that the business or facility generated hazardous waste
- Improper disposal of hazardous waste as solid waste

**Underground Storage Tanks (UST)/Leaking Underground Storage Tanks (LUST)** – The program coordinated with the RIDEM's Office of Waste Management (OWM) to carry out its responsibilities for ensuring that the State's thousands of USTs and LUSTs used for petroleum products and hazardous materials are being operated and maintained in a manner to prevent impacts to human health and the environment in compliance with the RIDEM's *Rules and Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials*. The program seeks to meet that responsibility by performing compliance inspections, investigating complaints and issuing enforcement actions against owners and operators that are out of compliance with the regulations.

The program performed inspections at **68** UST facilities. About **208** USTs are installed at these facilities. Of the inspections conducted, **46** UST facilities were found to be in violation (enforcement action was deemed to be warranted). Overall, the program completed **80** inspections of UST facilities to ensure that compliance with the regulations was being met.

A list of the facilities inspected is shown in Appendix C.

The following are the 5 violations most frequently observed in 2013:

- Failure to have the registered Class A or Class B operator conduct monthly inspections and/or document the inspections on the proper forms
- Failure to assign trained Class C operators and/or compile a written list of trained Class C operators that have been assigned to the facility
- Failure to maintain spill containment basins, tank top sumps, transition sumps and/or dispenser sumps free of liquids and/or solid debris
- Failure to compile compliant inventory reconciliation and leak check records and/or maintain the records at the facility for at least 3 years
- Failure to procure the services of a qualified person to inspect and test line leak detectors, shear valves and continuous monitoring systems annually and/or maintain records of such.

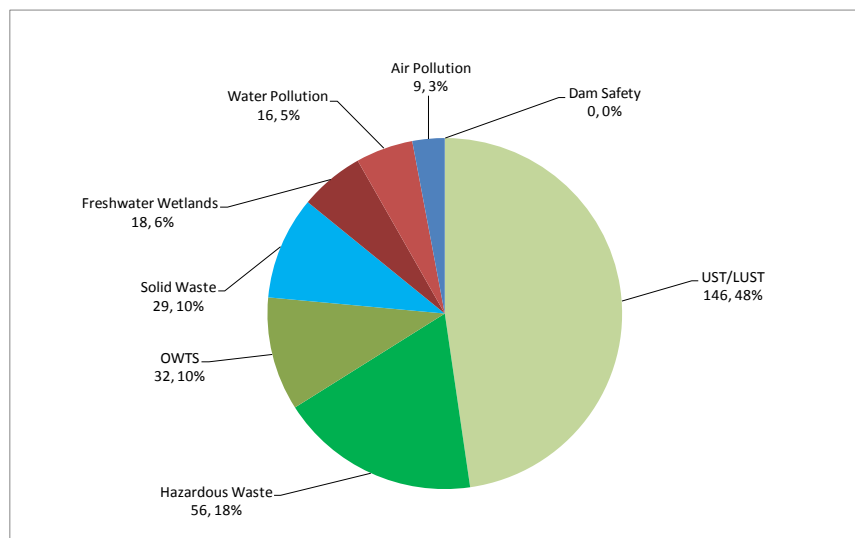


# Enforcement Response

A large component of the OC&I's activities for the year include an enforcement response to bring violators into compliance with environmental statutes and regulations. As described on page 3, our response to noncompliance discovered through complaint inspections, compliance monitoring, or other channels can take several forms, but, for the most part, can be described as either **informal** or **formal** enforcement. **Informal enforcement** includes those actions that do not result in an enforceable order or assessment of a penalty. These actions include correspondence such as Letters of Deficiency, Warning Letters, Letters of Noncompliance and Notices of Intent to Enforce. All of these types of actions are taken to allow violators to resolve noncompliance voluntarily and as quickly as possible, including repairing any environmental damage that may have resulted due to noncompliance.

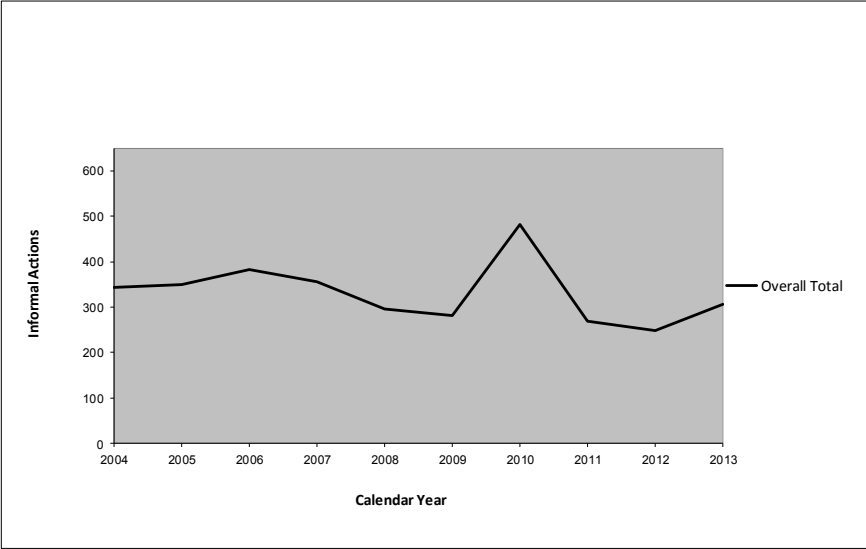
## Informal Enforcement

In 2013, the OC&I issued **306** informal enforcement actions. Of the actions issued, **146** were for UST/LUST violations, **56** were for hazardous waste violations, **32** were for OWTS violations, **29** were for solid waste violations, **18** were for freshwater wetland violations, **16** were for water pollution violations, **9** were for air pollution violations, and **0** were for dam safety violations. The informal enforcement actions issued by each program in 2013 (by number and percentage) are illustrated in the chart below.

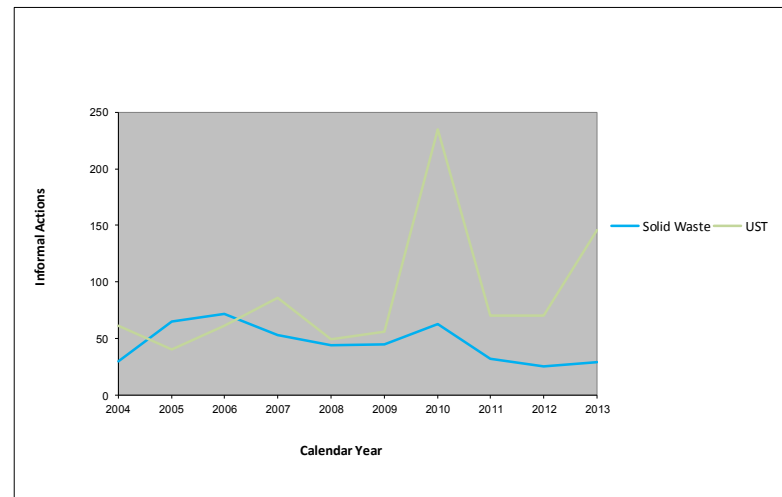
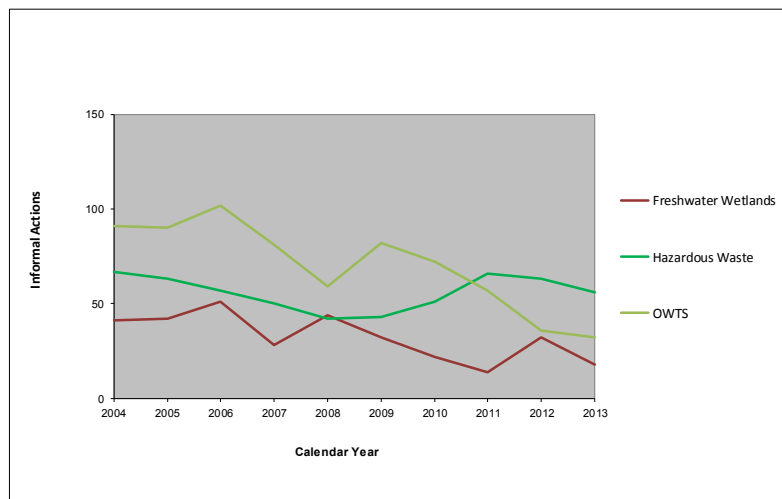
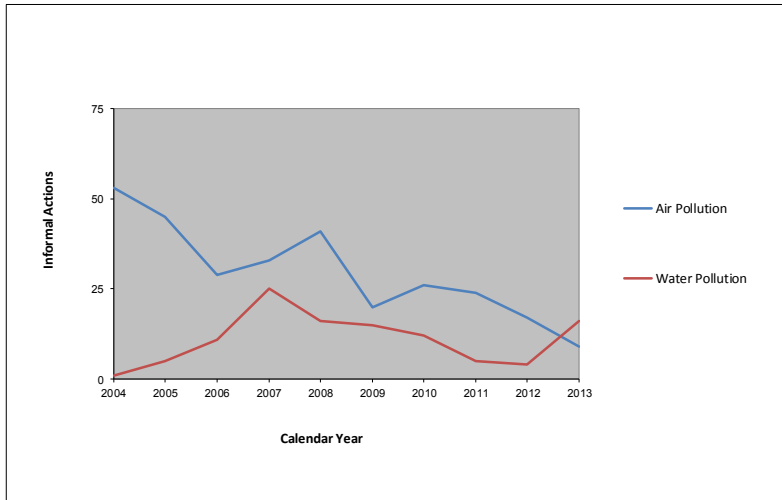


The **306** informal enforcement actions is an increase of **59** from the **247** informal enforcement actions issued in 2012. The increase was due to the UST self certification program and the UST operator training requirements. UST owners/operators are required to submit self certification forms to the RIDEM every 2 years. The OC&I issued **59** informal enforcement actions in 2013 as a result of the owners/operators failure to submit the self certification forms by the deadline. Also, in 2013, the RIDEM began enforcing the requirement for UST owners/operators to be trained as Class A, Class B, or Class C operators and to have trained operators at the facility and performing monthly inspections. The OC&I issued **50** informal enforcement actions in 2013 as a result of the owners/operators failure to comply with the operator training requirements.

The number of informal enforcement actions issued in 2013 is illustrated by the graph below.



The number of informal enforcement actions issued from 2004 to 2013 for the air pollution, freshwater wetlands, OWTS, water pollution, solid waste, UST/LUST and hazardous waste programs is illustrated on the graphs on the following page.



The OC&I obtains varied success with informal enforcement actions depending upon the program and the ability to issue formal enforcement actions. Overall, **286** informal enforcement actions were resolved in 2013 without formal enforcement.

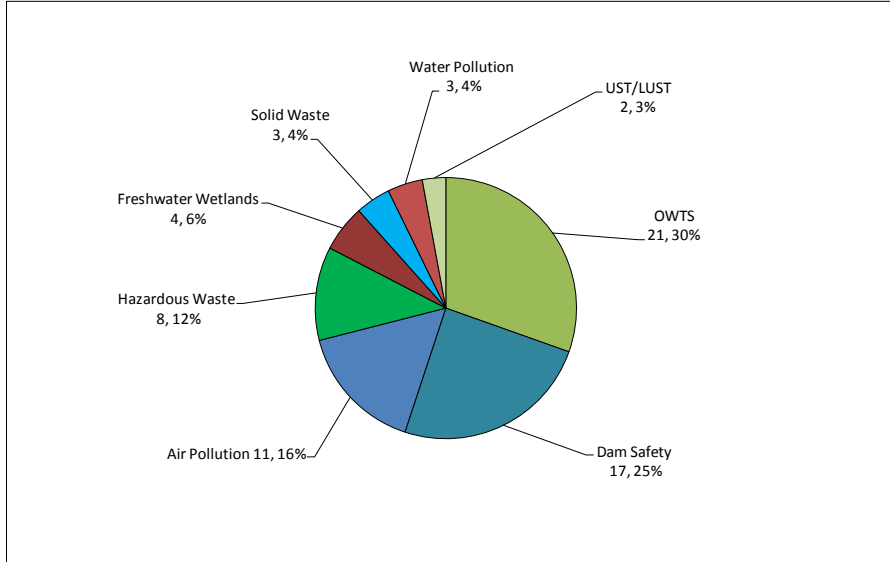
## ***Formal Enforcement***

In the event that compliance with informal enforcement actions is not met, or the RIDEM determines that violations identified at a site or facility represents significant noncompliance, the OC&I will issue a formal enforcement action to ensure compliance.

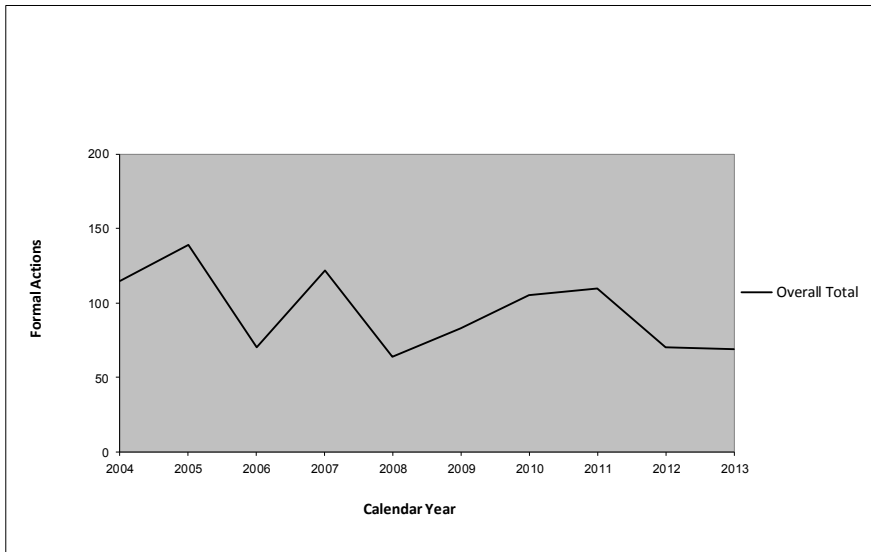
**Formal enforcement** is usually in the form of a Notice of Violation (NOV). Each NOV advises the respondent of the alleged facts that support the violation, the statutes and regulations that are alleged to have been violated, the requirements to meet compliance and usually include an administrative penalty. The requirements to meet compliance are set forth in the order portion of the NOV. The assessed penalty is developed in accordance with the RIDEM's *Rules and Regulations for the Assessment of Administrative Penalties*, and the NOV includes worksheets providing information on how the penalty was determined. The maximum penalty for violations is derived from the legislative statute providing the RIDEM with the authority to assess a penalty for civil (non-criminal) violations of laws or regulations. Since formal enforcement actions contain enforceable orders and assessments of penalties, such actions are subject to appeal with the RIDEM's Administrative Adjudication Division (AAD). Respondent/s have **20** days to appeal the NOV to the AAD. The OC&I and the respondent/s may finalize a settlement of the outstanding enforcement action prior to, or even after a hearing commences. Upon completion of a hearing, the hearing officer issues a Final Decision and Order. Respondent/s or the OC&I may file an appeal to contest the Final Decision and Order to Superior Court. In the event that an administrative hearing is not requested, the NOV becomes a final order of the Director and is enforceable in Superior Court.

In 2013, the OC&I issued **69** formal enforcement actions. Each formal enforcement action can involve more than one program. Of the actions issued, **2** involved violations in more than one program. Overall, **21** were for OWTS violations, **17** were for dam safety violations, **11** were for air pollution violations, **8** were for hazardous waste violations (which includes site remediation and commercial oil pollution violations), **4** were for freshwater wetland violations, **3** were for water pollution violations, **3** were for solid waste violations, and **2** were for UST violations.

The formal enforcement actions issued by each program in 2013 (by number and percentage) are illustrated in the chart below.



The **69** formal enforcement actions is essentially unchanged from the **70** formal enforcement actions issued in 2012.



As the graph shows, sharp reductions occurred from 2005 to 2006, 2007 to 2008 and 2011 to 2012.

The sharp reduction from 2005 to 2006 was primarily the result of a reduction in the formal enforcement actions issued in the UST/LUST program from **49** in 2005 to **19** in 2006. As a result of revisions to the UST regulations adopted in 2005, owners/operators are required to submit self certification forms to the RIDEM every 2 years that evaluate the facility's compliance with the RIDEM's UST regulations and certify that the facility is in compliance, or if not, includes a plan to return to compliance. The OC&I issued **21** formal enforcement actions in December 2005 as a result of the owners/operators failure to submit the self certification forms by the August 2005 deadline.

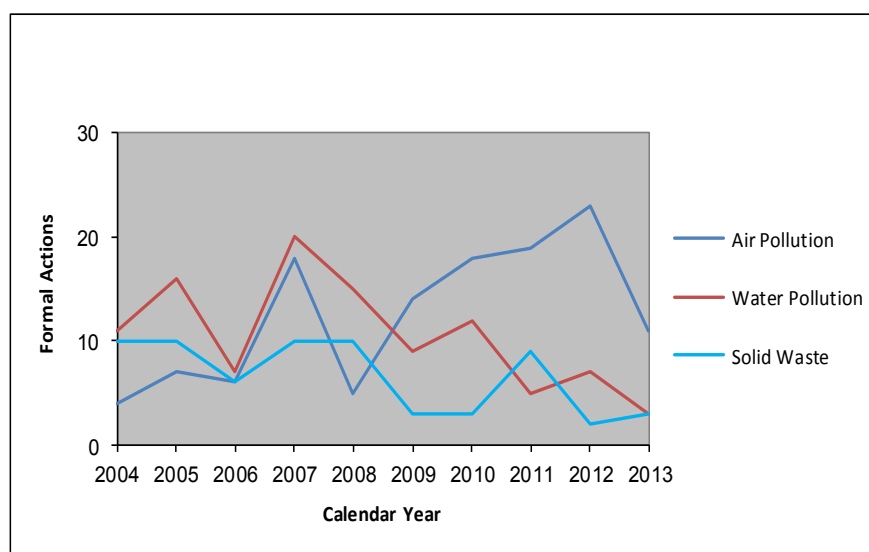
The sharp reduction from 2007 to 2008 was primarily the result of a reduction in the formal enforcement actions issued in the UST/LUST and the OWTS programs. From 2001 to 2006 the UST/LUST program issued on average **22** formal enforcement actions per year (excluding the violations for failing to submit the self certification forms). In 2008 the program issued **5** formal enforcement actions. The reason for the reduction was a regulatory interpretation by the RIDEM Office of Legal Services (OLS) in 2007 that precluded the OC&I from enforcing past noncompliance at UST facilities. The reduction in the OWTS program was the result of a concerted effort in 2007 to reduce the backlog of formal enforcement cases pending issuance. The OLS agreed to forego reviewing formal enforcement actions for OWTS violations based upon the extensive experience in the OC&I in preparing these actions and the straightforward nature of the violations. As a result of this effort, the OC&I was able to eliminate its backlog of formal enforcement actions in 2007. In 2008 the OWTS program issued **15** formal enforcement actions, which is consistent with the average of **18** formal enforcement actions per year achieved from 2001 to 2006.

The sharp reduction from 2011 to 2012 was primarily the result of a reduction in the number of formal enforcement actions issued in the UST/LUST program from **10** in 2011 to **2** in 2012, the OWTS program from **28** in 2011 to **16** in 2012, the hazardous waste program from **8** in 2011 to **2** in 2012 and the solid waste program from **9** in 2011 to **2** in 2012.

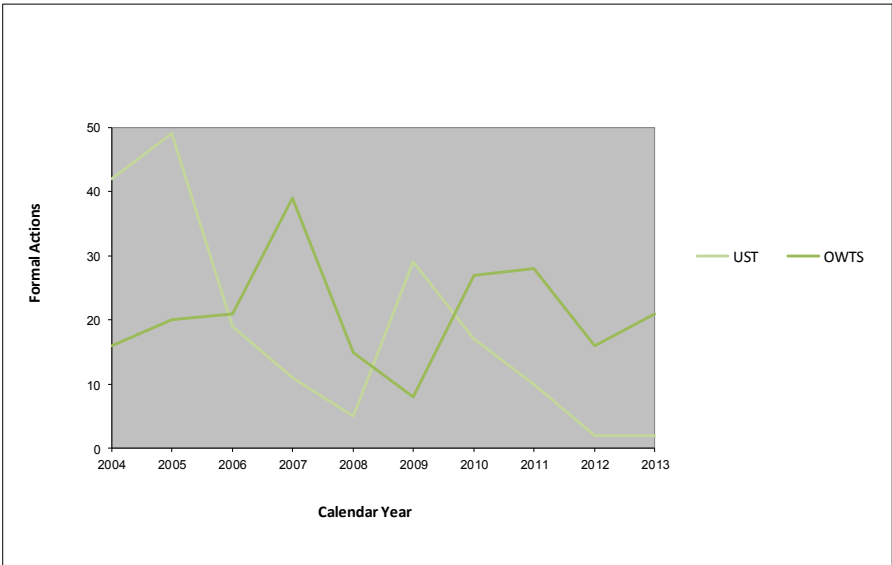
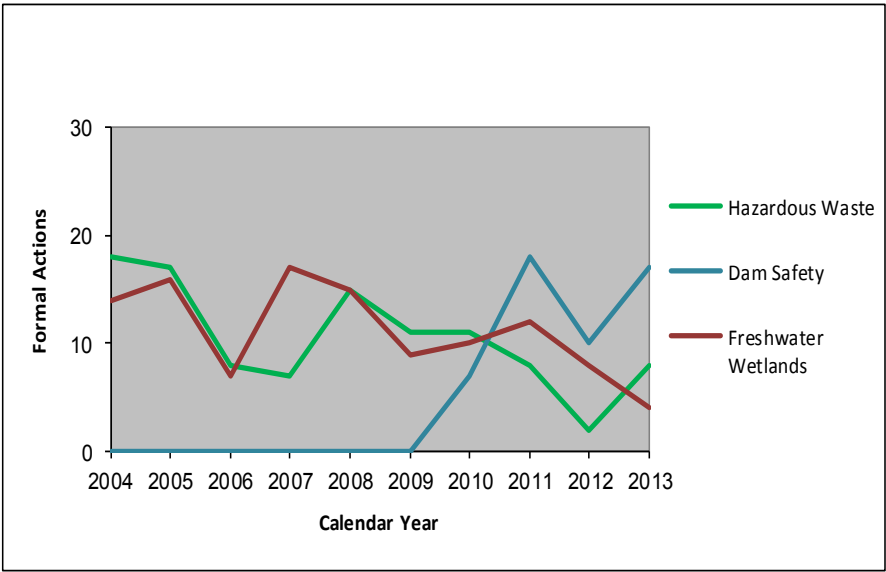
The reduction in the UST/LUST program reflected a change in how the OC&I regulated UST facilities. Prior to 2011 the OC&I issued formal enforcement actions for UST facilities in significant noncompliance. In 2011 the OC&I began issuing ‘red tags’ for UST facilities in significant noncompliance. A ‘red tag’ is placed on the pumps at the facility, which prohibits delivery of petroleum until the noncompliance issues are addressed. The intent of issuing a formal enforcement action is threefold. First, to get the facility quickly into compliance. Second, to deter future noncompliance. Third, to assess monetary penalties to prevent a facility from achieving an unfair economic advantage over facilities that comply with the regulations. The OC&I was finding that for this program the formal enforcement actions were not achieving the intended results. Since the OC&I began issuing ‘red tags’ facilities came into compliance in a matter of days rather than months (and sometimes years) of noncompliance under the prior formal enforcement action approach<sup>3</sup>.

The reduction in the OWTS, hazardous waste and solid waste programs reflected a lack of cases to proceed to formal enforcement action.

The number of formal enforcement actions issued from 2004 to 2013 for the air pollution, water pollution, solid waste, dam safety, freshwater wetlands, hazardous waste, OWTS, and UST/LUST programs is illustrated on the graphs below and on the following page.



<sup>3</sup>This approach was revised in August 2013. The OC&I issues ‘red tags’ for the most egregious violations. For all other violations the OC&I follows its typical approach of informal enforcement and formal enforcement.

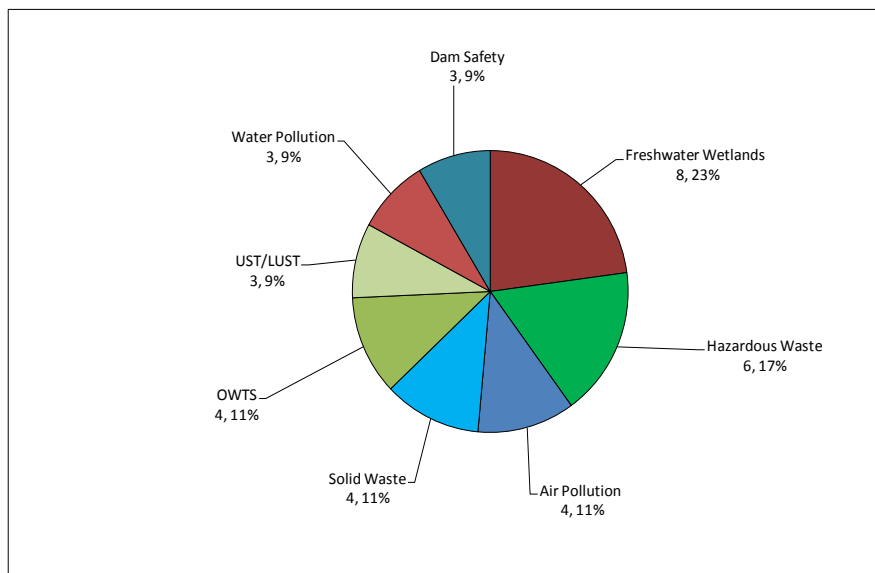




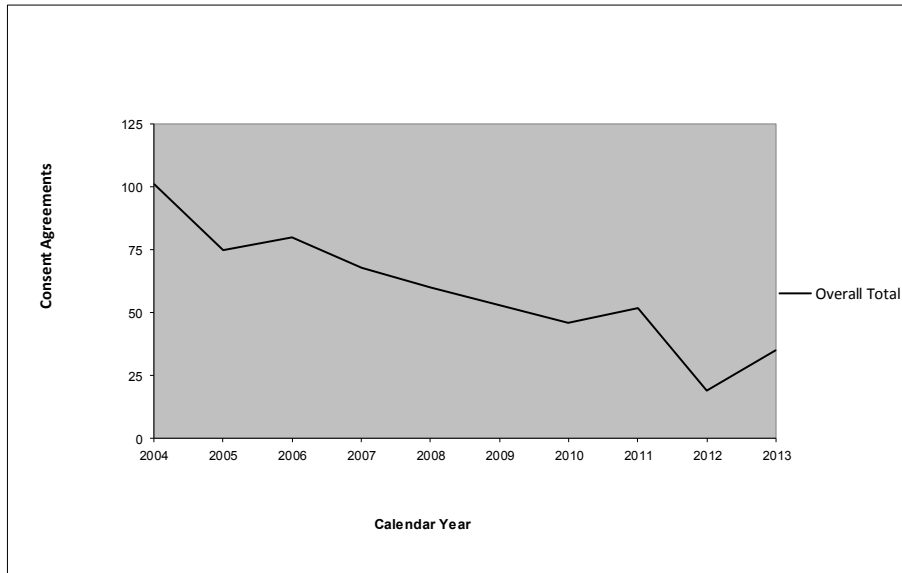
# Formal Enforcement Settlements

To resolve formal enforcement actions, the OC&I either executes a **consent agreement** with a respondent, or, in cases where all of the issues associated with the violation were resolved, including payment of all penalties owed, the OC&I issues a **letter of compliance** to the respondent. The purpose of a consent agreement is to have a document that is legally enforceable in court that sets forth how the formal enforcement action was resolved. Such documents identify what performance is required to comply with the RIDEM's regulations and under what timelines the performance will be completed. Consent agreements also identify how the penalty assessed in the formal enforcement action was resolved and include a timeframe for payment of the penalty if necessary. In the event that a consent agreement requires performance, the OC&I tracks the progress towards compliance.

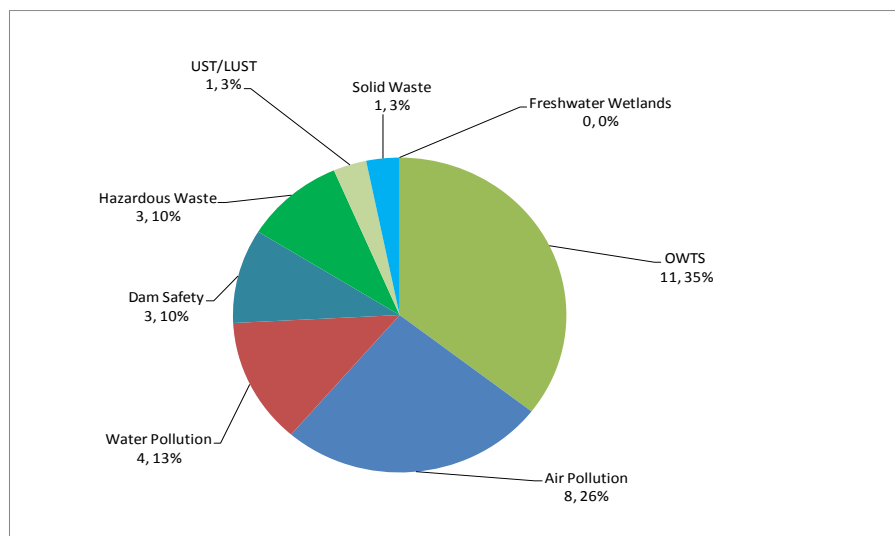
In 2013, the OC&I executed **35** consent agreements to resolve formal enforcement actions. Of the agreements executed, **8** were for freshwater wetlands, **6** were for hazardous waste (which includes site remediation and oil pollution), **4** were for air pollution, **4** were for solid waste, **4** were for OWTS, **3** were for UST/LUST, **3** were for water pollution, and **3** were for dam safety.



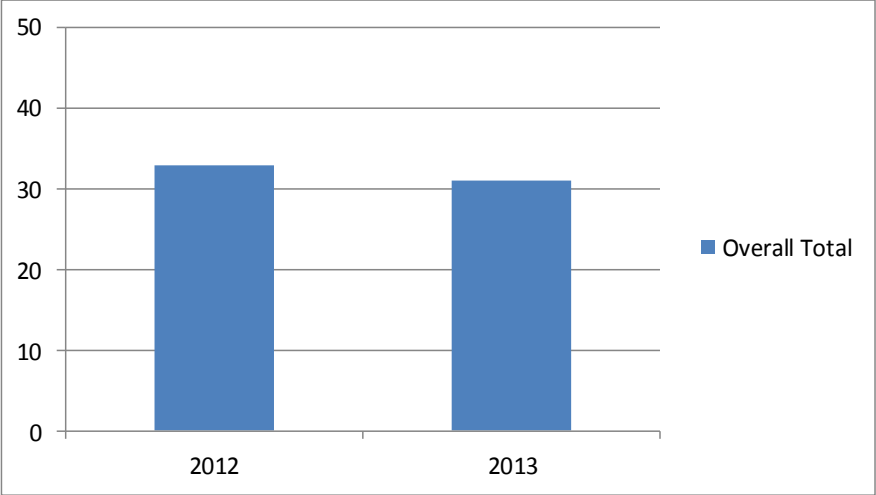
The **35** consent agreements executed in 2013 is a sharp increase from the **19** consent agreements executed in 2012.



In 2012, based on an opinion from the RIDEM’s Office of Legal Service, the OC&I began settling cases through issuance of a letter of compliance when all of the issues associated with the violation were resolved, including payment of all penalties owed. In 2013, the OC&I settled **31** formal enforcement actions through the issuance of a letter of compliance. Of the letters issued, **11** were for OWTS, **8** were for air pollution, **4** were for water pollution, **3** were for hazardous waste (which includes site remediation and oil pollution), **3** were for dam safety, **1** was for solid waste, and **1** was for UST/LUST.



The **31** letters of compliance issued in 2013 is a slight decrease from the **33** letters of compliance issued in 2012.



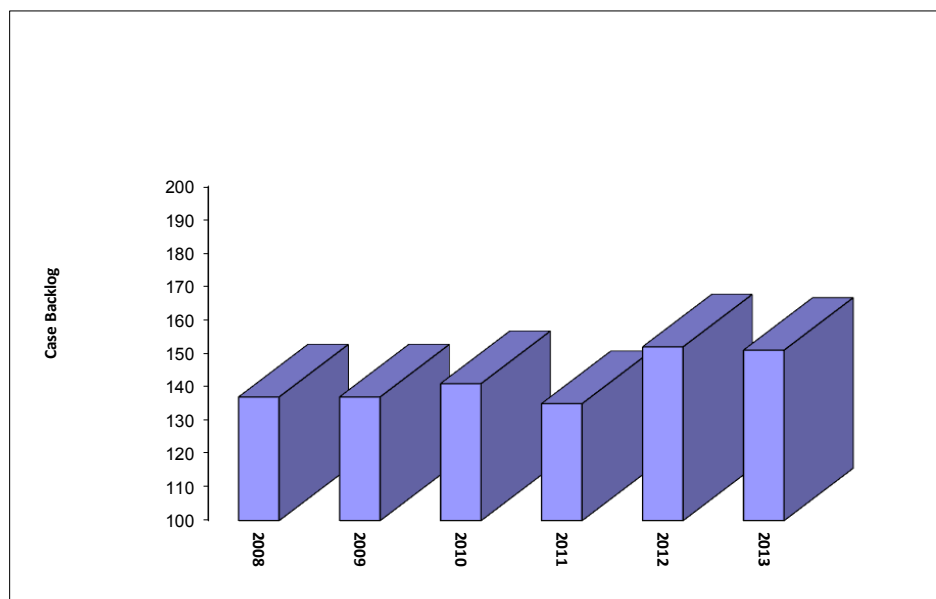
Overall, in 2013, the OC&I settled **64** formal enforcement actions either through execution of a consent agreement or issuance of a letter of compliance, which is an increase of 20% from the **54** formal enforcement actions settled in 2012.

## ***Superior Court Activity***

At the beginning of 2013, the RIDEM had a backlog of **152** cases that were pending court action. To further the effort that began in 2009 to address the backlog, the OC&I developed a top 10 list of the most egregious cases. This list is updated each month and provided to the RIDEM's Office of Legal Services.

Also, in 2013 the attorneys within the Environmental Advocacy Unit of the Office of Attorney General continued to provide assistance to the RIDEM to address the backlog.

The attorneys filed **12** cases in court and settled or resolved **5** cases. The RIDEM ended 2013 with **151** cases.



Overall, **68** formal enforcement actions were resolved and closed in 2013.

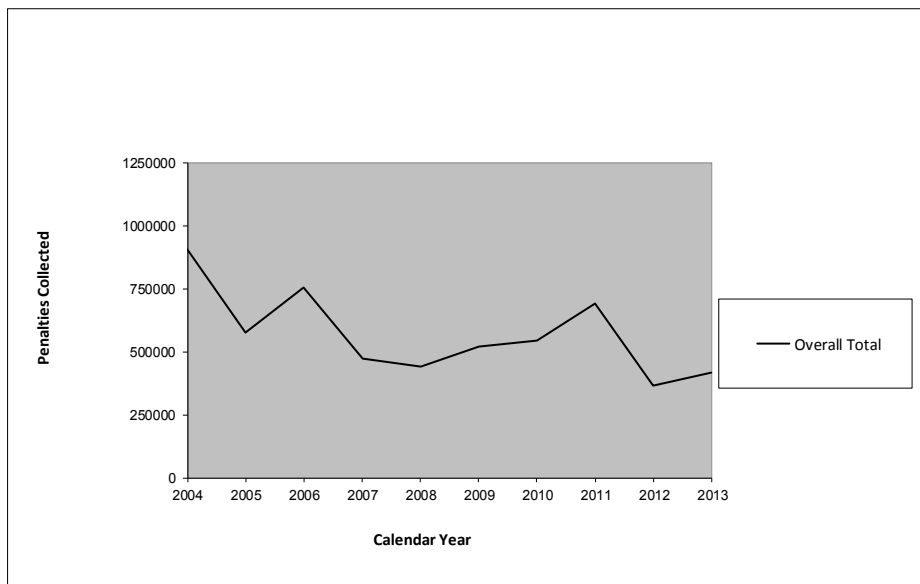
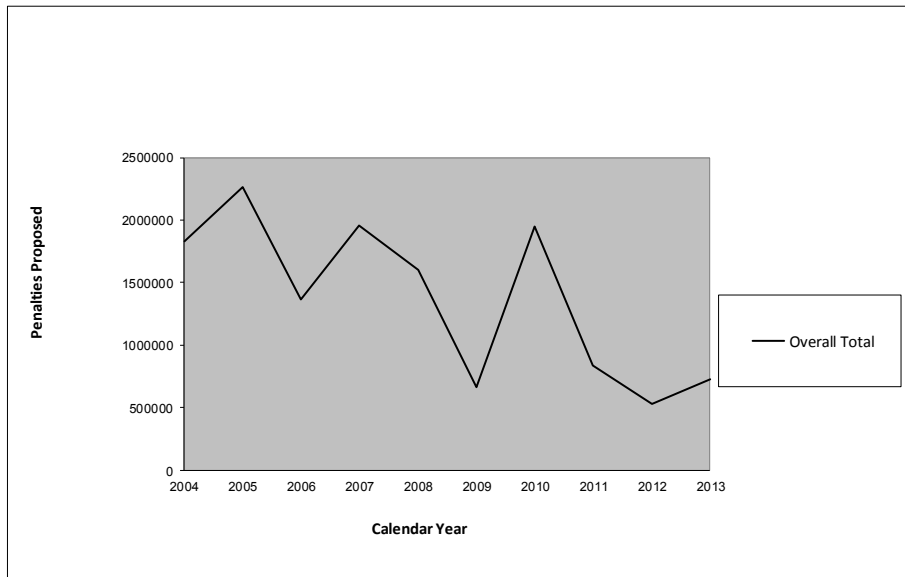
A summary of each formal enforcement action issued or resolved and Superior Court case issued or resolved since April 2000 is available at

<http://www.dem.ri.gov/programs/benviron/compinsp/enfact/index.htm>.

# Administrative Penalties

As part of the **69** formal enforcement actions issued in 2013, the OC&I proposed total penalties of **\$724,879**. As a result of efforts to settle or to resolve formal enforcement actions issued over the last year or in previous years, respondent/s agreed to pay **\$258,573** in penalties in the form of cash and OC&I collected **\$419,331**.

The following graphs show the penalties proposed and collected from 2004 through 2013.



## ***Supplemental Environmental Projects (SEPs)***

The OC&I also agreed to settle **10** enforcement cases by having the respondent/s conduct **Supplemental Environmental Projects (SEPs)**. SEPs are environmentally beneficial projects that a respondent proposes to undertake in settlement of an enforcement action but are not otherwise legally required to perform. In 2013 the OC&I agreed to **7** SEPs that had an estimated value of **\$247,806**. For more details regarding SEPs, you can refer to the RIDEM's *Policy on Supplemental Environmental Projects* in effect since April 5, 1996 and revised on July 15, 2004 at <http://www.dem.ri.gov/programs/benviron/compinsp/pdf/seppolcy.pdf>.

The SEPs agreed to in 2013 are described in Appendix D.

# Environmental Results

So, what environmental results did the OC&I achieve in 2013?

## Overview

**Air Pollution** – The efforts of the program resulted in the closure of **19** air pollution violations (**7** exterior lead paint removal sites cleaned of lead paint chips and debris and **12** other violations corrected).



Improper removal of lead paint at residence in Warwick. Note the lead paint chips on the ground and stairs. As a result of the OC&I action, the lead paint was properly mitigated.

## 2013 Highlight: Pasteryak and T. Miozzi Asphalt Plants, Coventry

In 2012, the OC&I received numerous complaints from nearby residents concerning the Pasteryak and T. Miozzi asphalt plants in Coventry. While most of the complaints involved odors, the residents also questioned the companies compliance with other environmental laws. In 2013 the RIDEM implemented a multi-media action plan that involved staff within the OC&I and the RIDEM's Office of Air Resources and the Environmental Protection Agency. The RIDEM conducted **59** inspections of the asphalt plants, **54** of which were air pollution related. As many of the residents and elected officials were requesting information from the RIDEM regarding our findings, the RIDEM created a website at <http://www.dem.ri.gov/covasflt/index.htm>. This website provided weekly updates of the inspections and links to the action plan, maps, sampling results, fact sheets, and answers to frequently asked questions.

**Dam Safety** – A comprehensive report on the program accomplishments can be found at <http://www.dem.ri.gov/programs/benviron/compinsp/pdf/damrpt13.pdf>.

**Freshwater Wetlands** – The efforts of the program resulted in the completion of **18** wetland restorations (**10.2** acres of biological wetland and **5.0** acres of regulated upland adjacent to biological wetlands). Restoration included removal of fill and unauthorized structures, re-grading, seeding unstable soils, and the replanting of trees, shrubs, and groundcover to recreate wildlife habitat. In some cases where clearing was the only unauthorized activity, restoration included the landowner’s agreement to allow the cleared area to re-vegetate to a natural condition.



Before and after photos of wetland alteration and restoration in 2014 at property in Exeter. The owner excavated the swamp to use the peat for fertilizer without a permit from the RIDEM.



**2013 Highlight: Commerce Park Associates 4, LLC, Coventry.** In January 2013 the OC&I closed a long standing case involving extensive wetland violations associated with a 480 acre commercial development located off of Arnold Road in Coventry known as the Centre of New England. In January 2007 the OC&I issued a formal notice of violation to Commerce Park Associates 4, LLC et al for the discharge of storm water containing soil to numerous water bodies and wetlands. The companies were ordered to, among other things, restore the affected water bodies and included an administrative penalty of \$430,000. The resolution of the violation required the filing of a complaint in Superior Court in September 2012 when the companies failed to comply with an agreement reached with the OC&I to resolve the violation. The companies restored 2.7 acres of wetlands and paid a cash penalty payment of a \$103,000 in resolution of the violation.



**Hazardous Waste Management** – The efforts of the program resulted in **17** Large Quantity Generators of hazardous waste and **37** Small Quantity Generators of hazardous waste being brought into compliance with the regulations.



Containers (several open and covered with tarp) holding used cutting oils without proper safeguards or labels at a facility in Westerly. As a result of the OC&I action, the facility was brought into compliance with the RIDEM's hazardous waste regulations.

**2013 Highlight: Enforcement Initiatives Focused on Pharmacies, Auto Body and Auto Salvage Facilities, and Electroplaters**

In 2013, the OC&I focused on 3 enforcement initiatives. The first involved companies that manufacture and/or distribute pharmaceutical and related healthcare products. The second involved companies that conduct automobile salvage operations that chose not to participate in the RIDEM's Environmental Results Program (ERP). The third involved small quantity generators that conduct electroplating and were not inspected in 5 years.

The pharmacy initiative identified a practice involving the return of expired and/or unused pharmaceutical products to the manufacturer or to a reverse distribution center. Several companies claimed that the expired or un-used pharmaceuticals were exempt from regulation, but failed to present adequate information to support this claim. Also, some were not properly managing hazardous wastes and in some cases disposed of waste at unlicensed facilities. The auto body initiative identified several companies operating in noncompliance with the regulations. The OC&I issued notices to the companies, all of which returned to compliance with several indicating that they would participate in the next round of the RIDEM's ERP. The electroplating initiative identified several companies operating in significant noncompliance with the regulations.

**On-Site Wastewater Treatment System (OWTS)** – The efforts of the program resulted in the correction of **60** OWTS violations (involving sewage overflows, laundry discharges, and other violations).

Sewage overflow from a failed OWTS (septic system) at a residence in Cranston. As a result of the OC&I action, the OWTS was repaired. Sewage overflows pose a direct threat to public health and adversely impact surface waters as rainwater washes the waste into nearby streets or waterways.



**2013 Highlight: Sewage Discharge from 3 Family Dwelling, Central Falls.**

The OC&I investigated a complaint of raw sewage discharging in the rear yard of a 3 family dwelling on Jenks Street in Central Falls. The investigation revealed a catastrophic failure of the cesspool for the dwelling. By that we mean every flush to the cesspool resulted in an overflow. The cesspool would simply not leach any of the sewage to the subsurface. The cesspool may have been well over 50 years old. The dwelling, as with so many in the urban areas, sits on a small lot with close multi-family dwellings on each side. The failure resulted in a lot of sewage with little degradation and a high potential for public contact. Fortunately, public sewers were available. The owner was not cooperative in connecting to the public sewers and the City asked the RIDEM for assistance. The OC&I quickly issued an informal written notice to the owner, and a few persuasive telephone conversations with the owner resulted in the property being connected to the public sewers without the need for formal enforcement action.

**Solid Waste** – The efforts of the program resulted in the correction of **28** solid waste violations (approximately **7,881** cubic yards of solid waste was removed from the environment and properly disposed).



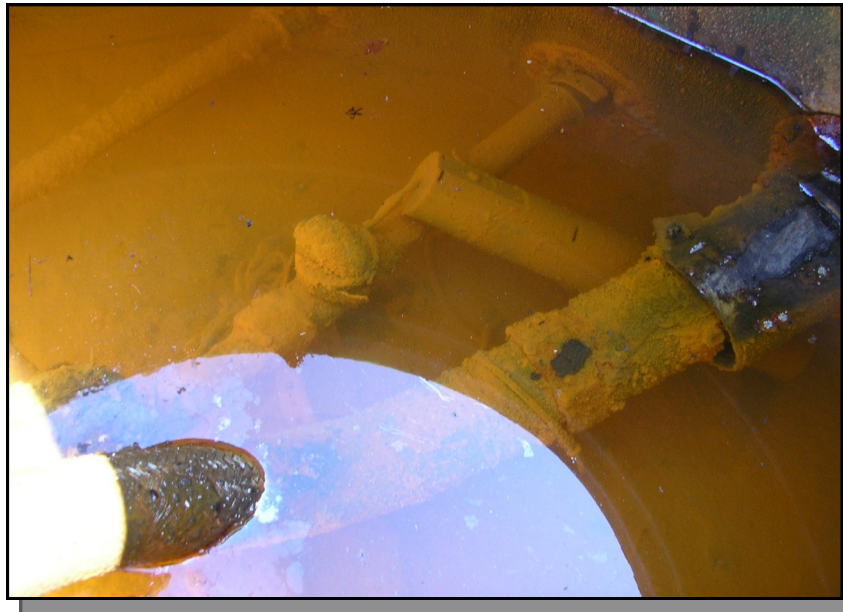
Medical waste from a nursing home that was improperly disposed at the landfill. Improper disposal of medical waste places workers at the landfill at risk of contracting an infectious disease. The landfill workers properly disposed of the medical waste.

### **2013 Highlight: Resolution of Violation Involving Improper Disposal of Medical Waste**

In August 2009, the OC&I issued an NOV to Health Resources of Warwick, Inc. and Warwick Associates of Rhode Island, L.P. for a property located at 660 Commonwealth Avenue in the city of Warwick. The property includes a nursing home that operates under the name of Kent Regency. Warwick Associates of Rhode Island, L.P. is the owner of the property, and Health Resources of Warwick, Inc. is the operator of the facility. The NOV alleged that the companies violated the RIDEM's medical waste regulations by failing to place regulated medical waste in suitable containers at the point of origin, failing to properly dispose of the medical waste, and the storage of medical waste in excess of 50 pounds. The violations were uncovered as a result of a telephone call that the OC&I received on October 22, 2008 from the Resource Recovery Corporation that medical waste from the nursing home was received at its landfill in Johnston. In the NOV, the OC&I ordered the companies to take specific actions to correct the violations and assessed an administrative penalty of \$8,750. The companies complied with the corrective actions ordered in the NOV and in July 2013 the companies paid a reduced penalty of \$6,000 to fully resolve the NOV.



**Underground Storage Tanks (UST)/Leaking Underground Storage Tanks (LUST)** – The efforts of the program resulted in **101** UST facilities (approximately **256** individual USTs) brought into compliance with the regulations and **8** individual USTs permanently closed.



Sensor completely immersed in liquid at a gasoline service station in Warwick rendering the sensor inoperable. The purpose of the sensor is to detect leaks of gasoline from the UST tanks. As a result of the OC&I action, the sensor was placed back into proper operation.

### **2013 Highlight: Gasoline Service Station, East Greenwich**

As part of our routine inspections of gasoline service stations the OC&I inspected a facility in East Greenwich, which is located in a highly sensitive GAA groundwater classification zone. These zones are suitable for drinking of well water without treatment. The underground storage tanks are installed within a groundwater reservoir and within 500 feet of a community water supply wellhead protection area. The inspection identified numerous violations, including

- One of the leak monitoring systems for a gasoline pipeline was inoperable
- There were no trained and/or certified UST facility operators on duty
- The registered Class A/B UST facility operator was not performing required monthly inspections
- Annual groundwater evaluations were not being made
- Required leak detection equipment testing and inventory reconciliation records were not available.

The OC&I issued an informal written notice to the owner/operator and worked with the owner/operator to correct the violations within 60 days of issuance of the notice.

This case is an example of how most of the violations identified in this program are corrected.

**Water Pollution** – The efforts of the program resulted in the correction of **15** water pollution violations (involving discharges of soil/sediment, sewage, storm water, and other pollutants).

Resident at property in Providence was pumping sewage from a failed OWTS (septic system) to the street with a shop vac. As a result of the OC&I action, the resident ceased the pumping of sewage and repaired the failed OWTS.



### **2013 Highlight: Car Wash Discharge, Warwick**

The OC&I received a complaint from the City of Warwick that wastewater from *So Fresh and So Clean Car Wash* in Warwick was being discharged to the roadside gutter and a storm drain that ultimately discharges to a small unnamed pond approximately ¼ mile or so away. The OC&I investigated the complaint and determined that the car wash was washing up to 50 cars per day outside of its garage during favorable weather. The OC&I issued an informal written notice to the business owner and educated him on the need to wash the cars inside of the wash bays of the building. The violation was completely avoidable and easily correctable as the wash bays all have floor drains permitted by the City of Warwick Sewer Authority to discharge to the public sewers. Correction of this violation may have resulted in correction of other violations of the same nature as the business owner also operates five other car washes throughout the State. Once educated, the owner was cooperative and quickly complied.

## ***Around the Cities and Towns***

The OC&I's activities in 2013 occurred in every city and town. One case from each city and town has been highlighted to give the reader a sense of the types of activities that the OC&I regulates.

### **Barrington / UST**

The owner of the former Zion Bible Institute removed a 2,000 gallon UST containing used oil that the RIDEM determined was abandoned. The OC&I issued a notice to the owner in May 2013, and the tank was removed shortly thereafter.

### **Bristol / Hazardous Waste**

JC Automotive operates an auto service and repair business at 50 Magnolia Street. An inspection by the OC&I in August 2012 revealed several violations involving mismanagement of used oil. The OC&I issued a notice to the company in December 2012, and the company quickly came into compliance.

### **Burrillville / UST**

Eagle Motors Sunoco operates a gasoline station on Chapel Street. The OC&I issued a notice to the owner and operator of the station in October 2013 for failing to have trained operators at the facility. The president of Eagle Motors took the UST certification test and became certified in December 2013.

### **Central Falls / OWTS**

The owner of a multi family house on Jenks Street was issued a notice by the OC&I in June 2013 for a sewage overflow from the OWTS

for the house. As public sewers were available, the owner was required to connect the house to the public sewers. The owner quickly complied.



### **CHARLESTOWN**

#### **Bog near Black Pond Road**

**Bogs are a rare and important wetland habitat to a diverse species and meter for meter store more carbon than any other terrestrial ecosystem**

**Photograph by Shawna Smith, wetland scientist**

### **Charlestown / Hazardous Waste**

Tom Ready & Son Excavating Inc. operates an OWTS (septic system) installation business at 1196 Shannock Road. An inspection by the OC&I in July 2012 revealed several violations involving mismanagement of used oil. The OC&I issued a notice to the company in February 2013, and the company quickly came into compliance.



**Coventry / Water Pollution**

The owners of a single family house on Tiogue Avenue were issued a notice by the OC&I in April 2013 for a discharge of laundry waste directly from the washing machine to the street that entered a nearby storm drain. The owner quickly disconnected the washing machine and removed the pipe.

**COVENTRY**  
**North Branch Pawtuxet River**  
**Harris Village**

**Photograph by Bob Nero, environmental scientist**



**East Greenwich / Freshwater Wetlands**

The owner of a single family house at Howland Road was issued a notice by the OC&I in February 2013 for unauthorized alterations to freshwater wetlands. The alterations involved clearing, filling and creating soil disturbance that affected almost 1 acre of swamp and buffer wetlands. The owner quickly complied with the notice by removing the fill and replanting the cleared areas with trees and shrubs.

**East Providence / Air Pollution**

DSM NeoResins, Inc. operates a facility on Amaral Street and has a permit from the RIDEM to emit air pollutants. The OC&I issued a formal notice (with penalty) to the company for releasing triethylamine at a level above its permitted limit. The cause of the release was human error. The company paid a penalty of \$2,500 to resolve the notice.

**Cranston / Dam Safety**

The owner of a private dam (Clark’s Upper Dam) at the corner of Main Street and Hall Lane was issued a formal notice (with no penalty) by the OC&I in April 2011 for unsafe conditions at the dam that were identified during an inspection. The dam is classified High Hazard, which means that a failure of the dam would likely result in the loss of human life. The owner retained an engineer and contractor, and the unsafe conditions were corrected by December 2013.

**Cumberland / OWTS**

The owners of a single family house on Mendon Road were issued two separate formal notices (with penalties) by the OC&I for sewage overflows from the OWTS for the house. The property changed ownership twice, and neither owner complied with the informal notice that was issued, which led to the

## **Exeter / Solid Waste**

Schartner Farms operates a tree nursery on Ten Road Road. As part of the operation, the farm accepts tree and yard waste from landscapers and composts the waste. An inspection by the OC&I and the Exeter zoning official revealed about 10,000 cubic yards of material in two piles, one of which was smoldering. The OC&I issued the owner a notice in November 2012 for composting without a registration issued by the RIDEM's Division of Agriculture. The owner applied for and received a registration in June 2013.

## **Foster / Freshwater Wetlands**

The owner of a single family house on Barbs Hill Road was issued a notice by the OC&I in June 2013 for unauthorized alterations to freshwater wetlands. The alterations involved clearing, filling and creating soil disturbance that affected about 1/10th of an acre of wetland (swamp and buffer wetlands). The owner indicated a willingness to comply, but stated he was unemployed and uncertain if he had the means to do so. The violation is still unresolved.

## **Glocester / Freshwater Wetlands**

The owners of a single family house on Putnam Pike was issued a notice by the OC&I in December 2012 for unauthorized alterations to freshwater wetlands. The alterations involved clearing, filling, constructing a shed, installing a driveway

### **GLOCESTER**

**Old barn on George**

**Allan Road. Property is the site of a wetland restoration and is now owned by the Providence Water Supply Board.**

**Photograph by Bruce Ahern, wetland scientist**

and maintaining a lawn that affected about 1/2 acre of buffer wetland. The owners restored the wetlands in May 2013 by removing the shed and replanting the area with trees and shrubs.

## **Hopkinton / Dam Safety**

Rhode Island Boy Scouts owns a private dam (Winchek Pond Dam), which is located near the intersection of North Road and Winchek Pond Extension. The organization was issued a formal notice (with no penalty) by the OC&I in June 2011 for unsafe conditions at the dam that were identified during an inspection. The dam is classified Significant Hazard, which means that a failure of the dam is not likely to result in the loss of human life but would result in extensive economic damage. The organization retained an engineer and contractor, and the unsafe conditions were corrected by April 2013.

## **Jamestown / Water Pollution**

The OC&I received a complaint that the owner of a commercial business on Narragansett Avenue was washing cars and trucks in the rear of the building and the water was entering nearby waters. The OC&I inspected the business in October 2013, and no violations were identified.





### **Johnston / Hazardous Waste**

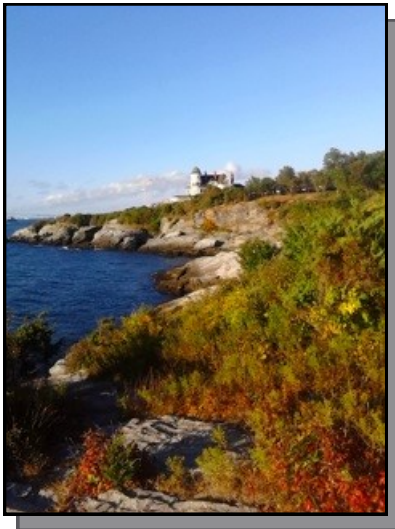
FM Global operates a printing business at its facility on Atwood Avenue. The OC&I inspected the facility and issued a letter of noncompliance to the company in December 2012 for improper management of hazardous waste (lack of labels/ improper labeling on containers, failure to submit list of authorized agents and failure to obtain an EPA identification number as a hazardous waste generator). The company quickly came into compliance.

### **Lincoln / Freshwater Wetlands**

The owner of a property on Lonsdale Avenue was issued a verbal notice by the OC&I in September 2013 for altering wetlands without a RIDEM permit. The alterations involved clearing and filling with rip rap rock within buffer wetland associated with Scott Pond. The owner stated that he was stabilizing the embankment to prevent erosion. The owner restored the buffer by removing the rock and planting grass seed.

### **Little Compton / OWTS**

The OC&I received complaint that the owner of a property on Quoquonset Lane installed an OWTS without a RIDEM permit. The OC&I inspected the property in April 2013, and no violation was found.



**NEWPORT**  
Castle Hill Inn and Narragansett Bay looking north from Castle Hill Lighthouse

Photograph by David E. Chopy, chief, OC&I

### **Middletown / Water Pollution**

Premier Toyota of Newport owns an auto dealership on East Main Road and obtained a permit from the RIDEM to discharge storm water associated with construction activity. The OC&I issued a formal notice (with penalty) to the owner for failing to have erosion/ sediment controls installed and failing to maintain a Stormwater Pollution Prevention Plan (SWPPP) at the site. The violations were quickly corrected, and the full penalty of \$5,000 was paid to the OC&I.

### **Narragansett / UST**

Galilee Fuel Services, Inc. operates a commercial fuel oil business on Great Island Road. As part of its operation, the company has underground storage tanks that contain petroleum product. The OC&I issued a notice to the company in November 2013 for its failure to self inspect and certify that the tanks were in compliance with the RIDEM's rules, which is required every 3 years. The company quickly came into compliance.

### **Newport / UST**

K & K Food Mart, Inc. operates a convenience store and motor fuel filling station on J. T. Connell Memorial Highway. The OC&I issued a notice to the company and the property owner in June 2013 for numerous violations of the RIDEM's UST regulations, including the failure to perform inventory reconciliation, respond to a sensor alarm, keep a spill

containment basin free of liquid, and submit annual groundwater reports for the last 3 years. The company and property owner worked to correct the violations, and the facility was back in compliance by November 2013.

#### **New Shoreham / Air Pollution**

Block Island Power Company operates a power plant on Ocean Avenue and has a permit from the RIDEM to emit air pollutants. The OC&I issued a formal notice (with a penalty) to the company in September 2013 for its failure to its limits for ammonia and nitrogen oxides for 12 years (from 2001 through 2012). During this time the company worked to upgrade its equipment and made other changes. Testing done in 2012 demonstrated compliance with the limits. The company paid the full penalty of \$2,500 assessed in the notice.



#### **NEW SHOREHAM**

**Grace Cove and Great Salt Pond as seen from helicopter**

**Photograph by Paul Guglielmino, dam safety engineer**

#### **North Kingstown / Hazardous Waste**

Wal Mart operates a retail store on Ten Road Road. The OC&I inspected the store in November 2013 and identified a paperwork violation involving the failure to submit to the RIDEM a list of authorized agents who can sign hazardous

waste manifests. The company submitted the required paperwork the day of the inspection.

#### **North Providence / Water Pollution**

888 Realty, LLC owns and operates a car wash on Charles Street. The OC&I issued a notice to the company in September 2013 for the discharge of wash water from the cars into the street and adjacent to a nearby storm drainage system. The company quickly responded and agreed to cease all exterior car washing.

#### **North Smithfield / Solid Waste**

Union Cemetery Burial Society operates a cemetery on Smithfield Road. The OC&I issued a notice to the owner in May 2013 for the disposal of solid waste on the ground, consisting of leaves, grass clippings, yard waste, tree waste and other mixed solid waste. All told, about 88 cubic yards of waste was piled on the ground. The violation is still unresolved.

#### **Pawtucket / Water Pollution**

Belmont Commons, Inc. owns property on Manton Street and was issued a permit from the RIDEM to discharge storm water associated with construction activity. The OC&I issued a formal notice (with penalty) to the company in November 2012 for its failure to comply with the permit. An inspection revealed that the company failed to maintain a copy of the Stormwater Pollution Prevention Plan (SWPPP) on site and filed to prepare and sign weekly inspection reports. The company paid a penalty of \$1,500 to resolve the notice.

## Portsmouth / OWTS

The OC&I issued a notice in June 2012 to the owner of a single family house on Selina Avenue for a sewage overflow to the ground surface from a failed OWTS. A follow up inspection in March 2013 revealed no violation, and upon further review of the facts, the OC&I decided to close the case with no further action.

## Providence / Air Pollution

The OC&I issued a warning letter in June 2013 to a professional painter who was working on a house on Broadway. The letter advised the painter that the OC&I had cause to believe that he was manually scraping lead paint without misting the surface with water prior to scraping and failing to prevent lead paint debris from being deposited on the ground. The painter properly cleaned the ground of the debris.

## Richmond / Solid Waste

The OC&I issued a notice in August 2013 to the owners of a private property on Pinecrest Road. The notice advised the owners that an inspection by the OC&I revealed about 91 cubic yards of solid waste deposited on the ground. The waste included street sweepings, wood, metal, plastic, construction and demolition debris, cardboard, steel tanks, a furnace, a snow blower and other mixed waste. The owners quickly complied with the notice and properly removed the waste.



**RICHMOND**  
Gray tree frog, *Hyla versicolor* (left) and green frog, *Lithobates clamitans* (right) at private residence

Photograph by Tracey Tyrrell, supervising scientist

## Scituate / OWTS

The OC&I issued a notice in June 2012 to the owner of a single family house on Danielson Pike for a sewage overflow to the ground surface from a failed OWTS. The inspector observed the violation while inspecting the area on another complaint. The owner quickly retained a licensed designer to repair the failed OWTS, and the OWTS was repaired and the file was closed in January 2013.

## Smithfield / Solid Waste

Rainone Landscaping operates a landscaping business on Waterman Avenue. The OC&I issued a notice to the company in May 2013 for depositing solid waste on the ground at the business. The OC&I observed about 750 cubic yards of tree and yard waste on the property. The company quickly complied with the notice and properly removed the waste.

## South Kingstown / Air Pollution

Avery-Storti Funeral Home, Inc. operates a crematorium on Columbia Street. The OC&I issued a formal notice (with a penalty) to the company in December 2012. The notice cited the company for failing to obtain a permit from the RIDEM prior to installing and operating the crematorium. Prior to the issuance of the notice, the company applied for the permit. The company paid a penalty of \$4,000 to resolve the notice.



### **Tiverton / OWTS**

The OC&I issued a notice in April 2012 to the owner of a single family house on Hilton Street for a sewage overflow to the ground surface from a failed OWTS. The complainant stated that the overflow had been ongoing for years. The owner retained a licensed designer to repair the failed OWTS, and the OWTS was repaired and the file was closed in March 2013.

### **WEST GREENWICH**

**Hudson Pond, as seen from Hudson Pond dam, which is classified LOW HAZARD by the RIDEM**

**Photograph by Paul Guglielmino, dam safety engineer**

wooden walkway and then was cited by the OC&I for activities not authorized under the permit. The wetland was restored, only to be altered again. The alterations involved clearing and filling (with beach sand, patio furniture and assorted property accessories) and constructing a patio and a shed. The wetland was restored about 1 year later.



### **Warren / Hazardous Waste**

Rob's Custom & Accessories operates an auto repair business on Cole Street. The OC&I issued a letter of noncompliance to the company in December 2012 for improper management of hazardous waste (lack of labels/improper labeling on containers and failure to obtain an EPA identification number as a hazardous waste generator, failure to properly store used oil containers and failure to determine whether waste is a hazardous waste). The company quickly came into compliance.

### **Warwick / Freshwater Wetlands**

The OC&I issued a formal notice (with no penalty) in October 2012 to a private property owner on Zachariah Place for alterations to buffer wetlands associated with Warwick Pond. The alterations affected only 1,000 square feet of the buffer; however, the RIDEM has a history with this owner. The owner applied for and obtained a permit to install a dock and

### **West Greenwich / UST**

Ray's Service operates a fuel filling station on New London Turnpike with four underground storage tanks (USTs) used to store diesel fuel and gasoline. The OC&I issued a notice to the owners of the station in November 2012 for violations involving the RIDEM's UST regulations. The violations involved the failure to maintain one of the tank sumps free of liquid, the failure to have trained operators for the station and the failure to perform monthly inspections. The owners quickly came into compliance with the regulations.



### **Westerly / Solid Waste**

Westerly Granite Co., Inc. is the owner of a quarry in Westerly. The OC&I issued a formal notice (with a penalty) to the owner, for among other violations, the improper disposal of solid waste on the property. An inspection of the property revealed that about 21 cubic yards of solid waste was buried on the property. The waste consisted of glass bottles and canning jars, metal cans, plywood, vinyl siding, asphalt shingles, and other mixed solid waste. None of the waste appeared recently deposited. The owner quickly complied with the notice, and properly disposed of the waste. As the waste appeared historic in nature and the owner quickly complied with the notice, the OC&I waived the penalty for this violation.

### **West Warwick / UST**

Bradford Soap International, Inc. manufactures specialty soaps at its plant on Providence Street. As part of its operation, the company has underground storage tanks that contain petroleum product. The OC&I issued a notice to the company in November 2013 for its failure to self inspect and certify that the tanks were in compliance with the RIDEM's rules, which is required every 3 years. The company quickly came into compliance.

### **Woonsocket / Air Pollution**

Landmark Medical Center operates a hospital on Cass Avenue. The OC&I issued a formal notice (with a penalty) to the company in April 2013. The notice cited the company for failing to obtain a permit

from the RIDEM prior to installing and operating two emergency generators at the hospital with internal combustion engines of 50 horsepower (HP) or greater. One generator with a 95 HP capacity was installed and placed into operation in February 2010, and the other generator with a 170 HP capacity was installed and placed into operation in June 2011. The company quickly filed the proper permit applications. The company was in bankruptcy, and demonstrated it had no assets to pay any penalty, so the OC&I waived the penalty.



### **WOONSOCKET**

Social Park as viewed looking upstream from Social Park Pond dam, a low hazard dam constructed in 1961 based on records on file with the RIDEM dam safety program

Photograph by Paul Guglielmino, dam safety engineer

## ***Staff Training***

The OC&I staff attended **12** separate training courses in 2013. The courses were provided by the Northeast Environmental Enforcement Project (NEEP), Performance Management Associates (PMA), the Rhode Island Fire Academy, Eastern Technical Associates (ETA), the Rhode Island Department of Administration (RIDOA), the Rhode Island Emergency Management Agency (RIEMA), the Association of State Dam Safety Officials (ASDSO), the Environmental Protection Agency (EPA) and in house staff. A list of the courses and number of staff who attended each course is shown in Appendix E.

## ***Questions***

Questions on this report or information regarding overall enforcement activity by the Office of Compliance & Inspection should be referred to the Chief of the Office of Compliance & Inspection (telephone: 401.222.1360 ext. 7400).

**Appendix A: Facilities Inspected for Compliance Monitoring—Air Pollution**

<b>Facility Name/Site/Address</b>	<b>City/Town</b>	<b>Fully Compliant at the Time of the Inspection</b>
8 Greenwood Avenue	Barrington	Yes
15 Gorham Place	Bristol	Yes
Galilean Seafood 16 Broadcommon Road	Bristol	Yes
Morgan Marine Services 400 Wood Street	Bristol	Yes
Mike’s Professional Tree Service 17 Reservoir Road	Coventry	Yes
Pasteryak Asphalt 75 Airport Road	Coventry	Yes
T Miozzi 75 Airport Road	Coventry	Yes
North Eastern Tree Service 1000 Pontiac Avenue	Cranston	Yes
Cranston Wastewater Treatment Facility 140 Pettaconsett Avenue	Cranston	Yes
TLA/Pond View 1 Dexter Road	East Providence	Yes
Broadrock Gas Services 73 Shun Pike	Johnston	Yes
RI Resource Recovery Corp Central Landfill 65 Shun Pike	Johnston	Yes
Johnston Asphalt 100 Allendale Avenue	Johnston	Yes
R & P Construction 30 Starr Street	Johnston	Yes
J A M Construction 990 Aquidneck Avenue	Middletown	Yes

**Appendix A: Facilities Inspected for Compliance Monitoring—Air Pollution**

<b>Facility Name/Site/Address</b>	<b>City/Town</b>	<b>Fully Compliant at the Time of the Inspection</b>
Mello Construction Coddington Highway	Middletown	Yes
551 Thames Street	Newport	Yes
Wastewater Treatment Facility—Newport 250 JT Connell Road	Newport	Yes
Park Place Congregational Church 67 Park Place	Pawtucket	Yes
Ocean State Metals 80 Delaine Street	Providence	Yes
142 Doyle Avenue	Providence	Yes
17 Sycamore Street	Providence	Yes
6 Hammond Street	Providence	Yes
73 Willow Street	Providence	Yes
Freeman’s Food Service 10 Rosario Drive	Providence	Yes
515-517 Broadway	Providence	Yes
30 Willow Street	Providence	Yes



**Appendix A: Facilities Inspected for Compliance Monitoring—Air Pollution**

<b>Facility Name/Site/Address</b>	<b>City/Town</b>	<b>Fully Compliant at the Time of the Inspection</b>
241 Morris Avenue	Providence	Yes
23 Lavaugn Street	Providence	Yes
935 Tunk Hill Road	Scituate	Yes
Bradford Printing & Finishing 460 Bradford Road	Westerly	Yes
Cherenzia Excavation 64 Old Hopkinton Road	Westerly	Yes
Copar Quarries 271 Church Street	Westerly	Yes
Bradford Soap Works 200 Providence Street	West Warwick	Yes
Dent Pro 6 Westerly Street	West Warwick	Yes
Woonsocket Wastewater Treatment Facility 11 Cumberland Hill Road	Woonsocket	Yes

**Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste**

<b>Facility Name/Address</b>	<b>City/Town</b>	<b>LQG/SQG</b>	<b>Fully Compliant at the Time of the Inspection</b>
CVS #0645 400 Metacom Avenue	Bristol	SQG	<b>No</b>
CVS #15003 173 State Street	Bristol	SQG	<b>No</b>
Compton Products 1160 Mt Pleasant Road	Burrillville	SQG	<b>No</b>
Route 100 Auto Sales & Body 1134 South Main Street	Burrillville	SQG	<b>No</b>
Clariant Corporation 500 Washington Street	Coventry	SQG	Yes
Coventry Auto Body 2340 Flat River Road	Coventry	SQG	<b>No</b>
T Miozzi Asphalt 75 Airport Road, Unit 1B	Coventry	SQG	<b>No</b>
CVS #0621 763 Tiogue Avenue	Coventry	LQG	<b>No</b>
Boston Scientific Corp 8 Industrial Drive	Coventry	SQG	<b>No</b>
Rite Aid # 10262 250 Atwood Avenue	Cranston	LQG	<b>No</b>
Federal Electronics 75 Stamp Farm Road	Cranston	SQG	<b>No</b>
Walgreens #9943 1279 Oaklawn Avenue	Cranston	SQG	<b>No</b>
Walgreens #2850 1010 Park Avenue	Cranston	SQG	<b>No</b>
Prescription Compounding 1145 Reservoir Avenue	Cranston	SQG	<b>No</b>
Rite Aid #10231 2136 Mendon Road	Cumberland	LQG	<b>No</b>

## Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste

Facility Name/Address	City/Town	LQG/SQG	Fully Compliant at the Time of the Inspection
Tedor Pharma, Inc. 400 Highland Corporate Drive	Cumberland	SQG	No
CVS #0311 507 Main Street	East Greenwich	LQG	No
Yardney Technical Products, Inc. 2000 South County Trail	East Greenwich	LQG	No
Stanley Black and Decker 1 Briggs Drive	East Greenwich	SQG	No
Walgreens #2246 1000 Division Street, Building 1	East Greenwich	SQG	No
CVS #2347 640 Warren Avenue	East Providence	LQG	No
Fuji Film Electronic Materials 210 Massasoit Avenue	East Providence	LQG	Yes
Roger Williams Medical Center 1 Office Parkway, Suite 300	East Providence	LQG	No
Exxon Mobil EP Terminal 1001 Wampanoag Trail	East Providence	SQG	No
Shaw's #7434 105A Willet Avenue	East Providence	SQG	No
South County Repair 953 Slocum Road	Exeter	SQG	No
FM Global Research Campus 743 Reynolds Road	Glocester	LQG	Yes
Clean Harbors Eco-Depot 65 Shun Pike	Johnston	LQG	No
G. Tanury Plating Co. 100 Railroad Avenue	Johnston	LQG	No
Branca Brothers 50 Starr Street	Johnston	SQG	No

**Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste**

<b>Facility Name/Address</b>	<b>City/Town</b>	<b>LQG/SQG</b>	<b>Fully Compliant at the Time of the Inspection</b>
Broadrock Renewables, LLC 73 Shun Pike	Johnston	SQG	Yes
CVS #0076 1993 Plainfield Pike	Johnston	SQG	<b>No</b>
Empire Auto Body 2151B Hartford Avenue	Johnston	SQG	<b>No</b>
J & S Scrap Metal & Recycling 36 Starr Street	Johnston	SQG	Yes
Pats Auto Salvage 78 Belfield Drive	Johnston	SQG	<b>No</b>
Unique Plating Co., Inc. 66 Mill Street	Johnston	SQG	<b>No</b>
Walgreens #3719 25 Putnam Pike	Johnston	SQG	<b>No</b>
Denison Pharmaceuticals 1 Powder Hill Road	Lincoln	LQG	<b>No</b>
Mantrose-Haeuser Co., Inc. 6 Blackstone Valley Place, Suite 600	Lincoln	SGQ	<b>No</b>
JAM Construction Garage 1700 West Main Road	Middletown	SQG	<b>No</b>
Shaw's #7442 71 East Main Road	Middletown	SQG	<b>No</b>
CVS # 0493 99 East Main Road	Middletown	SQG	<b>No</b>
US Naval Station Newport One Simonpietri Drive	Newport	LQG	Yes

**Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste**

<b>Facility Name/Address</b>	<b>City/Town</b>	<b>LQG/SQG</b>	<b>Fully Compliant at the Time of the Inspection</b>
Newport Prescription Center 289 Broadway	Newport	SQG	<b>No</b>
Rite Aid #10223 5945 Post Road	North Kingstown	LQG	<b>No</b>
Rite Aid #10224 7691 Post Road	North Kingstown	LQG	<b>No</b>
Toray Plastics, Inc. 50 Belver Avenue	North Kingstown	LQG	<b>No</b>
Walmart Supercenter #2261 1031 Ten Rod Road	North Kingstown	SQG	<b>No</b>
Our Lady of Fatima Hospital 200 High Service Avenue	North Providence	LQG	<b>No</b>
Rite Aid #10248 1665 Mineral Spring Avenue	North Providence	LQG	<b>No</b>
Walmart Supercenter #2225 7 Dowling Village Boulevard	North Smithfield	SQG	<b>No</b>
CVS Pharmacy, Inc. Warehouse #2 and #3 150 Industrial Drive	North Smithfield	SQG	<b>No</b>
C&S Specialty, Inc. 1172 Old Smithfield Road	North Smithfield	SQG	<b>No</b>
Walgreens #3468 100 Broad Street	Pawtucket	SQG	<b>No</b>
Nulco Lofts, LLC 30 Beecher Street	Pawtucket	SQG	<b>No</b>
M & G Trucking & Transportation 1 San Antonio Way	Pawtucket	SQG	<b>No</b>

**Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste**

<b>Facility Name/Address</b>	<b>City/Town</b>	<b>LQG/SQG</b>	<b>Fully Compliant at the Time of the Inspection</b>
International Etching, Inc. 7 Ninigret Avenue	Providence	LQG	<b>No</b>
IRA Green, Inc. 177 Georgia Avenue	Providence	LQG	Yes
Monarch Metal Finishing, Co. 189 Georgia Avenue	Providence	LQG	<b>No</b>
Rhode Island Hospital 593 Eddy Street	Providence	LQG	Yes
Solution Autobody 17B Warren Street	Providence	SQG	<b>No</b>
State Auto Body 380 Valley Street	Providence	SQG	<b>No</b>
Contech Medical Inc. 99 Hartford Avenue	Providence	SQG	<b>No</b>
General Auto Body & Repair 24 Victor Street	Providence	SQG	<b>No</b>
A & M International Auto Salvage 385 Huntington Avenue	Providence	SQG	<b>No</b>
Farrar’s Garage 1046 Danielson Pike	Scituate	SQG	<b>No</b>
Smithfield Sunoco 101 Pleasant View Avenue	Smithfield	SQG	<b>No</b>
CVS # 2065 11 Main Street	South Kingstown	SQG	<b>No</b>
United Collision Center, LLC 339 Market Street, No. 9	Warren	SQG	<b>No</b>
D & D Mulch & Landscape, Inc. 379 Market Street	Warren	SQG	<b>No</b>
Delekta Pharmacy, Inc. 496 Main Street	Warren	SQG	<b>No</b>

**Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste**

<b>Facility Name/Address</b>	<b>City/Town</b>	<b>LQG/SQG</b>	<b>Fully Compliant at the Time of the Inspection</b>
Walgreens #3704 3336 Post Road	Warwick	SQG	<b>No</b>
Walgreens #3345 2399 Warwick Avenue	Warwick	SQG	<b>No</b>
Geib Refining Corp 399 Kilvert Street	Warwick	LQG	<b>No</b>
Rite Aid #10239 1080 Bald Hill Road	Warwick	LQG	<b>No</b>
Airport Auto Body 40 Fresno Road	Warwick	SQG	<b>No</b>
Balise Collision Repair Center 340 Jefferson Boulevard	Warwick	SQG	<b>No</b>
T-Tech Machine, Inc. 11 Knight Street, Building A	Warwick	SQG	<b>No</b>
Inskip Management 1515 Bald Hill Road	Warwick	SQG	<b>No</b>
Goodyear/New England Tire 1590 Warwick Avenue	Warwick	SQG	<b>No</b>
West Shore Collision 2134 West Shore Road	Warwick	SQG	<b>No</b>
Walmart #2747 650 Bald Hill Road	Warwick	SQG	<b>No</b>
E.R. Smith Associates, Inc. 83 Tom Harvey Road	Westerly	SQG	<b>No</b>
Copar Quarries of Westerly, Inc. 271 Church Street	Westerly	SQG	<b>No</b>

**Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste**

<b>Facility Name/Address</b>	<b>City/Town</b>	<b>LQG/SQG</b>	<b>Fully Compliant at the Time of the Inspection</b>
Norman’s Inc. 45 Hazard Road	West Greenwich	SQG	Yes
New England Union Co., Inc. 107 Hay Street	West Warwick	LQG	<b>No</b>
Barber’s Auto Sales 334 Providence Street	West Warwick	SQG	<b>No</b>
Monro Muffler, Brake & Service 449 Clinton Stret	Woonsocket	SQG	<b>No</b>
Beam Truck & Body, Inc. 433 Cucumber Hill Road	Woonsocket	SQG	<b>No</b>
Sandy’s Towing & Repairing, Inc. 633 Winter Street	Woonsocket	SQG	<b>No</b>
Ocean State Finishing 413 Manville Road	Woonsocket	SQG	<b>No</b>



**Appendix C: Facilities Inspected for Compliance Monitoring—UST**

<b>Facility Name/Address</b>	<b>City/Town</b>	<b>Facility I.D. No.</b>	<b>Fully Compliant at the Time of the Inspection</b>
Eleanor Slater Hospital-Zambarano Unit 2135 Wallum Lake Road	Burrillville	1533	<b>No</b>
Ammouri Gas 1064 Hope Street	Bristol	785	Yes
Cumberland Farms #3867 390 Metacom Avenue	Bristol	3701	Yes
Carpenter’s Service Station 4049 South County Trail	Charlestown	106	<b>No</b>
Cumberland Farms #3848 4469 Old Post Road	Charlestown	776	Yes
Arkwright Advanced Coating 538 Main Street	Coventry	1484	Yes
Coventry Petroleum 2070 Nooseneck Hill Road	Coventry	559	<b>No</b>
Cumberland Farms #3838 785 Tiogue Avenue	Coventry	767	Yes
BJ’s Wholesale Club 790 Centre of New England Blvd	Coventry	18655	Yes
Cumberland Farms #3844 1600 Nooseneck Hill Road	Coventry	772	Yes
Cumberland Farms #3841 436 Knotty Oak Road	Coventry	770	<b>No</b>
Shell 642 Washington Street	Coventry	787	<b>No</b>
Coventry Mart 1100 Main Street	Coventry	766	<b>No</b>
Murphy’s Mobil 2291 Flat River Road	Coventry	2722	<b>No</b>
Town of Coventry Highway Garage 1668 Flat River Road	Coventry	1396	<b>No</b>

## Appendix C: Facilities Inspected for Compliance Monitoring—UST

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
7-Eleven #33080 535 Reservoir Avenue	Cranston	18888	Yes
CVS 2100 Highland Corporate Drive	Cumberland	4313	No
East Greenwich Sunoco 2574 South County Trail	East Greenwich	112	No
East Providence Central Garage 60 Commercial Way	East Providence	1450	Yes
East Providence High School 2000 Pawtucket Avenue	East Providence	1682	No
East Providence Fire Station No. 3 30 North Broadway	East Providence	18977	No
Star Petro 173 Danielson Pike	Foster	291	No
Conanicut Marine Services One Ferry Wharf	Jamestown	1866	Yes
Middletown Shell 207 East Main Road	Middletown	801	Yes
Hess #39207 864 West Main Road	Middletown	298	No
7 Eleven #32746 726 Aquidneck Avenue	Middletown	1331	Yes
K & K Food Mart 10 JT Connell Memorial Road	Newport	502	No
Newport Xtra Mart 27 Memorial Boulevard	Newport	586	Yes
Champlin's Marina West Side Road	New Shoreham	1186	No
Ballard's Service Center 596 Corn Neck Road	New Shoreham	720	Yes

## Appendix C: Facilities Inspected for Compliance Monitoring—UST

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
Brewer Wickford Cove Marina 65 Reynolds Street	North Kingstown	473	Yes
Cumberland Farms #3858 302 North Main Street	North Smithfield	3240	No
New England Motor Freight 400 Division Street	Pawtucket	1948	No
Pawtucket DPW Facility 250 Armistice Boulevard	Pawtucket	1587	No
Landry & Martin Oil Co 362 Central Avenue	Pawtucket	281	No
Jeha's Citgo 76 Newport Avenue	Pawtucket	431	No
Cumberland Farms #3873 3166 East Main Road	Portsmouth	3700	Yes
691 Valley Street 691 Valley Street	Providence	1648	No
College Convenience Mart 664 Admiral Street	Providence	900	Yes
Providence College One Cunningham Square	Providence	3273	Yes
Broadway Express Mart 306 Broadway	Providence	2841	No
Renaissance Providence Hotel 5 Avenue of the Arts	Providence	19262	No
Providence M of W Base (AMTRAK) 165 Royal Little Drive	Providence	19246	No
Veterans Affairs Medical Center 830 Chalkstone Avenue	Providence	1938	Yes

## Appendix C: Facilities Inspected for Compliance Monitoring—UST

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
Bonanza Bus Terminal One Bonanza Way	Providence	3140	No
Broadway Gas 392 Broadway	Providence	1147	No
Garrahy Judicial Complex One Dorrance Plaza	Providence	18468	No
Lasalle Service Station 1055 Smith Street	Providence	1520	No
Narragansett Improvement Company 223 Allens Avenue	Providence	477	No
Coletta Towing 425 Richmond Street	Providence	395	No
Providence Police Gas Pumps 20 Ernest Street	Providence	18726	Yes
Rhode Island Hospital 593 Eddy Street	Providence	3008	Yes
Fleet Master 9 Hylestead Street	Providence	659	Yes
South Kingstown Highway Dept 134 Asa Pond Road	South Kingstown	1815	Yes
AT&T Wakefield RI 0340 295 Shannock Road	South Kingstown	1829	Yes
Three Ducks Car Wash 400 Main Road	Tiverton	577	No

## Appendix C: Facilities Inspected for Compliance Monitoring—UST

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
City of Warwick Highway Dept. 925 Sandy Lane	Warwick	1304	No
Warwick Inter-Modal Station 700 Jefferson Boulevard	Warwick	4310	No
Hess #39203 2400 West Shore Road	Warwick	3081	Yes
West Shore Mini Mart 2211 West Shore Road	Warwick	3584	No
Valero—Sam’s Food Stores 885 Post Road	Warwick	1622	No
Ginger’s Service Station 110 Oak Street	Westerly	668	Yes
Cumberland Farms #3847 127 Granite Street	Westerly	775	Yes
Smith’s General Trucking Co. 33 Hopkins Hill Road	West Greenwich	3119	Yes
Centrex Distributor’s, Inc. 119 Hopkins Hill Road	West Greenwich	2820	No
Metropolitan Oil Company, Inc 1086 Main Street	West Warwick	105	No
Legris Avenue Xtra Mart 139 Legris Avenue	West Warwick	1509	No
1023 Social Street LLC 1023 Social Street	Woonsocket	288	No

## **Appendix D: SEPs Agreed to in 2013**

### **SEP #1**

#### **WAL, Inc.—Hazardous Waste Violation**

The SEP pertained to sponsoring a Rhode Island State House Recycling Awards event that was organized by the Rhode Island Schools Recycling Club (RISRC). The RISRC effects environmental education, action and change within all Rhode Island schools, both public and private. The Respondent made a monetary payment of \$5,000 to fund this event. The Respondent was given a **credit of \$5,000** for this SEP.

### **SEP #2**

#### **Key Container Corporation—Air Pollution Violation**

The company had 2 boilers that were fueled with #6 oil. To resolve the NOV, the company replaced one boiler with a boiler fueled by natural gas. The SEP pertained to replacing the second boiler with a new boiler fueled by natural gas. The cost to replace the second boiler was estimated at \$384,050. The Respondent was given a **credit of \$10,000** for this SEP.

### **SEP #3**

#### **City of Pawtucket Housing Authority—UST Violation**

The SEP pertained to completion of an energy audit of all of the Respondent's facilities at a cost of \$90,129 and development and implementation of a solid waste recycling and hazardous waste management program at a cost of \$15,000. The recycling program involves teaching staff at each of the Respondent's facilities about waste reduction and composting. The Respondent was given a **credit of \$78,468**, which was the administrative penalty assessed in the NOV.

#### **SEP #4**

##### **W. R. Cobb Company—Hazardous Waste Violation**

The SEP pertained to the completion of an Environmental Management System (EMS) audit of the facility and the implementation of the recommendations from the EMS audit within 180 days. The Respondent was given a **credit of \$12,600** to conduct the EMS audit and was given a **credit of \$17,738** for the completion of the EMS audit recommendations.

#### **SEP #5**

##### **Rhode Island Recycled Metals, LLC and ACR Realty, LLC—Water Pollution Violation**

The companies are engaged in the shredding and recycling of metal from vehicles. The SEP pertains to the installation of a SEDA vehicle decommissioning system at an approximate cost of \$78,200, which will be installed as part of the storm water control system. The SEDA system will allow the Respondents to capture and recycle or dispose of all fluids from the vehicles prior to crushing and shredding. The Respondents were given a **credit of \$8,750** for this SEP.

#### **SEP #6**

##### **Town of Cumberland—UST Violation**

The Respondent operates an underground storage tank (UST) at its public works garage that is used to store petroleum products. The SEP pertains to the removal and permanent closure of the UST in accordance with the RIDEM's UST Regulations. The Respondent was given a **credit of \$9,250**, which was the administrative penalty assessed in the NOV.

#### **SEP #7**

##### **Joseph Vinagro, Joseph R. Vinagro Properties, LLC, J. R. Vinagro Corporation and Shun Properties, LLC—Solid Waste Violation, Water Pollution Violation and 2 Freshwater Wetlands Violations**

The SEP pertains to providing \$20,000 to fund various Earth Day clean-up projects undertaken by independent third party organizations throughout Rhode Island and placing a conservation easement valued at \$86,000 on portions of a property the Respondents own to permanently protect the freshwater wetlands on the property. The Respondents were given a **credit of \$106,000** for the SEP.

## Appendix E: Staff Training in 2013

Month	Course Title	Number of Staff Attended	Trainer
April	Visible Emission Evaluator	2	ETA
	Foundations of Leadership	1	PMA
May	Hurricane Conference	2	RIEMA
June	Advanced Hazardous Waste Inspector Training	4	EPA
August	Performance Management Training	1	RIDOA
	LEAN Training	1	Exceeda Consulting
September	Hazwoper 8 hour Refresher Course	8	RI Fire Academy
	National Dam Safety Conference	4	ASDSO
October	76th NEEP Membership Meeting	1	NEEP
	Visible Emission Evaluator	2	ETA
December	Performance Management Training	1	RIDOA
	Customer Service Training	24	In House



## Appendix F: Enforcement Activity in 2013

<b>Complaints</b>	<b>Air Pollution</b>	<b>Dam Safety</b>	<b>Freshwater Wetlands</b>	<b>Hazardous Waste</b>
Received	928	5	189	49
Investigations Conducted <sup>1</sup>	919	0	120	52
Unable to Investigate	18	0	12	0
Unfounded	874	0	36	13
No Action	13	3	58	5
Inspections	396	0	105	58
Referred <sup>2</sup>	9	0	13	2
<b>Compliance Monitoring</b>				
Inspections	86	46	—	91
<b>Enforcement Actions</b>				
Informals Issued	9	0	18	56
Informals Resolved	9	0	8	50
Formals Issued <sup>3</sup>	11	17	4	8
Formals Settled <sup>4</sup>	12	6	8	9
Formals Closed	9	9	6	5
Administrative Penalties Proposed (through NOVs)	\$81,501	\$0	\$18,200	\$520,791
Administrative Penalties Agreed To (through Consent Agreements)	\$68,109	\$0	\$27,425	\$101,614
Administrative Penalties Collected	\$99,716	\$0	\$21,425	\$47,294
SEP Agreed to	1	0	0	2
SEP Monetary Value	\$10,000	—	—	\$35,338
AAD Hearings Held	0	1	1	0
Superior Court Complaints Filed	2	1	0	2

<sup>1</sup> Complaint Investigations are counted only once even though one investigation may address multiple complaints received

<sup>2</sup> Referred to other program, department or agency

<sup>3</sup> Includes 2 multi-media NOVs. These are included in the program counts

<sup>4</sup> Includes consent agreements and letters of compliance

## Appendix F: Enforcement Activity in 2013

Complaints	OWTS	Solid Waste	UST/LUST	Water Pollution	Total
Received	137	79	2	94	1483
Investigations Conducted <sup>1</sup>	126	66	2	65	1350
Unable to Investigate	8	7	0	0	45
Unfounded	59	33	1	38	1054
No Action	1	7	1	5	93
Inspections	111	95	0	61	826
Referred <sup>2</sup>	1	3	0	5	33
<b>Compliance Monitoring</b>					
Inspections	---	---	80	---	303
<b>Enforcement Actions</b>					
Informals Issued	32	29	146	16	306
Informals Resolved	60	29	111	19	286
Formals Issued <sup>3</sup>	21	3	2	3	69
Formals Settled <sup>4</sup>	15	5	4	7	66
Formals Closed	8	5	19	7	68
Administrative Penalties Proposed (through NOV's)	\$30,200	\$21,750	\$13,687	\$38,750	\$724,879
Administrative Penalties Agreed To (through Consent Agreements)	\$3,400	\$13,000	\$10,000	\$35,025	\$258,573
Administrative Penalties Collected	\$18,450	\$26,083	\$38,588	\$167,775	\$419,331
SEP Agreed to	0	0	2	2	5
SEP Monetary Value	—	—	\$87,718	\$114,750	\$166,875
AAD Hearings Held	0	0	0	0	2
Superior Court Complaints Filed	1	0	6	0	12

<sup>1</sup> Complaint Investigations are counted only once even though one investigation may address multiple complaints received

<sup>2</sup> Referred to other program, department or agency

<sup>3</sup> Includes 2 multi-media NOV's. These are included in the program counts.

<sup>4</sup> Includes consent agreements and letters of compliance