



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

**Certified Mail**

May 2, 2011

Mr. Jack Walsh, Region Vice President  
TLA-Providence, LLC (d/b/a TLA-Pond View)  
1 Dexter Road  
East Providence, Rhode Island 02914

Re: TLA-Providence, LLC (d/b/a TLA Pond View)  
Construction & Demolition Debris Processing Facility – License Approval

Dear Mr. Walsh:

The Rhode Island Department of Environmental Management (Department) has completed its review of the information submitted in support of your application for a license to operate a Construction and Demolition Debris Processing Facility at One Dexter Road, East Providence, R.I. The Department has also completed its review of comments submitted by the public at the public hearings on October 22, 2010 and October 25, 2010 and during the thirty (30) day public comment period.

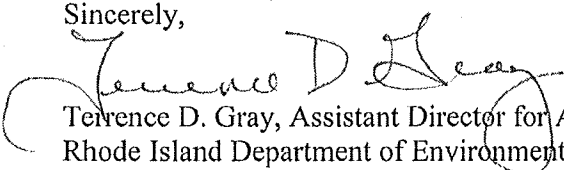
As a result of our review, we have determined that the revised application materials submitted substantially comply with the requirements of the Solid Waste Regulations.

Therefore, the Department hereby approves and issues a license to TLA-Providence, LLC (d/b/a TLA-Pond View) to operate a 1,500 tons per day Construction and Demolition Debris Processing Facility. TLA-Pond View shall submit a signed original closure bond in the amount of eight hundred thousand dollars (\$800,000.00) to satisfy the financial assurance requirements prior to receiving the license.

The Department is imposing the attached conditions as part of the license. Several conditions were created based on comments and concerns received during the public hearings and public comment period.

Please feel free to call Leo Hellested or myself at (401) 222- 4700 if you have any questions regarding this letter.

Sincerely,

  
Terrence D. Gray, Assistant Director for Air, Waste and Compliance  
Rhode Island Department of Environmental Management

Cc: L. Hellested, L. Grandchamp, M. Dennen, W. Ali, RIDEM OWM, S. Forcier, RIDEM OLS  
E. Pimentel, E.P. Zoning Official, J. Klucznik, E.P. Fire Chief

Attachment A

**License Conditions for TLA-Providence, LLC (d/b/a TLA-Pond View)  
One Dexter Road East Providence, Rhode Island  
Date: February 2011  
Construction and Demolition Debris Processing Facility**

1. The TLA-Pond View Facility (the Facility) shall be operated in accordance with the approved operating plan, and in accordance with any subsequent RIDEM approved operating amendments.
2. The TLA-Pond View Facility shall also be operated in accordance with the January 1997 "Rules and Regulations for Composting Facilities and Solid Waste Management Facilities", amended October 25, 2005, in particular, Solid Waste Regulation No. 7 for Construction and Demolition Debris Processing Facilities.
3. The TLA-Pond View Facility shall not exceed the following maximum capacities for construction and demolition debris (C&D) during the time periods specified:
  - a) From the date of issuance until ninety (90) days following the implementation of the Air Quality Monitoring Plan outlined in Condition #11 of this license (this ninety day monitoring period henceforth referred to as Monitoring Period #1), the facility shall receive no more than 750 tons per day of construction and demolition debris;
  - b) For ninety (90) days following the completion of Monitoring Period #1 (this ninety day monitoring period henceforth referred to as Monitoring Period #2), the facility shall receive no more than 1,000 tons per day of construction and demolition debris;
  - c) For ninety (90) days following the completion of Monitoring Period #2 (this ninety day monitoring period henceforth referred to as Monitoring Period #3), the facility shall receive no more than 1,250 tons per day of construction and demolition debris;
  - d) After the completion of Monitoring Period #3, the facility shall receive no more than 1,500 tons per day of construction and demolition debris;

The facility shall grind no more than 150 tons per day of wood at any time.

4. TLA-Pond View Recycling, Inc. Facility shall maintain an eight hundred thousand dollar (\$800,000.00) closure bond to satisfy financial assurance requirements per Rules 1.5.10, 7.1.06 and 7.2.08 of the Regulations. The facility may propose a schedule to satisfy the financial assurance requirements of the Regulations consistent with the phased expansion schedule in Condition #3.
5. It shall be the facility's responsibility to ensure compliance with all applicable zoning requirements and local ordinances of the City of East Providence. The granting of this license shall in no way restrict the City's right or ability to enforce all applicable ordinances and zoning requirements. In the event that local zoning limits the operation of the facility to more stringent conditions than provided in this license, the facility shall

submit a proposed amendment to this license within twenty-one (21) days of the effective date of those conditions to reflect consistency with the conditions imposed by the City of East Providence.

6. In accordance with R.I.G.L. 23-19-13.1(a) and the Office of Attorney General Opinion No. 89-07-36, dated July 26, 1989, no waste generated from outside the State of Rhode Island shall be deposited in the Central Landfill.
7. TLA-Pond view shall only receive C&D classified solid waste in accordance with its approved operating plan. Any co-mingled MSW inadvertently received in a C&D load shall immediately be removed and segregated in a secure roll-off. The roll-off shall be removed within seventy-two (72) hours and shipped to a licensed disposal facility.
8. TLA-Pond View shall maintain a fifty (50) foot buffer zone between the facility operations and the adjacent Omega Pond. No storage stockpiles and processing of materials shall occur within this buffer, and no vehicle traffic except for emergency and maintenance vehicles will be permitted. TLA-Pond View shall prohibit C&D materials from encroaching into the buffer zone.
9. TLA-Pond View Facility shall submit a plan to increase vegetation in portions of the buffer zone, which shall include the addition of plantings to the earthen berm. This plan shall be submitted to the Department for review within forty-five (45) days from the date of issuance of this license and shall include a proposed schedule for implementation. Once approved by the Department, TLA-Pond View Facility shall implement the plan within thirty (30) days.
10. TLA-Pond View Facility shall comply with all requirements and conditions set forth in its approved Fire Protection Plan dated May 25, 2010. Any subsequent modifications to said plan shall be forwarded to the Department within twenty-one (21) days after the approval by the City of East Providence Fire Chief.
11. TLA-Pond View Facility shall submit an Air Quality Monitoring plan within forty-five (45) days from the date of issuance of this license. Parameters required to be tested are respirable particulates (PM<sub>10</sub>), asbestos, lead, and hydrogen sulfide. The Air Quality Monitoring Plan shall include, but not be limited to, the list of sampling parameters; sampling and analytical methods to be used, including detection limits; the proposed frequency of sampling (the frequency of sampling must be no less than quarterly); approximate dates of proposed sampling events; and proposed sampling locations (upwind, downwind off-site, and two on-site down wind locations shall be required, at a minimum). The Air Quality Monitoring Plan shall also include the following acceptability criteria to be used for each parameter.

Parameter	Acceptability Criteria
PM <sub>10</sub> (Respirable Particulates)	NAAQS
Asbestos	RIDEM OAR Reg. 22 AALs
Lead	RIDEM OAR Reg. 22 AALs
Hydrogen Sulfide	RIDEM OAR Reg. 22 AALs

In addition, results from sampling on-site locations should be compared to applicable OSHA standards.

The Air Quality Monitoring Plan must also outline options for response if the Acceptability Criteria are exceeded.

TLA-Pond View Facility shall implement the Air Quality Monitoring plan within thirty (30) days from the date of Department approval of the plan. The Department shall receive notification of the sampling seven (7) days prior to each event.

The Department may increase the frequency or scope of Air Quality Monitoring if the applicable Acceptability Criteria are exceeded or odor violations are verified by the Department. Monitoring requirements may be reduced by the Department if no exceedances of the applicable Acceptability Criteria are recorded in two consecutive sampling rounds, the type and magnitude of solid waste management activities at the facility have remained constant, and no objectionable odors are observed by the Department during that period.

12. TLA-Pond View Facility shall reimburse the Department for any overtime or third party costs incurred for verifying facility compliance with the terms and conditions of this license and/or the approved operating plan.
13. TLA-Pond View Recycling, Inc. shall continue to conduct quarterly surface-water and ground-water sampling for the previously approved list of parameters, plus total Aluminum. Also, TLA-Pond View shall submit a Quality Assurance/Quality Control (QA/QC) Plan for water quality monitoring that meets the Department's latest standards. Said QA/QC Plan shall include but not be limited to: a) Field Sampling Standard Operating Procedures detailing and providing rationale for sampling locations, sampling design, equipment used, QA/QC field procedures implemented, chain-of-custody procedures followed, and field observations including recording of a measurable rainfall within the previous 5 days; b) Laboratory SOP's detailing sample handling, equipment and instruments used, standard methods followed, detection limits and quantitation levels for each parameter analyzed and how the detection limit and quantitation limit were determined.; c) Annual affirmation of sampling plan; and d) Metals sampling shall follow the procedures specified in EPA's *Standard Operating Procedure for the Collection of Low Level Metals Ambient Water Samples* (ECASOP-Metals, revision 2, May 21, 2007).

The Department may require the submission of data in an excel format supplied by the Department.

14. TLA-Pond View Facility shall conduct a noise level study, similar to those performed previously, during maximum increased daily operations. Said report shall be forwarded to the City of East Providence within (10) days of completion. In addition, a copy shall be forwarded to the Department for our records.
15. Revised radius and site plans certified by a Registered Land Surveyor in the State of Rhode Island and that meets the requirements of Rules 7.1.02 and 7.1.03 of the Solid

Waste Regulation No. 7, shall be forwarded to our Office within ninety (90) days of the date of issuance the license.

16. TLA-Pond View Facility shall not store C&D waste in the Rail Loading Area for longer than five (5) days and best efforts shall be put forth to clear the area by the end of each business day.
17. TLA-Pond View Facility shall segregate out any gypsum wall board received and ship it off-site within two (2) weeks.
18. TLA-Pond View Facility shall not store generated C&D screenings (fines) for longer than two (2) weeks on-site.
19. TLA-Pond View Facility shall not accept asbestos containing materials, hazardous waste, or radioactive waste and shall post signs prohibiting these materials, accordingly. Department notification and special handling and management protocols shall be implemented in the event any loads containing prohibited materials are inadvertently received at the facility in accordance with Section 7.1.05 (q) of the approved operating plan. TLA-Pond View shall notify the Department within one (1) business day of receiving any prohibited materials.
20. Dust Control:
  - A) TLA-Pond View Facility shall make modifications and improvements to the wood grinding operation to minimize any potential dust issues. Measures shall include installation of down chutes and securing metal plates onto the sides of the conveyors. These measures shall be implemented within ten (10) days from the date of issuance of the license.
  - B) TLA-Pond View shall pave additional areas as described in the approved operating plan.
  - C) To further address dust concerns, TLA-Pond View shall request City of East Providence approval to increase the height of the existing ten (10) foot wooden fence located northeast and east of its boundaries. Subject to City review, approval or denial, TLA-Pond View shall modify the fence accordingly within ninety (90) days.
21. TLA-Pond View Facility shall extend the earthen berm in the south-southwest direction approximately forty-five (45) feet.
22. TLA-Pond View Facility shall only burn unadulterated wood in the Biomass furnace located in the maintenance building.
23. TLA-Pond View Facility shall implement Best Management Practices (BMPs) as described in the approved operating plan to control sedimentation and erosion.
24. TLA-Pond View Facility shall submit quarterly documentation demonstrating compliance with 30,000 gallons per day approved water withdrawal from Omega Pond.

25. TLA-Pond View Facility shall submit, for Department approval, an alternative dust control management plan within thirty (30) days, in the event there are changes made to TLA-Pond View's water withdrawal rights.

26. TLA-Pond View Facility shall provide the Department, its authorized officers, employees, and representatives, and all other persons under Department oversight, an irrevocable right of access to the facility at all reasonable times for the purposes of performing inspections, investigations, testing, and examining records. The Department or other authorized designated personnel shall have the right to access the facility at all reasonable times for the above-stated purposes without prior notice. Refusal to permit reasonable inspections, tests and investigations shall constitute valid grounds for denial, revocation or suspension of a license; denial, revocation or suspension of a registration; and/or issuance of a Notice of Violation with Administrative Penalty.

27. Issuance of this Solid Waste License does not relieve TLA-Pond View Facility from complying with all applicable local, state and federal laws and regulations.

**Attachment A**  
**DEPARTMENT GENERAL RESPONSES TO COMMENTS RECEIVED**  
**FOR THE LICENSING OF THE TLA/POND VIEW SOLID WASTE**  
**FACILITY APPLICATION**

May 2011

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## Department's Generic Response to Comments

This document was prepared by the Department of Environmental Management (the Department) to address the concerns and comments submitted from the residents of East Providence, City Officials and other concerned parties regarding the proposed license application submitted by TLA-Pond View located at One Dexter Road in East Providence, Rhode Island.

### Clarification of Terminology

For readability, the Department's response uses the following terms:

The *Applicant* refers to TLA/Pond View and any consultants, attorneys or other personnel working on their behalf.

The *Application* refers to the TLA/Pond View Solid Waste Facility Application originally submitted in January of 2009, and resubmitted in October of 2009 and July of 2010.

The *Facility* refers to the TLA/Pond View Processing Facility located on 1 Dexter Road in East Providence.

The *Operators* refers to TLA, its employees, agents, contractors, consultants and other individuals operating on their behalf.

The *Department* refers to the Rhode Island Department of Environmental Management. Some commenters use the term RIDEM or DEM.

The *Regulations* refers to the Department's *Rules and Regulations for Solid Waste Management Facilities*, specifically Rules 1- *General Requirements* and 7- *Facilities that Process Construction and Demolition Debris*.

### 1. Overview of the Department's Role in the Permitting Process

The Department reviewed the Application under the authority of Rhode Island General Laws, Chapters 23-18.9-9, 42-35, and the Regulations that outline the standards required for this facility to protect public health and the environment. They address specific operating standards including, but not limited to, provisions for protecting ground and surface water, odor, dust, storage of materials and fire controls, as well as requirements for reuse, sampling, and testing of generated "products."

In review of this and any other application, the Department is committed to a review process grounded in sound science and within the scope of its legal authority. To that end, the Department's decisions must be both predictable and enforceable. An applicant for any permit must be able to determine from the outset, what is required under the Regulations. The Department, through its Regulations and administrative procedures, has carefully outlined the basis for approvals, modifications and denials of permit applications. The Department's actions on an application (approval or denial) must have a basis in reasons codified in the Regulations. Otherwise, the decision can be overturned as arbitrary and capricious or on the basis of the Department exceeding its statutory authority.

Many commenters have criticized the construction and demolition debris (C&D) processing industry in general saying it should not be allowed, or not be allowed in Rumford. Alternatively, a number of commenters in support of the Facility have mentioned the environmental benefits of recycling, which the Facility does. Unlike the hearing the Department conducted when we revised the Regulations, the Department would ask all interested parties to bear in mind we are making judgments on **this application only**, not the industry as a whole.

In short, the Department must determine if the application meets the requirements of the Regulations, not if the applicant is popular, or if the facility is the best use of the property. The Department has reviewed all of the submitted materials, comments and data, and has determined that the current application has satisfactorily addressed these regulatory requirements.

In addition, the Department has attempted address many of the issues related to community impacts and quality of life raised by the residents during the public comment process. The Department has included specific conditions to address odor and dust concerns, as well as to protect Omega Pond.

A number of area residents and public officials expressed concern about potential quality of life impacts associated with the Facility. A view that was frequently expressed was that the Department was only concerned with its Regulations, and if the personnel reviewing the plan lived adjacent to the facility, they would be concerned with other issues. There are many quality of life issues that go beyond the authority of the Solid Waste Regulations. It has also been made very clear to the Department, by the Executive, Legislative and Judicial Branches of State Government, that the Department only has the authority specifically granted to it in the statute (R.I.G.L. 23-18.9-9, 42-35) as promulgated in its Regulations.

## **2. Local Government and Community Issues**

A number of local government and community issues were raised during the public comment period. These issues generally involve zoning, hours of operation, trucks, traffic hazards, property values, noise, buildings, berms and fences. The Department has considered these issues and although it is primarily the responsibility of the municipality to enforce many of these issues through local ordinances, the Department has, to the best of its limited legal jurisdiction, addressed some of the concerns raised through license conditions.

To evaluate the history and status of local regulatory actions with the City, the Department requested and reviewed information concerning any enforcement of local ordinances by the City. The results are summarized below:

- **Odors and Noise:** The City received several odor and/or noise complaints in 2009 and 2010. As a result of an investigation by the zoning officer of the 2009 complaints, the City sent a notification to the Facility stating that it had violated Section 19-339 of the City ordinances regarding odors.
- **Zoning:** The City filed a complaint in Providence Superior Court regarding zoning, specifically regarding the amount of waste the Facility may receive and/or grind. (See below regarding [zoning](#).)
- **License Appeals:** The City has joined the Attorney General's Office in appealing the current license and the review of the current permit. (See [Court Decisions on Previous License](#).)

Rule 1.5.05 of the Regulations emphasizes that it is the Applicant's responsibility to comply with all applicable local ordinances:

*"Granting of a license, license renewal, registration or permission for an equipment addition shall in no way affect the applicant's responsibility to meet all zoning and other local ordinances, nor the applicant's responsibility to obtain any local permits, except as provided by Rhode Island General Laws."*

Further, Rule 7.1.01 (e) of the Regulations states:

*"Granting of a license, license renewal, registration or permission for an equipment addition shall in no way affect the applicant's responsibility to meet all federal and state laws, local zoning and other local codes or ordinances."*

The statutes and Regulations recognize local/municipal control over all zoning and other municipal issues, and the Department's approval in no way affects the right or ability of the City of East Providence to enforce its local laws. More specifically, the issuance of a license by the Department does not override local zoning or other municipal laws, and a facility's right to operate pursuant to a Department issued license is conditioned on compliance with local laws. The City of East Providence has the sole jurisdiction and authority to enforce its own requirements and municipal ordinances.

- **Hours of Operation**

The facility is located in a 24/7 Industrial Zone subject to municipal restrictions on some activities. Some businesses in the area operate 3 continuous shifts. The East Providence Zoning Board granted Pond View Recycling a variance for wood grinding activities with the stipulation that "grinding hours would be between 8:00 a.m. to 4:00 PM Monday Thru Friday and 8:00 AM to 12:00 noon on Saturday". This stipulation on grinding of wood did not restrict the time when other work functions could be performed. Also, RIDEM Solid Waste Regulation No. 7 (pertaining to C&D processing facilities) does not specify the operating hours for the C&D processing facilities. The facility's application does not change its proposed hours for wood grinding activities.

- **Traffic**

Many residents are concerned about traffic, both vehicle and rail.

Many commenters said that they believed that Roger Williams Avenue is too congested already and will become worse if more waste is brought to the Facility. When the Application was first submitted, it included a traffic study (which was conducted by the Facility's consultant in December 2008) that concluded that the proposed expansion of TLA/Pond View will maintain a desirable level of traffic safety and efficiency on the servicing roadway system. Facility representatives have detailed steps they claim they have taken to minimize traffic problems, such as written instructions and signage redirecting vehicles to not use certain roads. They have also voiced their support for a planned diversion to carry traffic away from Roger Williams Avenue. As the Department does not have any authority or legal jurisdiction in the area, traffic rules must be enforced by the municipality and local police.

On a related note, the Department does not have statutory authority to inspect or regulate vehicles transporting solid waste. There have been comments regarding trucks not covering their loads or driving in an unsafe manner and that the Department should police these vehicles. Such complaints should be directed to the Commercial Vehicle Enforcement Unit of the Rhode Island State Police or to the East Providence Police Department.

Finally there have been comments regarding rail cars that are not covered in transit and the hours and nature of railroad transit. As with other forms of transportation, these issues are beyond the Department's authority to regulate.



- **Zoning**

The Department believes many of the conflicts have arisen due to the zoning of the Facility in an industrial park that is very close to a residential neighborhood. However, we also understand this is entirely a local issue outside of the Department's jurisdiction. Rule 1.5.05 specifically states this as quoted below:

*Zoning: Granting of a license, license renewal, registration or permission for an equipment addition shall in no way affect the applicant's responsibility to meet all zoning and other local ordinances, nor the applicant's responsibility to obtain any local permits, except as provided by Rhode Island General Laws.*

It is important to note that this Regulation specifically does not give the Department or the Applicant any authority to override local zoning decisions, which are enforced by the local municipality.

Also, the case regarding zoning was argued before Providence Superior Court (Case PC/05-3446) where many of the arguments regarding zoning and the Facility's right to receive greater than 150 tons/day of waste were presented. The court made it clear in its decision that the zoning variance is valid, and that the acceptance of greater than 150 tons/day of material for processing is not in violation of that ordinance so long as the Facility complies with the grinding provision of less than 150 tons/day. The court also made it clear in its decision that the roles of the Department and the City are distinct and independent. Therefore, to deny the Application based on the alleged violations of zoning would be contrary to the decision of the court.

See also the [Overview of the Department's Role in the Permitting Process](#) for a discussion of the Department's role in the review process. Furthermore, the Department will state in the license conditions, as it did with the existing permit that:

*It shall be the facility's responsibility to ensure compliance with all applicable zoning requirements and local ordinances of the City of East Providence. The granting of this license shall in no way restrict the City's right or ability to enforce all applicable ordinances and zoning requirements. In the event that local zoning limits the operation of the facility to more stringent conditions than provided in this license, the Facility must submit a proposed amendment of this license within twenty one (21) days of the effective date of those conditions to reflect consistency with the conditions imposed by the City of East Providence.*

- **Property Devaluation**

The issue of property values in this case appears to be tied to the City's permitted use of the Applicant's property, which is a zoning issue. As stated above, the Department does not have any authority regarding local zoning decisions. Commenters have claimed that just the proximity to the facility reduces their property value, which relates to the City permitting a Residential Zone in close proximity to an Industrial Zone. The Regulations do not give the Department the authority to consider property values in the evaluation of a permit application.

- **Noise Issues**

The regulation of noise from industrial facilities, including C&D debris processing facilities, has historically been done by cities and towns through local noise ordinances. The Applicant is required to abide by all local requirements governing noise, and the City has authority to enforce those requirements.

Although the Department's Regulations do not give the Department jurisdiction over noise issues, the Application included a Noise Study that was conducted by the Facility in December 2008 which concluded that the TLA/Pond View Facility is in compliance with the East Providence Noise Ordinance.

Facility representatives have proposed to the Department other measures, such as increasing the height of the fence, increasing the height of the berm and planting trees and shrubs to address noise, dust and aesthetic issues. The Department is requiring some of these measures while it will consider others (such as increasing the height of the fence) that require the City to determine if such alterations are compliant with local ordinances.

- **Agreements made with the City and Community**

The Department has received a number of comments referencing agreements that were made with the East Providence City Councilors, statements that were made at city council meetings or other agreements with members of the community. Some commenters report that the agreements limited the nature of waste, quantity of material or other aspects of Facility operations. The Facility reports it has made agreements that guarantee its rights to perform certain activities. The Department cannot make judgments on agreements, particularly oral agreements that the Department was not present for, nor a party to. To the extent that the conditions of these agreements have been broached, the parties to the agreements must resolve and/or enforce them.

### **3. Scarcity of Department Resources**

The Department has received comments that question if we have the personnel resources to adequately regulate these facilities given recent budget cuts. Like many worthwhile Programs throughout State Government, the Department experienced cuts in prior staffing levels. To address this shortfall, and to live within the budgetary constraints approved annually by the General Assembly, the Department streamlined many permit review processes, as well as its inspection and enforcement activities to maximize its resources to get the most environmental benefit for the money expended. Through the annual appropriations process, it is within the purview of the state elected officials to allocate and/or adjust resources as they deem fit.

For this application, the Department assembled a specific review team to spearhead the review of this Application. The team included two Registered Professional Engineers and one Certified Professional Geologist with significant regulatory experience related to Waste Management Regulations and Waste Facility Operations. As required, the Department also made available additional experts and professionals from the Office of Water Resources, Office of Air Resources, Office of Legal Services, Division of Fish and Wildlife, and the Division of Planning and Development to assist this team in reviewing the Application as it involves other regulations and issues. The review of this application included numerous personnel from multiple areas of expertise.

With respect to facility inspection, TLA/Pond View is inspected on the most frequent schedule, similar to inspection of the state's largest operator, the Rhode Island Resource Recovery Corporation's Central Landfill. In response to any citizen complaints, the Department has also drawn upon enforcement inspectors from its Office of Compliance and Inspection to augment routine inspections by personnel in the Office of Waste Management.

During the comment period we also received comments that the Department should have an inspector stationed at the facility full time, in addition to a suggestion that the Department should force the facility to hire an independent third party inspector to oversee operations in the Department's absence. While this

might be desirable, it far exceeds how the state regulates any similar recycling or disposal operation for solid, hazardous, or regulated medical waste. The Department also has no authority under the current regulations to require the regulated business to hire an independent regulatory inspector.

#### **4. Adequacy of Public Notice and Public Hearings**

A number of comments alleged that the timing, location, public notice and formats of the informational meetings and hearings were part of a conspiracy to restrict public input at this site. As explained below, the Department not only followed all the statutory and regulatory requirements regarding public notice and public hearings, but went significantly above and beyond what was required. Meetings are usually scheduled at the DEM headquarters during working hours. Having these meetings at locations under the Department's control, during working hours, is the most efficient and cost effective way to maximize the Department's resources, save taxpayer monies and still provide reasonable and ample opportunity for the public to voice support, objections or concerns. Furthermore, since the Department's Headquarters are approximately 7 minutes driving time from the site, it does not present a geographic barrier to participation.

As required by governing statute, the Office of Waste Management advertised the Public Notice in the *Providence Journal* on August 20, 2010 regarding the informational workshop, public hearing and public comment period for the Solid Waste License application. A press release was also sent out to media outlets and the City of East Providence was notified.

A number of commenters expressed concern that the Department had not made an effort to allow the public to get information about the site. This informational workshop was held here at DEM's Headquarters on September 2, 2010 at 10:00 a.m. Representatives of the Office of Waste Management and TLA/ Pond View were available at that workshop to answer questions. Due to concerns expressed during that workshop, additional supplemental one-on-one informational workshops were held by appointment at the Weaver Public Library on October 4, 2010 and October 6, 2010 from 5:00 to 8:00 p.m. These workshops were advertised in the *Providence Journal* on September 27, 2010, and the Department also notified interested parties that had been present at the previous workshop, including the City. In addition to making a copy of the Application available for review at Department Headquarters, a copy is available at the Weaver Public Library.

There was also concern that there was not a nighttime forum for the formal public comments. After meeting with local officials, the Department also postponed the close of the public hearing so that the hearing could continue on Monday, October 25<sup>th</sup> at 5:00 pm at the Weaver Public Library located at 41 Grove Avenue in the City of East Providence.

The Department also accepted formal comments in writing, by email and at the public hearings, all forums having equal weight in the public record.

Regarding the format of the hearings, there were complaints that the Department requested speakers to be concise with their issue and limit their initial remarks to 5 minutes (although some significantly exceeded this limit). Also there were objections that the Department did not answer questions or allow the facility to answer questions in order to allow an opportunity for all citizens to be heard. The Department feels it is important to place reasonable time limits for speakers and maintain an orderly process. During public meetings, presentations need to be managed in order to allow everyone the opportunity to speak. It is important to note, we did allow those speakers the opportunity to finish after all the others had spoken. This format was not specific to these public hearings but has been followed at other hearings conducted by the Office of Waste Management, as well as other offices within the Department. The claim that the

Administrative Procedures Act (R.I.G.L. 42-35) prevents the Department from having any time limits on commenters is specifically stated in that statute.

In regards to the Department not responding to questions during the public hearing, the purpose of the public hearing is to only receive comments, this comment response package is the Department's formal response. The Refuse Disposal Act and the Regulations are very specific about the public process that is utilized for issuing or denying solid waste management licenses. An informational workshop is required early on in public process so that the public can learn about the proposed facility/activities, ask questions and ultimately gain information. The information that is gained at the informational workshops can then be used to formulate comments and concerns to be presented at the public hearing.

There were concerns expressed in the comments that many people don't read the Providence Journal, don't read the legal notices section, or don't read any newspaper at all. Firstly, the Department typically publishes notices in the *Providence Journal* because it has the largest distribution statewide of any publication. As it is a legal notice from a government agency, the *Providence Journal* publishes the notice in its legal notices section. The notification of the additional public hearing on the evening of October 25 was published in the *East Providence Post* as further outreach. The Department also sent notifications or press releases of the public hearing and/or informational workshops to the City of East Providence, the East Providence Waterfront Commission, the Office of the Attorney General, the Audubon Society, Clean Water Action, residents that attended the workshop and Ken Schneider (Neighborhood Association). We also posted these documents on our website and asked the Town Hall and Weaver Public Library to post them. Given the attendance at the multiple hearings and workshops, in addition to significant written comments received, the Department is satisfied reasonable notice and opportunity was provided to the public.

Some commenters feel the Department should personally notify each of the residents around a facility as part of the review process. Others have claimed it is required, while others requested the Department walk door to door in the neighborhood to solicit public comments. As explained above, the Department has gone above and beyond normal public notice requirements, and exceeded the minimum requirements call for by statute.

It should be noted that many comments on the public hearings were received prior to the Department's decision to extend the hearing and continue the formal public hearing in the East Providence.

## **5. The Relationship of the Interested Parties**

The Department has received a number of comments directing hostile remarks at the owner, facility or agencies involved. We have also received comments questioning the actual motivation of commenters and other participants in the process.

During the course of informational workshops it was apparent that the relationship between the facility and certain interested parties may be hostile. Furthermore, a significant number of residents expressed hostility towards the Department, the City and even the Waterfront Commission.

As discussed above, in spite of the limitations of resources discussed above, the Department has assembled an experienced and knowledgeable team of professionals to review the comments. Each comment is evaluated on its face, and if it brings up a valid and relevant point, will be considered valid and relevant, regardless of the claims about the motivation of the commenters. Therefore, the Department has not considered comments about the relationship and motivation of the parties to be substantive or relevant to its review of this application.

## 6. Water Quality Issues

A number of individuals expressed concern about the impact of this facility on the water quality of Omega Pond and the groundwater of the area. Rules 1.4.02 and 7.2.03 of the Solid Waste Regulations require all facilities to prevent any solid waste from polluting any of the waters or groundwaters of the state. Rule 7.2.04 of the Regulations allows the Department to require a water quality monitoring plan, and the installation of monitoring wells at locations approved by the Department.

Surface water monitoring of Omega Pond has been conducted quarterly by consultants for over six (6) years and, in accordance with an approved monitoring plan, will continue as a license requirement. The surface water monitoring results received to date indicate that the Pond View operations are not having any adverse effect on the pond. Pursuant to a separate Underground Injection Control (UIC) permit, a surface water collection system has been designed and constructed to adequately address storm water and groundwater pollution prevention requirements. Silt fences and hay bales have been placed, and are routinely inspected and replaced as needed, along the site perimeter to prevent loose materials and sediment from washing into the pond. Department inspections have not revealed erosion, runoff, or discharges into Omega Pond.

The earth berm located at the northeast of the operational facility has impeded the surface water flow in that direction. The impounded water will be drained via a RIDEM approved catch basin (part of the UIC system).

For the past seven (7) years, the facility has performed quarterly sampling and tested the groundwater-monitoring wells on the site as required by the operating plan and Solid Waste Regulations Numbers 1 and 7. As part of this application review, the Department reviewed the Facility's surface water data as well as the Department's sampling data for Omega Pond. While Omega Pond is considered an impaired waterbody, the sampling results do not show a pattern that reveals the Facility is contaminating Omega Pond. Although not attributable to the Facility, the Department added two additional water quality impairments for Omega Pond (dissolved cadmium and total aluminum) and it will add total aluminum to the list of analytes the Facility must monitor (dissolved cadmium is already monitored). Also, to ensure consistency with its own data quality objectives, the Department will require the Facility to have its own quality assurance/quality control plan for water quality monitoring that meets the Department's standards. The Department will review all monitoring results submitted by TLA/Pond View Recycling, Inc. consultants and, if there is any indication of groundwater or surface water violations, the Department will take the steps necessary to address and resolve the violations.

### ▪ Fish Kills in Omega Pond

There have been comments that the Facility has caused frequent fish kills in Omega Pond due to contamination from onsite operations. The Department reviewed records relative to any fish kills within the Ten Mile River System. In the past several years, the Division of Law Enforcement has received the following complaints relative to fish kills: a) April 9, 2006 complaint stated: 15-20 dead fish in the cove off Roger Williams Ave, on Omega Pond;. b) April 4, 2008 and April 23, 2008 complaints stated: Large amount of dead fish in Ten Mile River under the walking bridge nearby Slater Park;. c) August 21, 2008 complaint stated: fish kills under Henderson Bridge of Seekonk River. An Environmental Police Officer investigated the April 23, 2008 complaint and reported the following findings: followed the Ten Mile River from Slater Park south to East Providence and did not find any dead fish or sheen on the water. In summary, there have been a small number of fish kills in the river system at Omega Pond and upstream of Omega Pond. As shown in [Attachment C](#), a letter from the Department's Division of Fish and Wildlife

has concluded that the fish deaths were the result of spawning stress and oxygen deficiency and not attributable to contamination from the Facility.

- **Fish Ladders in the Ten Mile River System**

Several commenters have asserted that the permitting of the Facility is inconsistent with the Department's participation in placing fish ladders in the Ten Mile River Watershed. As shown in [Attachment C](#), the Office of Waste Management corresponded with the Divisions of Fish and Wildlife and Planning and Development about the fish ladder issue. The Department has been and continues to be a part of the effort (along with the Army Corps of Engineers and the City of East Providence) to restore anadromous and diadromous fish populations to the Ten Mile River System. Furthermore, as per a correspondence dated October 18, 2010 with the Division of Fish and Wildlife (see [Attachment C](#)), while there have been fish kills at Omega Pond, they are attributed to spawning stress and/or low oxygen levels, and not related to the Facility operations. No data exists to suggest otherwise. Furthermore, the Department does not believe that the levels of contaminants anywhere in the river system, including Omega Pond are inconsistent with continuing the fish ladder project. They also do not believe additional posting regarding fishing are warranted with the current data.

- **Sedimentation and Erosion Control**

The site is relatively flat and, although no major disturbance of soil is expected to occur and no significant new construction is proposed, there currently, is and will continue to be movement of machinery and storage of materials at the site. In addition, major storms may also create minor erosion issues. Therefore, the Facility has installed hay bales and/or a silt fence near the property boundary before the embankment to the pond so as to control sedimentation and/or erosion that could affect Omega Pond. Those hay bales and/or silt fences are routinely inspected and replaced as necessary and are sufficient to prevent erosion.

- **RIPDES Permitting Requirements**

Numerous inspections by RIPDES, the Office of Waste Management and Office of Compliance and Inspection have documented that there are no direct point source discharges into Omega Pond, either from the catch basin, any drainage systems, or any channeling. No RIPDES permit is required because as set forth by Rule 31 of the RIPDES Regulations, an activity must be conveyed to a point source to be regulated under RIPDES. In this case, no point source discharge to waters of the State has been observed.

Commenters are correct that **if** the activity generated a point source discharge to waters of the State, a RIPDES permit would be required for these activities. They would need to file under SIC 5093 (scrap and waste material) and would be considered a Category (vi.) "heavy industry" and would not be eligible for a waiver. However, as stated above, because there is no point source discharge, a RIPDES permit is not required.

There have also been comments that when the Department granted the permit to withdraw water from Omega pond (up to 30,000 gallons per day), it had not considered periods of low water level. The Department was aware that the water levels vary seasonally when it considered this amount to be an insignificant alteration.

- **Water Quality Certification Requirements**

No water quality certification is required because there is no evidence that this activity is causing or contributing to a water quality violation. RIPDES inspections of the site indicate that “the majority of the site contains paved surfaces with swales located at key points to direct storm water flow to the basin.” This basin is used as the water source to spray water onto debris.

## **7. Water Withdrawal and Property Rights**

The City of East Providence has called into question the Facility’s right to withdraw water from Omega Pond across city-owned land. In response, the Facility has submitted a copy of the Deed (Recorded in Book 76, Pages 492-498 of the Land Evidence Records for the City of East Providence) which grants an easement to the record owner of the property for the purposes of water withdrawal from Ten Mile River and Omega Pond. If the City seeks to negate the easement, or obtain an interpretation that it is somehow invalid or inapplicable, that is an action for the City to pursue in the proper venue; this process is not the appropriate forum, and the Department is not the appropriate authority to resolve real estate disputes of this nature. If this dispute is decided in the City’s favor, the facility would be required to comply with the applicable court order, and the Department approval would need to be amended accordingly.

## **8. Wetlands Issues**

The Department received several comments concerning potential wetlands violations at the Pond View facility. Specifically, the comments referred to the withdrawal of water from Omega Pond for use in dust control measures, and the use of a paved road within the wetlands buffer zone.

Comments were also received about maintaining a buffer zone (50 feet) free of any activity including vehicle traffic between the Facility's operation and Omega Pond. The Department has included a condition in the existing license that restricts any activity in the buffer zone to emergency and dust control/maintenance vehicles. Furthermore, waste storage and other waste management activity are prohibited in the buffer zone. Review of inspection records and photographs of the facility show substantial compliance with this prohibition. Minor violations, regarding a pile of stumps on the edge of this buffer zone have been noted and corrected as per standard procedures, consistent with other waste management facilities.

The Department has also received a small number of comments referencing a photograph from Google in May of 2010 showing waste stored within 50 feet of Omega Pond. The Department would first note that Aerial photos are an inaccurate tool for precise measurements. Therefore, in situations where a difference of several feet would be the basis for a violation, aerial photos are not used to enforce regulations. Review of the photos does not show storage within fifty (50) feet from Omega Pond.

The Department has received comments that, in the past, the Department has denied permits to cut down trees or build buildings within the buffer zone, and therefore should deny this application. The Department must enforce regulations, such as wetlands regulations equally. If the Application proposed building or clearing in the wetlands, the Applicant would be held to the same standard as everyone else. The Application reviewed by the Department does not propose any type of building or clearing in the wetland.

### **▪ Wetlands Permitting Requirements**

The Department’s Office of Water Resources issued an Insignificant Alteration Permit (03-225) dated September 9, 2003 that allows the company to withdraw up to 30,000 gallons per day from Omega Pond for dust control purposes consistent with the property owner’s historic water withdrawal rights. The issue

of the validity of the permit was raised in comments. While the permit specifies a 4-year window for construction activities to take place, water withdrawal may continue after that date if the conditions of the original permit do not change. The Department's Offices of Waste Management and Water Resources have discussed and reviewed the matter and have both concluded that an increase of industrial activity on this property does not require a new wetlands permit. They have not proposed to expand the wetland buffer encroachment and the Applicant is not requesting additional withdrawals. Additionally, the existing wetlands permit, although expired, allows for the continued use of the water withdrawal and the fence because they represent the permitted alteration of the wetland.

## **9. Dust Control, Odors and Other Air Quality Issues**

### **▪ Dust Control**

There were a number of comments that dust generated at the Pond View facility travels offsite into the surrounding neighborhood and Omega Pond. There were also a number of comments from employees at the Facility making the counterclaim that they have never observed dust problems at the Facility (At least one resident of the area made the same claim.)

Section 7.1.05 of the Solid Waste Regulations requires this facility to have a dust control program that prevents dust from leaving the facility. The Air Pollution Control Regulations No.5 also prohibits fugitive dust from emanating from any facility.

The Facility's dust control program described in its Operating Plan includes application of calcium and water to gravel access roads and equipment storage areas. The facility has a water application truck for that purpose. Paved areas are swept of dirt and sediment. Pond View has also installed a misting system in the processing area to control dust produced during the grinding process. The measures proposed in Pond View's application are similar to, or exceed, those that have found to be effective at other C&D debris processing facilities in the State. Department staff have also observed these dust control measures in operation at the facility and found them to be satisfactory.

The Department has responded to complaints about dust on Omega Pond by inspecting the Facility at the time of the complaints. In most of these cases, the inspectors have not been able to directly attribute dust problems to the Pond View facility during those inspections; however during an inspection conducted in 2003, dust was observed on the ice. Most recent inspections have not revealed dust control problems at the Pond View Facility. However, an inspection on 12/10/2010 did show a small amount of what appeared to be fragments of ground wood on the ice. At the time, the Department sampled the ice to determine if there was detectable contamination. Samples were analyzed for total, unfiltered metals to address particulate issues. Sample results for lead were similar to background (0.049 mg/l vs. background of 0.037mg/l). For barium, chromium and silver, levels were higher in the background sample. Mercury and selenium were not detected in either sample.

Regarding other dust problems throughout the year, the Department believes that a number of dust complaints made during the public comment period are credible. The Department believes that during the winter when temperatures drop below freezing a potential operations problem pertaining to spraying water may arise. The Department shall place additional conditions to address any potential dust problems that may travel off site. These proposed additional steps to be included as permit conditions will include:

- Additional pavement improvements
- Raising the height of the perimeter fence (pending Municipal approval)



- Planting shrubs atop the berm and wherever needed on the perimeter of the facility (pending Municipal approval)
- Installing a chute at the wood grinder conveyor outfall to minimize windblown dust.
- Limiting maximum storage times for C&D screenings (fines), which is the resulting material that is separated from the C&D debris by passing through the openings of a screen, for no longer than two weeks rather than three months as allowed in the Regulations.

The Department will continue to inspect the Facility, both in response to complaints and as part of its routine compliance inspection program. If any dust problems are identified, the Department will require TLA/Pond View to take additional necessary measures in order to address and resolve the problems.

#### ▪ Odors

In conjunction with the dust issues, the Department received numerous comments from neighboring residents about odors from the Pond View facility. Similarly, commenters disputing dust claims also disputed claims about odors. Section 7.1.05 of the Solid Waste Regulations requires this Facility to have an odor control program as part of its operating plan and application. An effective odor control plan is necessary to prevent odors from traveling off the site.

The Facility's odor control program outlined in its Operating Plan relies upon the timely removal of C&D materials to prevent decomposition and the associated odors. The time frames for the removal of C&D materials from this type of facility, mandated by state law and the Regulations, are in part required to prevent the production of these odors.

Rule 7.2.02 (b) states: "*The facility must be able to demonstrate through records maintained at the facility and provided to the Department (upon request), that seventy-five percent (75%) of all material received by the facility is processed and removed from the site within six (6) weeks of receipt on a continuous basis, and in no case shall the facility store material on site for over three (3) months.*"

The odor control program also relies on the operator's obligation to recognize if any shipment of materials to the facility emits odors and to refuse to accept those materials. If any odorous materials are inadvertently accepted at the facility, Pond View is required to expeditiously remove them from the site. Pond View also stores 250 pounds of granular activated carbon on site for use in controlling odors.

The Department's inspection records reveal that objectionable odors have not been detected off-site in recent years. However, similar to the dust issue, the Department believes some of the reports of odor problems at the site are credible. Furthermore, the Department has reason to suspect many of the problems relate to the Facilities management of C&D Fines stockpiled at the site. While these materials may not initially present a problem, grinding and storage may combine sulfur-containing wallboard with organic material in wood. If stored outside, precipitation can add the necessary moisture to allow production of hydrogen sulfide under certain anaerobic conditions, thus creating odor problems, particularly when the pile is disturbed. To address this issue the Department will include a license condition decreasing the maximum storage time limit of the screenings (fines) to two (2) weeks rather than three (3) months as allowed in the Solid Waste Regulations.

The Department will continue to inspect the Facility, both in response to complaints and as part of its routine compliance and inspection program. If any odor problems are identified, the Department will

require TLA/Pond View to take additional necessary measures in order to address and resolve the problems.

▪ **Air Quality and Air Monitoring Issues**

The Department has received a number of comments requesting additional air quality monitoring at the site, or requesting review of existing air quality monitoring that has been performed.

Air quality monitoring for respirable particulates (PM10), asbestos and lead was conducted at the site on September 6, 2002 by OccuHealth, Inc. Levels were measured before the start of plant operations, at the fence line during crushing and grinding, between 48 and 68 Roger Williams Avenue during crushing and grinding, and at the fence line after crushing and grinding. At that time, none of the levels were found in excess of the Department's Regulations, National Ambient Air Quality Standards or National Emissions Standards for Hazardous Air Quality Pollutant (NESHAP) levels.

The Department has an air quality monitoring station at Myron Francis School, approximately 0.5 miles northeast of the site. This station was **not** installed to measure the emissions from Pond View, or any other specific source, but rather to allow the Office of Air Resources to measure regional trends in air quality throughout the state. That being said, the data is useful as an indication of the overall air quality in the Rumford area provided that one bears in mind the following caveats:

- Since the monitoring station is not on or immediately adjacent to the Facility, there may be some dilution within the half mile distance to the monitoring station.
- The monitoring station does not pinpoint any contaminants and may be influenced by a variety of upwind sources.

Review of these data showed that **none** of the Department's health based air quality standards were exceeded at the Myron Francis School location. The contaminants ozone, carbon monoxide, formaldehyde, benzene and particulates are at lower levels than those measured at the same time in Providence and do not increase when winds are from the southwest, suggesting these are not significantly influenced by a source to the southwest. Three other contaminants (NO<sub>x</sub>, lead and black carbon) show some increase when winds originate from the southwest. While it is not possible to pinpoint the location as Pond View or some other potential source at or near the industrial park, it is reasonable to look at these in more detail as discussed below:

Levels of Nitrogen (NO<sub>x</sub>) at the Myron Francis site are slightly lower than those in Providence but are at their highest when winds are from the southwest. Both show similar daily trends (peak about 7:00 AM due to traffic and meteorological conditions) with highest levels when winds are low.

Black carbon (a by-product of diesel exhaust) was measured at the Myron Francis site between 2005 and 2009. Levels peak at 7:00 AM at both the Providence and East Providence locations and are higher when wind speeds are low. On average, those at the East Providence site were lower than those in Providence but were slightly higher when winds came from the southwest.

Lead was measured only for the period of 2002-2004. As with black carbon, these levels were elevated when winds were from the southwest, a trend that did not appear in the Providence site and levels were, on average, slightly lower than those in Providence.

The Regulations only require air monitoring at these types of operations within the Environmental Monitoring District in Johnston. While the site is not within that district, the Department believes it is

still reasonable to require additional monitoring as a condition of the permit to gain more data on air emissions at the site. To that end the Department will require as a license condition, quarterly Air Quality Monitoring by a third party consultant similar to that conducted in September 2002 with the addition of hydrogen sulfide. The Department will receive one week notice prior to sampling. In addition, the Department will resume monitoring for black carbon at the Myron Francis site.

## **10. The Nature of C&D Waste**

The Department has received comments regarding the nature of C&D waste. Specifically the commenters are concerned that this waste is actually hazardous waste and that the waste may contain lead or other hazardous waste. As a result, the commenters feel that the license should be denied or the Facility should be required to be permitted as a Hazardous Waste Management Facility because of the possibility that hazardous waste could be illegally disposed of in the C&D debris. Also, there were comments that because wood may be painted with lead paint, all the waste should be considered hazardous waste.

R.I.G.L. 23-18.9-7 defines Construction and Demolition Debris to include painted and/or treated coated wood as shown below:

*“non-hazardous solid waste resulting from the construction, remodeling, repair, and demolition of utilities and structures; and uncontaminated solid waste resulting from land clearing. This waste includes, but is not limited to, wood (including painted, treated and coated wood and wood products), land clearing debris, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles and other roof coverings, glass, plastics that are not sealed in a manner that conceals other wastes, empty buckets ten (10) gallons or less in size and having no more than one inch of residue remaining on the bottom, electrical wiring and components containing no hazardous liquids, and pipe and metals that are incidental to any of the previously described waste. Solid waste that is not C&D debris (even if resulting from the construction, remodeling, repair, and demolition of utilities, structures and roads and land clearing) includes, but is not limited to, asbestos, waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent lights, carpeting, furniture, appliances, tires, drums, containers greater than ten (10) gallons in size, any containers having more than one inch of residue remaining on the bottom and fuel tanks. Specifically excluded from the definition of construction and demolition debris is solid waste (including what otherwise would be construction and demolition debris) resulting from any processing technique, other than that employed at a department-approved C&D debris processing facility, that renders individual waste components unrecognizable, such as pulverizing or shredding.”*

The State of Rhode Island generates on the order of 1 million tons of solid waste per year between construction and demolition debris, trash and other waste streams. The Statute (above) and Regulations deal with hazardous waste and solid waste very differently. The Department is constantly concerned about hazardous waste being co-mingled with solid waste. When the laws were written, the Legislature was aware of the issue of lead paint and the possibility of illegal co-mingling of waste.

Precautions need to be taken to prevent co-mingling. Section 7.1.05(q) of the Application outlines a protocol for inspection and rejection of loads for items such as hazardous waste, asbestos and other non-processible waste. Also C&D screenings (fines) are tested regularly for TCLP hazardous constituents as part of their criteria for acceptance at the Rhode Island Resource Recovery Corporation' Landfill in

Johnston. Furthermore, as per our response to air issues, emissions have been previously tested and will be tested again for asbestos. The data to date have not shown exceedences of the applicable standards.

### **11. Litter Control Issues**

The Department received a relatively small number of complaints from neighbors that litter from the Pond View facility was traveling offsite into the pond and surrounding trees. Section 7.1.05 of the Solid Waste Regulations requires this Facility to have a litter control program. The Facility's litter control program is described in its Operating Plan. Pond View employees are required to inspect and collect any dispersed litter on a daily basis. Outside contractors will be hired to supply temporary personnel and equipment (e.g. telescopic lifts and vacuum trucks) if necessary to expedite the cleanup of any litter that inadvertently blows off the site. A perimeter fence has been constructed between the site and Omega Pond. These measures are consistent with those required at similar facilities in the State. Department staff have observed Pond View employees conducting litter patrols. Recent inspections have not revealed litter control problems at the facility.

The Department will continue to inspect the facility, both in response to complaints and as part of its routine compliance and inspection program. If any litter problems are identified, the Department will require TLA/Pond View to take additional necessary measures in order to address and resolve the problems.

### **12. Out-of-State Waste and Out-of-State Facility Issues**

Several comments were received expressing concern that out-of-state waste was being accepted at the Facility and that it was eventually being disposed of at the Rhode Island Resource Recovery Corporation's (RIRRC) Landfill in Johnston. Although solid waste facilities like Pond View are not prohibited from accepting or processing out-of-state waste at their facilities, RIGL Section 23-19-13.1 does prohibit the disposal of out-of-state waste at the RIRRC's Central Landfill. The Department has informed all solid waste facilities of this statutory prohibition.

Records indicate that the Facility does not dispose of solid waste at the RIRRC facility in Johnston, although they can provide cover material in the form of C&D screenings to that facility. The RIRRC has a policy (Alternate Cover Material Policy) for acceptance of alternate daily cover, including C&D screenings (fines), and RIRRC accepts such material at its own discretion. A condition has been attached to the license stating that no waste generated from outside the State of Rhode Island shall be deposited in the Central Landfill in accordance with R.I.G.L. 23-19-13.1(a) and the Office of Attorney General Opinion No. 89-07-36.

### **13. Record Keeping and the Amount of Materials Entering the Facility**

A comment was received expressing concern that there are no measurable or enforceable limits on the amount of C&D materials received by the Pond View facility. The Solid Waste Regulations do require detailed record keeping to demonstrate the amounts of materials received by the Facility on a daily basis. In accordance with this requirement, the Facility does generate scale house weight slips that provide the appropriate information, and these slips must be made available to DEM staff upon request. During inspections, Department staff often conduct reviews of those slips to insure the facility is operating within the daily tonnage limits required by the license.

The facility also accepts materials such as used concrete and asphalt that are not regulated and are not considered a solid waste.

The Department will continue to inspect the facility, both in response to complaints and as part of its routine compliance and inspection program. If any problems are identified, the Department will require TLA/Pond View to take additional necessary measures in order to address and resolve the problems.

#### **14. Increased Tonnage, Storage, and Stockpile Issues**

The Department received some comments expressing concern over the increase in tonnage to 1,500 tons per day at the Facility and its impact on storage and stockpiles. Another comment expressed concern that the Facility is a landfill. Rule 7.2.02 (b) of the Solid Waste Regulations states:

*The facility must be able to demonstrate through records maintained at the facility and provided to the Department (upon request), that seventy-five percent (75%) of all material received by the facility is processed and removed from the site within six (6) weeks of receipt on a continuous basis, and in no case shall the facility store material on site for over three (3) months.*

The Facility's Operating Plan does specify the maximum size of the stockpiles that the site can readily accommodate and their location on the site. There have been comments that the stockpile regularly exceeds either their size limitations or encroaches along the buffer location. A photograph submitted by the Audubon Society does appear to show some encroachment, although later inspection by the Department shows those piles to have been pulled back. As per the response regarding [Wetlands Issues](#), the Department will continue to inspect the buffer zone.

The Facility has also adequately handled the removal of materials from its site with the current trucking and railway services. The Facility has acquired additional rail cars onsite which considerably increases their ability to handle the increase in tonnage and remove materials from the site in the timeframes required by the regulations. The Department believes that the additional shipping capacity will make it possible to process more waste at the site without exceeding the permitted storage capacity. Attachment H of the submitted Application presumed the worst case scenario relative to storage of processed and unprocessed material so as to account for the post closure financial assurance. As such, the Facility proposes to overfund the required financial assurance to ensure proper third party removal of stockpiles, if necessary. The current amount of financial assurance for 500 tons per day is \$400,000 (\$164,000 is required in accordance with closure cost calculations in closure plan). As per the new application, the amount of financial assurance for 1,500 tons per day is \$800,000 (\$413,000 is required in accordance with the closure cost calculations in closure plan).

#### **15. History of Noncompliance, Deficiencies, Violations, and Enforcement Actions**

A number of comments were received by the Department referring to a history of noncompliance at the Facility. Specific complaints were received about the sign at the entrance to the Facility and about the Facility not having permission to install another grinding machine.

Minor deficiencies are commonly found at licensed solid waste facilities throughout the state. Often when inspectors observe such deficiencies at a facility, they are noted in the inspection reports and the facility owner/operator is required to correct them. Routinely, the Department initiates the enforcement process by issuing informal enforcement actions, including Letters of Non-compliance (See [Attachment E](#)) or Notices of Intent to Enforce. The last such action against the facility was issued in 2009, which identifies alleged violations and describes the steps necessary to come into compliance. If the deficiencies are corrected in a timely manner to the satisfaction of the Department, as they were in 2009, formal enforcement actions with penalties may not be necessary.

Compliance history regarding City ordinances is discussed in [Local Government and Community Issues](#).

Inspections of the Facility over the past three years have found the facility in substantial compliance with the applicable Solid Waste Regulations. Occasionally, minor deficiencies in the operation of the Facility have been identified, and when notified of the deficiencies, the Facility has cooperated with the Department and made the appropriate corrections to their operation in a timely manner. Currently, there are no formal enforcement actions or penalties outstanding against the Facility and no formal enforcement actions have been issued in the past 3 years.

The Facility is required to request a modification to their operating plan for any additional equipment and may not use that equipment without first obtaining approval by the Department. Use of grinding equipment must also be in conformance with all local requirements.

## **16. Inspections, Inspectors and Related Analytical Testing**

Comments were received on the frequency and adequacy of DEM's inspections of the Facility. Inspections of the Facility are unannounced and conducted randomly. Typically, inspections are performed on a monthly basis, as is done for most solid waste management facilities; however, inspections can be, and have been, increased when warranted. Department staff who conduct these inspections have the appropriate training and experience for inspecting solid waste management facilities.

Facility Inspections – 2010:

- 1-6-2010 (OWM Staff)
- 2-2-2010 (OWM Staff)
- 3-15-2010 (OWM Staff)
- 4-14-2010 (OWM Staff)
- 5-26-2010 (OWM Staff)
- 6-8-2010 (OWM Staff)
- 7-1-2010 (OWM Staff)
- 7-21-2010 (OWM Staff)
- 8-11-2010 (OWM Staff)
- 8-30-2010 (OWM Staff)
- 9-9-2010 (OWM Staff)
- 9-15-2010 (OWM Staff)
- 10-6-2010 (OWM Staff)
- 10-8-2010 (OWM Staff)
- 10-19-2010 (OWM Staff)
- 11-1-2010 (OWM Staff)
- 11-26-2010 (OWM Staff)
- 12-7-2010 (OWM Staff)
- 12-8-2010 (OWM Staff)
- 12-10-2010 (OWM Staff)
- 4-7-2010 (OC&I Staff)
- 4-20-2010 (OC&I Staff)
- 4-26-2010 (OC&I Staff)
- 4-29-2010 (OC&I Staff)
- 9-22-2010 (OC&I Staff)
- 9-28-2010 (OC&I Staff)

- 10-4-2010 (OC&I Staff)
- 10-18-2010 (OC&I Staff)
- 10-19-2010 (OC&I Staff)
- 11-1-2010 (OWM Staff)
- 12-7-2010 (OWM Staff)
- 12-10-2010 (OWM Staff)

The Department has also received comments that unless more frequent inspections are done (i.e. more inspectors are hired) the Department should deny the application. While the Department may be concerned about resources, neither the Regulations nor their authorizing statute give the Department the right to deny an application on the basis of the Department's lack of inspectors. Furthermore, the Department inspects the Facility on average more than once a month which is sufficient to evaluate performance. Similarly, some commenters have suggested that unless each incoming load is analyzed, the Application should be rejected. This would result in such an unrealistic burden, the Department would have to reject all Waste Facility Management Applications.

We have received requests to increase analytical testing of waste, soil and other media during inspections. Given the costs associated with analytical testing, the Department does not believe it is justified to pay for this testing without good reason. In the Department's extensive experience with C&D waste, routine analytical testing of C&D debris, given its volume and heterogeneity, is not a good use of public funds unless observation warrants such testing. The Department believes the current level of testing required to be reasonable.

As the Department is mainly concerned with contaminant migration, testing media leaving the site (air, surface water) is more valuable than soil testing. Also, if something is detected off-site, especially lead, the protocols must be sufficient to prove it came from the Facility and not from a historic release from other sources.

A license condition will be included requiring that TLA/Pond View reimburse the Department for any costs associated with verifying Facility compliance with the terms and conditions of the license and the approved operating plan. This condition would also cover analytical testing if the Department feels that it is warranted.

## **17. Classification of the Facility**

Many commenters use different terms to classify the facility such as a recycling operation, dump, landfill or transfer station. While laypersons frequently use these terms interchangeably, the Department must be very precise in defining them. That is because sanitary landfills, Construction and Demolition Debris Processing Facilities, and Transfer Stations are very different operations, subject to very different regulatory standards. Some commenters have confused the standards for this Construction and Demolition Debris Processing Facility with standards for other solid waste management facilities. Below are definitions from the *Regulations* (specifically *Solid Waste Regulation #1*). The term "dump" is not defined in the *Regulations* but is generally used by the Department to refer to a Sanitary Landfill that does not have an approved Department license as such. This can be either because disposal occurred prior to the requirement to obtain a permit or operated as an illegal disposal facility.

*"Construction and Demolition Debris Processing Facility" shall mean a solid waste management facility that receives and processes construction and demolition debris of more than fifty (50) tons per day. Said facilities shall demonstrate, through records maintained at the facility and provided to the Department, that seventy-five percent (75%) of all material*

*received by the facility is processed and removed from the site within six (6) weeks of receipt on a continuous basis, and that in no case stores material on site for over three (3) months, provided, however, such facilities do not include municipal compost facilities.*

*"Disposal" shall mean the abandonment, discard or final disposition of waste.*

*"Sanitary Landfill" shall mean a licensed land disposal site employing an engineered method of disposal of solid waste in a manner that absolutely minimizes environmental hazards, including: spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume; and applying cover material at the end of each operating day, or at such more frequent intervals as may be necessary. A sanitary landfill shall also mean a solid waste landfill.*

*"Solid Waste Management Facility" shall mean any plant, structure, equipment, real and personal property, except mobile equipment or incinerators with a capacity of less than one thousand (1,000) pounds per hour, owned or operated for the purpose of processing, treating, or disposing of solid waste.*

*"Transfer Station" shall mean a solid waste management facility, other than a materials recovery facility or intermediate processing facility that can have a combination of structures, machinery, or devices where solid waste is taken from collection vehicles and ultimately placed in other transportation units for movement to another solid waste management facility.*

## **18. Court Decisions on Previous License**

The Department has received many comments referencing previous court decisions. A number of these have claimed the Department is violating conditions issued by various courts. Other commenters have said that review of this permit cannot continue until the court actions regarding the previous permits are resolved. To address these issues, the Department has compiled the explanation below of previous court actions regarding this site and the Department's role in those actions.

On January 10, 2003, The Department issued a license to operate a construction and demolition ("C&D") processing facility at a capacity of 500 tons per day to Pond View Recycling, Inc. ("Pond View"). The Attorney General ("RIAG") filed a request for hearing before the Administrative Adjudication Division ("AAD") in opposition to that application in April of 2003. In accordance with AAD's policy under which licensing appeals are to be heard within ninety days of the request for hearing unless the appellant waives that right, an Administrative hearing was initially scheduled for June 23, 2003. The RIAG waived his right to a ninety day hearing, and subsequently requested a number of continuances in the following months. Due to these multiple requests for continuances, the administrative hearing did not commence until April of 2004.

That 2004 administrative hearing was halted when the RIAG called the Chief of the Office of Waste Management as a witness and then asked a question that called for expert testimony. Upon RIDEM Counsel's objection to such testimony, the hearing was halted so that the RIAG could petition the Superior Court for a decision on whether a Department employee could be subpoenaed and ordered to provide expert testimony on behalf of an appellant at AAD. The Department did not refuse to allow its own employees to testify, but rather, the Department objected to its being required to provide expert testimony on behalf of an opposing party. The RIAG filed his Petition to Enforce a Subpoena in Superior Court on June 2, 2004 and over the course of the subsequent two months, the parties met repeatedly in efforts to resolve the issue, as ordered by Superior Court Judge Silverstein, but no agreement was ever reached.



By letter sent on February 9, 2005, the Department's counsel encouraged settlement of the case, as Pond View's relicensing application was expected within eight months, and the administrative hearing had been scheduled to resume on February 21, 2005, although the issue which led to the RIAG's Petition to Superior Court had never been resolved. The RIAG did not respond to the Department counsel's February 5 letter, and as no action had been taken in Superior Court in pursuit of the RIAG's petition, the administrative hearing was to recommence, as scheduled by the Hearing Officer, on February 21, 2005. In response to the AAD order recommending the hearing, the RIAG sought and received a stay of the AAD proceedings from the Superior Court.

In May of 2005, on the Order of the Superior Court, the RIAG filed a petition for a declaratory ruling with the Director of RIDEM. The Director issued an order requiring the Department witness to answer "fact-specific, 'non-opinion' inquiries" made by the RIAG at the administrative hearing. Unsatisfied with this decision, the RIAG again appealed to the Superior Court. On July 22, 2005, the Superior Court ordered an indefinite stay of the proceedings at AAD to allow the Superior Court appeals to proceed. No further action in the Superior Court appeals or the AAD matter would take place until October 2007.

The 2003 license was set to expire in January of 2006, and as expected, Pond View filed an application for re-licensing in accordance with § 23-18.9-9 in October of 2005. Pond View's new license was issued on January 10, 2006. No one commented, no one objected, and no one moved to stay Pond View's use of that license. The license was issued with little fanfare, and Pond View continued operating under a valid license.

It wasn't until 2007, when Pond View entered negotiations to sell the facility to TLA-Providence, LLC ("TLA") that further action occurred in these matters. In hopes of clearing the slate to help facilitate the sale of the facility, Pond View filed Motions to Dismiss in both Superior Court and at AAD in the fall of 2007. From July of 2005 through October of 2007, no action whatsoever was taken in these matters, and in October of 2007 it was Pond View, not the RIAG, whose actions brought these matters back to life. Deferring ruling on the Motion to Dismiss, the Superior Court lifted the AAD stay, and ordered the administrative hearing to resume. The AAD Hearing Officer complied and scheduled the hearing to recommence on January 4, 2008. Prior to resuming the hearing, however, the Hearing Officer was first obliged to address motions that were pending, including Pond View's October 2007 Motion to Dismiss. That Motion to Dismiss was granted, on the grounds that the issuance of the 2006 license had rendered the 2003 license appeal moot, effectively ending the proceedings at AAD. In response to that decision, the RIAG filed another appeal to the Superior Court. While that appeal was pending in Superior Court, the sale of the facility from Pond View to TLA went forward. In response to the sale, TLA applied for a transfer of the license. As with the 2006 re-licensing, no one commented, objected, or moved to stay TLA's transfer application or its use of the license, and on February 28, 2008, a new license was issued to TLA, with a set expiration date of February 28, 2011. While the Department completed its review of the new 1500 tpd license application, the Applicant submitted the required application to renew the 500 tpd license, allowing them to continue operating after the February 28, 2011 expiration.

Over the course of the last two and one half years, that AAD decision dismissing the appeal as moot was upheld by the Superior Court, appealed to the Supreme Court, and ultimately reversed by the Supreme Court in May of 2010, with an order to remand the matter to AAD "for further proceedings to commence expeditiously."

The Rhode Island Supreme Court found that the 2006 and 2008 licenses are "inherently linked to and dependent upon the validity of the original 2003 license," and therefore that the 2003 license appeal was not moot, as the AAD Hearing Officer had found in 2008. The finding of mootness in the AAD Hearing Officer's 2008 decision was the only issue on appeal to the Superior Court, and was the only issue

addressed by the Court in its May 2010 decision. The principal grounds for the decision were the fact that the requirements and the process for re-licensing and for transfer of a license are essentially pro forma as long as there is no expansion or other substantial change in the facility or its operations. See § 23-18.9-9. The Supreme Court found that because the procedural steps required for a new license were not required for the 2006 re-licensing or the 2008 license transfer, those licenses (the 2006 renewal and the 2008 transfer) were dependent upon and linked to the 2003 license.

The Supreme Court remanded the matter to the Superior Court, with instructions to remand to AAD. Before the matter could be remanded to AAD, however, outstanding counterclaims in the Superior Court had to be addressed. Those matters were heard on June 30, 2010, and the Superior Court issued orders dismissing the counterclaims and remanding the matter to AAD on July 15, 2010. Once those orders were issued, the Superior Court clerk's office was required to send the administrative record back to AAD so that further proceedings could commence. The administrative record was transferred, not by the Superior Court clerk, but by the RIAG, on August 24, 2010. Upon receipt of the administrative record, the AAD assigned a new hearing officer to the matter and a conference with the Hearing Officer and all parties was held on September 1, 2010. The Hearing Officer ordered that all parties submit memos by September 27, 2010, and after reviewing those memos, the Hearing Officer issued an order on October 15, 2010, ordering the parties to prepare arguments and attend another conference on November 8, 2010 to further navigate the logistics of recommencing a six-year-old hearing on a seven-year-old license. Due to a prolonged illness, the Hearing Officer was unavailable for some time, and was required to continue that November 8, 2010 conference indefinitely. That conference recently took place on February 8, 2011 and the matter continues to progress.

Despite all of the above, the scheduling of this matter at AAD and the Supreme Court's decision in May of 2010 are separate and parallel to the pending application at issue. The facility is also entitled to its legal rights of due process in the courts and the Department decision on the pending license application cannot preempt those proceedings. The pending license process is governed by statute, and the Department is and has consistently acted in accordance with the General Laws and the timelines set out therein. Neither OWM, nor the Department's legal office, nor any division of the Department other than AAD has any control or input over the scheduling and/or travel of the 2003 appeal at AAD.

On a related note, the Department has received comments claiming the Supreme Court has held that C&D Processing Facilities are Solid Waste Disposal Facilities, and therefore must go through the Department of Administration Landfill Siting Procedures (as well as local approval) before receiving a Solid Waste Management Facility permit. While the Supreme Court provided a discussion, in dicta, of the process for permit renewals versus new permits, it did not find that the Facility should be classified as a Solid Waste Disposal Facility as opposed to a Solid Waste Management Facility. It similarly did not hold that the procedural requirements for a Solid Waste Disposal Facility should be applied to this Solid Waste Management Facility.

### **19. New Application vs. Renewal**

As the application calls for an increase in waste received, it cannot be considered a renewal and must be considered a new application. As a result, the Department required the Applicant to pay the fee for a new application (\$10,000 as opposed to \$3,000 for renewal). Furthermore, public hearing requirements representative of a new Construction and Demolition Debris Processing Facility were required. As such, the application, unlike the 2006 and 2008 renewal applications, is **not** a product of the existing license.

### **20. Health Problems in the Community**

It is the Department's role to keep contaminants, particularly carcinogens, from releasing to the environment (air, water or soil). To that end, the Department's standards regarding air, groundwater and surface water contamination were promulgated to be protective of human health as well as the environment.

The Department has received a number of comments regarding cancer, asthma or unexplained deaths in the community that some residents believe is caused by the Facility. We have also received a significant number of comments from people who have spent considerable time at the site and claim not to have any health problems. The Department does not have the medical expertise, authority or resources to evaluate the health conditions of individual cases in the community, as a personal physician does. However, regarding health claims, the Department cannot take action against the Operator based on suspicion without factual medical evidence, nor for that matter could we allow a violation of a health based standard to continue just because a number of people had **not** experienced health problems as a result. To take action based on conjecture, without scientific evidence, would not only depart from a reliance on sound science, but would make any action by the Department easily reversible in the appeals process. Furthermore, if the Department used a suspicion of health conditions as the basis to shut down a facility, it would give each resident of an area a singular veto over any industry's activities.

As stated above, the Department does not have the expertise to determine the cause of medical conditions such as cancer and asthma that involve complex factors such as genetics and lifestyle as well as environmental exposure. If any cases of illness are suspected to have an environmental cause, please have the physician who diagnosed the disease call Dr. Robert Vanderslice, Primary Environmental Health Risk Manager of the Healthy Home and Environment Program at 401-222-3424 to ensure that the RI Department of Health has the opportunity to conduct the appropriate follow-up.

## **21. Environmental Justice**

The Department has received comments that locating the Facility in East Providence runs afoul of the U.S. Environmental Protection Agency's (EPA) efforts regarding environmental justice. Environmental Justice is defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, English language proficiency, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Our research indicates the demographics of the area around the Facility do not fall within EPA's or DEM's definition of an Environmental Justice Area. In addition, through discussions with the USEPA, they have confirmed that this area is not an Environmental Justice Area under their program definitions.

Many of the commenters have noted that Rumford is a "nice neighborhood" and the facility should be moved somewhere else. The Department does not have authority to dictate where a facility is located.

## **22. Other Comments**

There were some comments received by the Department during the public comment period that were not related to the licensing of the Facility. Those comments are outside the scope of the Department's regulatory authority relative to the licensing of solid waste management facilities.

## **Attachment B**

# **COMMENT SUMMARY AND GUIDE TO DEPARTMENT RESPONSES FOR THE LICENSING OF THE TLA/POND VIEW SOLID WASTE FACILITY APPLICATION**

May 2011

Note on summary of comments. Comments are categorized by how they were received (email, hard copy and comments made at public hearings) and sorted in most cases by date received. In the interest of brevity, the concern was usually simply stated without the phrase “commenter states” or “commenter asserts.” This omission should not be construed to imply the Department concurs with a comment or assertion.

Also in the interest of brevity, the concern is often listed as traffic concerns or noise concerns without stating “The commenter is concerned that approval of the Application will result in an increase in traffic.” It stands to reason that with issues like traffic, noise, etc., no commenter would be concerned about less traffic or noise. Similarly, since these are comments about the Application, it stands to reason that the concern involves the Application.

### **Overview of Comments Received by the Department**

The largest group of commenters were those who identified themselves as residents of East Providence, many identified themselves as residents of the Rumford section of East Providence. These commenters were overwhelmingly opposed to the approval of the Application, and many simply want the Facility to cease operations. Almost all of them mentioned the proposed increase in daily capacity from 500 to 1,500 tons as their biggest concern. These residents most frequently cited the issues as noise, traffic, odors, dust and property devaluation as concerns that would be made worse by approval of the Application. Many also complained about the zoning that allows such an operation so near to a residential area.

The Department received a number of comments from employees and customers of the Facility (mostly form letters). These commenters pointed to the economic benefit of the Facility to the area, as well as environmental benefits of recycling. Many also indicated they had not witnessed some of the problems reported by residents.

Public officials opposed to the Facility included a number of officials from the City of East Providence (including the Mayor), the State Senator representing that district, the East Providence Waterfront Commission and consultants working for these parties. Many of their comments reiterated the residents concerns and raised more specific issues related to zoning, land use, legal issues, environmental concerns and traffic. The Attorney General’s Office also submitted comments opposing the Facility.

The Department received several comments from the Facility and those working on behalf of the Facility. Many of their objections centered around their contention that they were being held to a standard far beyond that of other solid waste management facilities and beyond that allowed by the Regulations.

Environmental groups were split. The Audubon Society of Rhode Island was strongly opposed to the Application, citing a number of specific concerns, mainly associated with Omega Pond and its associated wetlands. The Ten Mile Watershed Council commented in favor of the Application citing the strong historical support the Facility has reportedly shown for cleanup efforts in the river. They also cited the need for such facilities to reduce illegal dumping and promote recycling. Save the Bay made what they referred to as preliminary comments at the public hearing citing concerns over some aspects of the Application associated with water quality

## I. COMMENTS RECEIVED BY EMAIL

### 1. *Terrence Tierney, Esq.- Office of the Attorney General*

Received: Thursday, 9/2/2010

- 1) The Department should hold a hearing in the community at night. - See below and [Adequacy of Public Notice and Public Hearings](#)
- 2) The application materials should be posted electronically- The Department requested an electronic copy but the request was denied as the Facility's attorney (Kevin Bristow) made the claim that this was not required for other applications and it is not a requirements in the *Regulations*. After analyzing their response, the Department decided Mr. Bristow was correct.
- 3) The material provided at the workshop was misleading and inaccurate and a new public workshop should be scheduled- While the commenter was correct that the berm on the east side of the property is not depicted on figure 2b, it is clearly shown on figure 2a. Figure 2a and 2b, when viewed in conjunction, accurately depict the facility; as the berm is clearly shown on figure 2a, we see no reason to duplicate it on 2b. Both of these figures were mounted and displayed at the informational workshop; so the statement that the material provided to the public at the workshop was misleading and inaccurate is without merit.

Regarding the issue of the fence, as was discussed in the workshop, the commenter is also correct that the plan described it as enclosing the facility where it should say partially enclosing the facility. To this end, the Department will require that the Applicant amend the description of the fence to indicate that the fence partially encloses the facility. The Department required this minor error to be corrected. However, the Department believes that characterizing the material presented at the public workshop as inaccurate and misleading based on one minor error in terminology is disingenuous and a gross exaggeration.

- 4) All inspection reports and correspondence between DEM and the applicant should be posted online- While these documents are public record and have been made available to the commenters that requested them, the Department does not have the resources to scan and post all of these records online. The Department made inspection reports and correspondence for the facility available to the public consistent with the Public Records Act and standard protocols for similar types of facilities. See also [Scarcity of Department Resources](#)
- 5) The Department should require a photograph of the Facility while trucks are present and one of what the facility will look like in the future. - There is no requirement in the *Regulations* that an applicant produce **any** aerial photographs. However, as is common practice, the Applicant produced a large, detailed aerial photograph of the facility taken after working hours. It did not show vehicles driving at the site, or what the site looks like during rain events, or after snow storms and it does not need to. The request for additional photographs to show vehicles and other operations is completely without precedent for any waste management facility application or any other approval in the Office of Waste Management. Had the Applicant produced the requested

photographs, they may have been subjected to criticism due to important site features being obscured by vehicles driving over them.

The suggestion that the facility should use special effects to create “enhanced photographs” of operations that have not yet occurred is even more unprecedented. In light of the fact that other recent solid waste applications, unlike this, have proposed construction of new landfills (RIRRC) and new buildings (J.R. Vinagro) the requirement of requiring “enhanced photographs” is unreasonable.

- 6) The Facility should be required to provide the log of complaints from neighbors- **The Department does not feel this is necessary to review the Application.**
- 7) The Facility does not have a Wetlands Act permit for withdrawals of water from Omega Pond- **See [Wetlands Issues](#).**
- 8) The wetland buffer zone is paved and used for vehicular traffic.- **See [Wetlands Issues](#).**
- 9) The Department should require monitoring of dust and odors from the facility. **[See Dust, Odors and other Air Quality Issues](#).**
- 10) “Since DEM acknowledges its inability to audit the amount of out of state waste arriving at the facility, it should require an independent source of such verification as a license condition” **The Department feels this is a creative interpretation of the Department’s position and does not carry weight. See [Scarcity of Department Resources and Out-or-State Waste and Out-of-State Facility Issues](#).**
- 11) Before approving the proposed application, DEM should first conclude the hearing on the existing license.- **See original response and [Court Decisions on Previous License](#).**

**2. Robin L. Main, Partner - Hinckley, Allen & Snyder LLP, Attorney for E.P. Waterfront Commission**

Received: Friday, 9/3/2010

- 1) The Department should make all records available to the Waterfront Commission regarding inspection records within 10 days. - **These records were made available and were reviewed in that time frame.**
- 2) The Department’s Wetlands Division should determine if the permit for water withdrawal is valid and if there are violations of the buffer zone requirements. **See [Wetlands Issues](#).**

**3. Kevin J. Bristow, Esq.- Attorney for TLA/Pond View**

Received: Friday, 9/3/2010

- 1) The Facility objects to additional informational workshops or hearings as the notice was properly issued. – **See [Adequacy of Public Notice and Public Hearings](#)**
- 3) There is no precedent for moving the venue of a public hearing. – **The Department decided not to move the hearing but have it so that people intending to comment based on original notice could do so.**
- 4) J.R. Vinagro and RIRRC were not required to have additional meetings. –**Agreed.**

**4. Terrence Tierney, Esq.- Office of the Attorney General**

Received 9/10/2010

- 1) The Department should have informational meetings at night in the community.- **See [Public Notice and Public Hearing Process](#)**
- 2) The Department has delayed the Administrative Hearing and the existing license is illegal- **See [Court Decisions on Previous License](#)**
- 3) The *Application* is not a new Application but is a Renewal- **See [New Application vs. Renewal](#).**

## 5. Terrence Tierney, Esq.- Office of the Attorney General

Received 9/21/2010

- 1) How will the community be notified of the evening meeting to which the applicant will be invited, and of the filing of a copy of the application at the E.P. Library ? *A notice was placed in the Providence Journal (the East Bay Post was not an option as it would not provide enough notice). Also the Department asked the library and City Hall to post the notice and placed a copy on our web site. The Department also e-mailed the notice to meeting attendees.*
- 2) Will the opportunity to review material relating to the application include access to the requested copy of all correspondence between DEM and the applicant ? *No. We received initial submittals and commented on deficiencies and required resubmissions. To put out earlier versions with details on their shortcomings would only be confusing regarding what is actually in the final application subject to this review. This information is public record and was made available to any interested parties that requested to review them. In the Public Notice, the Department was seeking comments on what is in **this application**, not earlier versions.*
- 3) Given the RIDEM AAD Hearing Officer's ruling that counsel for the Office of Waste Management caused the administrative hearing on the legality of existing License #64 to "stall," (and the fact that DEM has still not reconvened such hearing despite the RI Supreme Court's directive of last May) I must respectfully differ with RIDEM's position that the continued denial of the administrative hearing expressly required by the Administrative Procedures Act is not within your agency's control. Since the pending application expressly states (at Section 1.6.01) that TLA Pond View requests an increase in the tons per day rate of the "current solid waste license No. 64" – and the RI Supreme Court's has ruled that the "existing license is a product of the 2003 license," - DEM's position that action on this application "is not in any way dependent on the existing permit" appears to be legally and factually erroneous. *In the Department's September 10, 2010 letter responding to your initial comments, under Paragraph 11, it was stated that "The Attorney General's having not received an administrative hearing in this matter at this time is in no way under the control of the Office of Waste Management." We would reiterate that **OWM** has no control over the **AAD** process. It is our understanding that the parties recently met with the newly assigned hearing officer in this matter, and that the case is proceeding under his control at this time. Please contact DEM legal counsel regarding the pending administrative action. See also [Court Decisions on Previous License](#)*
- 4) Having just lost the argument over whether the exiting license was a "new" one issued in February, 2008, RIDEM should reconsider the decision to treat this application as one seeking a "new license," and should finally decide if License #64 was properly issued in the first place. *While the Supreme Court found that the existing license (renewed in 2006, and transferred to TLA in 2008) is a product of the 2003 license, the process which is currently underway and the application which is currently pending and at issue is materially different from both the renewal and transfer processes undertaken in 2006 and 2008. While the currently-pending application may refer back to the current valid license, that does not undermine the fact that, by statute and regulation, this application is being handled as a new license, with new opportunities for public participation in the process.*

## 6. Jo-Ann Durfee- East Providence

Received: Thursday, 9/21/2010

- 1) The facility was already operating outside their permitted hours of operation. See [Hours of Operation](#)
- 2) Noise, pollution and health problems are impacting the community. See [Noise Issues, Dust Control, Odors and Other Air Quality Issues](#) and [Health Problems in the Community](#)

- 3) Why should the neighbors of East Providence have to have a mini landfill near residential homes when it appears that TLA/Pond View is highly unlikely following DEM regulations. [See Classification of the Facility and History of Noncompliance, Deficiencies, Violations, and Enforcement Actions](#)
- 4) There is brown or gray ice on Omega Pond. The Department released fish into the waters that leads into Omega Pond so people could fish not knowing what health problems could occur from the pollution going into Omega Pond [See Water Quality Issues](#)

## **7. Debra Nolan- East Providence**

Received, 9/22/2010

- 1) Commenter complained about odor, received no response from the Department. **The complaint was investigated on the same day by both the Office of Waste Management and Office of Compliance and Inspection. The odor was not present at the time of either inspection. Both Offices corresponded with commenter and discussed their results (after receipt of comment). See also [Odors](#) and [Inspections and Inspectors](#).**

## **8. Terrence Tierney, Esq.- Office of the Attorney General**

Received 9/23/2010

- 1) DEM has the authority to require an electronic copy of the *Application*- **The Department made this request of the Facility, as we felt the request was reasonable. The Applicant refused, as the Regulations do not have a provision for this requirement and it was not within our rights to require it.**

## **9. Jo-Ann Durfee- East Providence**

Received: 9/29/2010

- 1) The Facility receives material prior to 7:00 AM [See Hours of Operation](#)
- 2) Some roll offs have no covers that travel to the Facility. [See Traffic](#)
- 3) Many of the trucks are from Massachusetts. [See Out-or-State Waste and Out-of-State Facility Issues](#)
- 4) Most residents cannot attend the public meeting on 10/22/2010. The Department should walk around the neighborhood on weekends to get additional public comments. [See Adequacy of Public Notice and Public Hearings](#)

## **10. Ken Schneider- Co- President, East Providence Coalition**

Received, 9/29/2010

- 1) Trucks come and go from Facility at all hours. – [See Hours of Operation](#)
- 2) Noise at the Facility –[See Noise Issues](#)
- 3) Odors and dust originating from the Facility –[See Dust Control, Odors and Other Air Quality Issues](#)
- 4) Workers at the Facility wear masks but neighborhoods are only hundreds of feet away –**This has not been the Department’s observation. We have observed only workers within the picking and sorting station where waste is separated wearing masks, other workers normally do not.**
- 5) The City has sent the Facility cease and desist orders – **The Department sent a formal request to the City of East Providence to see any cease and desist orders, and the City has no record of a cease and desist order in this matter.**
- 6) The Facility already accepts in excess of their permitted capacity and evidence of the waste was given to the Office of Waste Management and nothing was done. Portable scales should be



placed outside the Facility. At the time, the Department reviewed the material submitted and re-reviewed them when this comment was made. The materials presented assume:

- i) Each load is full
- ii) Loads have the same density (5 tons/roll off 10 tons/ double roll off, 15 tons/ box trailer and 12 tons/ trailer). The density assumed here, is quite high for unprocessed C&D debris.
- iii) All loads are regulated material (no concrete, etc.)

For the record, the Department obtained Facility records in that time frame and those records show significantly smaller weights per load, based on actual scale house measurements. While the Department always keeps in mind that Facility records may be inaccurate, inspectors found no evidence of fraud or inaccuracy.

The Department has concluded that the weight of each vehicle in the complaint sent in by Mr. Schneider are unsubstantiated guesses, and at variance to the Department's observations (some loads are not full, some loads have a significantly lower density, some loads are concrete and other non-regulated materials). Therefore, the materials presented cannot be the basis for determining whether or not violations of the Facility's daily capacity has occurred.

- 7) The Department should walk door to door and solicit comments from residents. See [Adequacy of Public Notice and Public Hearings](#)
- 8) The Facility should not be located in a residential area. See [Zoning](#)
- 9) There should be another informational meeting and public hearing in East Providence. See [Adequacy of Public Notice and Public Hearings](#)
- 10) If the citizens, the City and the Attorney General's Office have all been fighting this company for years, can we all be wrong? All these entities have their own concerns and legal authority. See also [Overview of the Department's Role in the Permitting Process](#) and [Local Government and Community Issues](#).

#### **11. Ken Schneider- Co- President, East Providence Coalition**

Received, 9/30/2010 and 10/4/2010

- 1) Is it part of DEM's obligation to protect the citizens, as well as regulate facilities like this? Yes, see [Overview of the Department's Role in the Permitting Process](#)
- 2) There are many health problems in the area. See [Health Problems in the Community](#)
- 3) The Facility grinds demolition debris and this must release lead to the air. See [Air monitoring Issues](#) and [Air Quality and Air Monitoring Issues](#)
- 4) What is the process of monitoring this facility concerning their intake on a daily basis and air pollution? Regarding waste intake on a daily basis, the facility is required to keep written records made at the time of acceptance regarding the nature, quantity and origin of materials. RIDEM as part of its regular, unannounced inspections, has the right, and exercises the right, to review this paperwork. Also, RIDEM personnel visually inspect the accepted materials as well as the storage piles (i.e. municipal trash should not be encountered at any location within the facility). Regarding air pollution, other than visual and olfactory observation, the Department does not do, nor does it require, analytical monitoring for air contaminants as per our Solid Waste Regulations No.s 1 and 7. See also [Inspections and Inspectors](#).
- 5) Why was the decision made NOT to have a public night time forum in East Providence? See [Adequacy of Public Notice and Public Hearings](#).

#### **12. Robin Main- East Providence Waterfront Commission**

Received: 9/30/2010

- 1) Individual workshops for public information October 4 and 6 are an intentional way to try to dilute the opposition to TLA/Pond View through a rigid process of appointments - [See Public Notice and Public Hearing Process](#)

**13. *Jo-Ann Durfee- East Providence***

Received: 10/1/2010

- 1) Isn't it a fact that the EXPANSION of such facilities is within DEM's control, and not the host community?- [See Overview of the Department's Role in the Permitting Process and Local Government and Community Issues](#)

**14. *Holly M. Campbell, Shawn C. Campbell- East Providence***

Received: 10/4/2010

- 1) Increased pollution- [See Dust Control, Odors and Other Air Quality Issues](#) and [Water Quality Issues](#)
- 2) Hours of operation- [See Local Government and Community Issues](#)
- 3) Traffic- [See Local Government and Community Issues](#)
- 4) There are residential properties in the area- [See Local Government and Community Issues](#)
- 5) The Facility has a history of non-compliance and should not be eligible for an increase.- [See History of Noncompliance, Deficiencies, Violations, and Enforcement Actions](#)

**15. *Nancy Amore- East Providence***

Received: 10/5/2010

- 1) Tripling in size will increase noxious smell, noise, dust- [See Dust Control, Odors and Other Air Quality Issues](#)

**16. *Beth White- East Providence***

Received: 10/5/2010

- 1) We are already routinely disturbed by the train lumbering by and shaking the house. -[See Traffic \(vehicles and rail\)](#)
- 2) Sounds and smells from the Facility operation as it exists. [See Local Government and Community Issues](#) and [Odors](#)

**17. *Marie Ghazal- East Providence***

Received: 10/5/2010

- 1) Any expansion of the current facility would be detrimental to the health, safety and well-being of neighboring East Providence families. [See Dust Control, Odors and Other Air Quality Issues, Overview of the Department's Role in the Permitting Process, and Health Problems in the Community](#)

**18. *Al Pallotta- East Providence***

Received: 10/7/2010

- 1) Some residents are unable to keep windows open because of a caustic smell [See Dust Control, Odors and Other Air Quality Issues](#)
- 2) A fine green or yellow dust accumulates throughout the whole house, accumulates on cars and is irritating. [See Dust Control, Odors and Other Air Quality Issues](#)

- 3) Commenter has had persistent sinus infections that he believes has been caused by the odors from the Facility. [See Health Problems in the Community](#)
- 4) Noise. [See Noise Issues](#)

**19. *George Ghazal- East Providence***

Received: 10/7/2010

- 1) Approval of the Application is not beneficial to the community. [See Local Government and Community Issues](#) and [Overview of the Department's Role in the Permitting Process](#)

**20. *Charles Machado- East Providence***

Received: 10/8/2010

- 1) Years ago the Facility made a commitment that to get a permit from the City of East Providence, it would only process 500 tons per day. Now they want 1500 and may ask for more in the future.- **The Department cannot deny a permit based on a suspicion that they may, in the future, ask for a different permit.** [See also Agreements made with the City and Community](#)
- 2) Noise- [See Noise Issues](#)

**21. *Art and Pat Anthony- East Providence***

Received: 10/8/2010

- 1) This plant came in to East Providence as a wood chipping operation. They lied and we have fought for years to stop that Mini-Johnson landfill from starting up. **The Department has been involved with the Facility since 1997. During our involvement they have always represented themselves as a Construction and Demolition Debris Facility. The Department has not permitted, nor is it aware of any landfilling operations at the site. We would take action if landfilling operations took place.** [See also Agreements made with the City and Community and Classification of the Facility.](#)
- 2) We have over the years watched truck after truck sneak in at night from outside of R.I. and dump their demolition debris containing toxic materials on the grounds of the plant. **We do not know the basis of the allegation, and have seen no evidence to substantiate this allegation. The Department's inspections have found the Facility receives only Construction and Demolition Debris.**
- 3) The ground used is only feet away from the Omega Pond, this Pond is the site of the new series of Fish Ladders being built. The ice on this Pond during the winter is BROWN despite the owner's assurance that there is no pollution from their operation. [See Water Quality Issues](#)
- 4) The daily fires have been brought under control now but are still a threat. **Based on our inspections, we have not observed the occurrence of daily fires. The Fire Protection provisions of the Application were found to meet the Department's Standards. As shown in [Appendix D](#), the Fire Protection Plan has been approved by the City of East Providence Fire Department.**
- 5) Piling up more lead filled debris (and God only knows what other materials are included in this mixture) will cause toxic destruction in the future for this land and water. [See Water Quality Issues](#) and [Dust Control, Odors and Other Air Quality Issues](#)
- 6) There are no controls on what is delivered to this plant and eventually the Omega will not support any fish life at all never mind the Herring. **There are specific conditions on what waste the Facility may accept, see also [Water Quality Issues](#)**
- 7) There is also a noise problem. We do have a noise level ordinance and, at certain times, they violate it. But our complaints fall on deaf ears. [See Noise Issues](#) and [Local Government and Community Issues](#)

- 8) I would suggest a surprise visit by your department and a demand access to all areas to see what we know goes on with this operation. **The Department has on many occasions, inspected the entire Facility and the inspections are always unannounced. See also [Inspections and Inspectors](#).**

**22. *Steve and Colleen Sabourin- East Providence***

Received: 10/11/2010

- 1) Noise. **See [Noise Issues](#)**

**23. *Ken Schneider, Co-President- East Providence Coalition***

Received 10/13/2010

- 1) The format of the informational meetings at the East Providence Library without a presentation by Pond View is an attempt to limit public information. **See [Adequacy of Public Notice and Public Hearings](#)**

**24. *Terrence Tierney, Esq.- Office of the Attorney General***

Received 10/14/2010 (This comment was sent to the Office of Water Resources)

- 1) Has the Wetlands Division of the Department reviewed the application? If the Wetlands Division has not reviewed the facility expansion application, how can DEM be assured that there are no changes to the water withdrawals and that the facility complies with the permit? **The Office of Waste Management has reviewed the current application in coordination with other offices within the Department as necessary, and has determined that it meets applicable permitting requirements, including wetlands permitting. The Office of Waste Management has met with the Wetlands Program of the Office of Water Resources and both concurred no further permitting is necessary regarding wetlands alteration permit 03-02250. The Department has assigned the Office of Waste Management as the lead reviewer and coordinator of the permit review. The commenter was informed that he should direct its inquiries to that Office or the Office of Legal Services and inquiries should not circumvent the single point of contact. See also [Scarcity of Department Resources](#)**
- 2) Surface water monitoring reports demonstrate repeated exceedences of the freshwater aquatic life criteria for Omega Pond. **The key regulatory issue here is not whether Omega Pond, or other areas of the Ten Mile River watershed meet their standards, but rather whether the Facility is causing or contributing to any exceedences. To do this, it is necessary to examine up gradient samples as well as samples from the site. In this case, the Department has examined 6 years of surface water monitoring data and has not found evidence that the Facility has contributed to the exceedences of any standards. To address this issue more completely, we would have to know what criteria and what time frames are being referenced here.**
- 3) It is further stated (on p.19) that a fifty foot wide so-called “restricted” area exists along Omega Pond, but that maintenance vehicles are allowed to use the area. – **See [Wetlands Issues](#)**
- 4) The wetlands permit appears to have been issued to a party other than the applicant. **The owner of the property has not changed and the wetlands permit is in his (Ken Foley’s) name. See also [Wetlands Permitting Requirements](#).**

**25. *Brian A Wagner- Attorney for TLA/Pond View***

Received: 10/14/2010

- 1) The Facility is opposed to any alteration of the times and location of the public hearing that was published. The requirements for public meeting in R.I.G.L. 23-18.9-9 were fully met and to

change it will allow opponents of the Facility to allege procedural irregularities. See [Adequacy of Public Notice and Public Hearings](#)

**26. Terrence Tierney, Esq.- Office of the Attorney General**

Received: 10/15/2010 (Received by Office of Legal Services)

- 1) Commenter questioned whether or not the Office of Waste Management ever shared or discussed the Application with the Wetlands Program of the Office of Water Resources. **The Office of Waste Management has reviewed the current application in coordination with other offices within the Department as necessary, and has determined that it meets applicable permitting requirements, including wetlands permitting. The Office of Waste Management has met with the Wetlands Program of the Office of Water Resources and both offices concurred no further permitting is necessary regarding wetlands alteration permit 03-02250. The Department has assigned the Office of Waste Management as the lead reviewer and coordinator for the permit review. The commenter was informed that he should direct its inquiries to that Office or the Office of Legal Services and inquiries should not circumvent the single point of contact. See also [Scarcity of Department Resources](#)**
- 2) Commenter asked about the accuracy of a statement attributed to Martin Wencek (RIDEM/OWR) in the Application regarding the validity of the permit (i.e., that operation under the existing permit is allowed provided there will be “no additional wetland impacts”). **According to Martin Wencek, Supervising Biologist of the Wetlands program, the applicant’s documentation of the phone conversation is accurate. See also [Wetlands Permitting Requirements](#)**
- 3) Is the Department resting solely on the applicant’s representation that a permit extension or revision is not required without any verification of this claim by the Wetlands Program? **The Department does not rely solely on the Facility’s representation and has verified this claim. See above comment 1) and also [Wetlands Permitting Requirements](#)**

**27. Robert and Dianne Clark- East Providence**

Received: 10/17/2010

- 1) The site is in a residential area and poorly suited to the location. See [Zoning](#)

**28. Christopher and Lauri Ontso- East Providence**

Received 10/18/2010

- 1) Traffic. See [Traffic](#)
- 2) Expansion will increase both air and water pollution. See [Water Quality Issues](#) and [Dust Control, Odors and Other Air Quality Issues](#)
- 3) Odors coming from the Facility. See [odors](#)
- 4) They have noticed a browning of the ice in winter. See [Dust Control](#)
- 5) Notification occurred by newspaper and they, like many residents, do not get the paper. See [Adequacy of Public Notice and Public Hearings](#)

**29. Nancy Capiner- East Providence**

Received: 10/18/2010

- 1) Railway cars create noise issues. See [Noise Issues](#) and [Traffic](#).
- 2) Houses need constant cleaning of dust from the Facility. See [Dust Control](#)
- 3) Truck traffic. See [Traffic](#)

- 4) Noise from Facility operations esp. rock crusher in a residential neighborhood. [See Noise Issues and Zoning](#)
- 5) Property values will decline if this business is allowed to expand. [See Property Devaluation](#)
- 6) Water Quality of Omega Pond [See Water Quality Issues](#)
- 7) Air Quality is not tested by DEM. [See Dust Control, Odors and Other Air Quality Issues](#)

**30. Patricia O. Blenkiron- East Providence**

Received: 10/20/2010

- 1) This Plan is a misfit for the community of Rumford which has limited space and Facility should be located elsewhere. -[See Overview of the Department's Role in the Permitting Process, Zoning and Environmental Justice](#)
- 2) Truck traffic will create additional congestion.- [See Traffic](#)
- 3) The proposal will increase traffic, odors, noise [See Noise Issues, Traffic, Odors](#)
- 4) The attorney for Pond View, Mr. Bristow stated at the Oct. 6th City Council meeting that the hours of operation are 8-4 Mon -Fri and 8-12 on Sat. This is not true per Mr. Walsh's statement on Oct. 5th that operations are 6-6 and that that could include even Saturdays if there was more material. He commented that they could actually operate 24 hours a day. - [See Hours of Operation](#)

**31. Norman Williams- East Providence**

Received: 10/21/2010

- 1) Dust and odor issues were not an issue until the Facility first opened up. [See Dust Control, Odors and Other Air Quality Issues](#)
- 2) Strange colored dust settles on the Pond in the winter. [See Dust Control](#)
- 3) The Facility is a large outside dump. [See Classification of the Facility](#)

**32. Patricia Armstrong- East Providence**

Received: 10/22/2010

- 1) Traffic. [See Traffic](#)
- 2) Property devaluation not related to the economy. [See Property Devaluation](#)
- 3) Facility operations are inconsistent with a residential area. [See Zoning](#)

**33. Peter Willey-- East Providence**

Received: 10/22/2010

- 1) Respondent is an environmental engineer- **No response needed.**
- 2) Dust and odors- [See Dust Control, Odors and Other Air Quality Issues](#)
- 3) Noise.- [See Noise Issues](#) Impacts to Omega Pond- [Water Quality Issues](#)
- 4) What are the requirements for data reporting of the waste at the Facility? **The Department currently requires annual reporting of all solid waste management facilities including this one for quantities of waste accepted and recycled. Additionally, Appendix E of the Application details acceptance records maintained by the Facility and available to the Department to inspect.**
- 5) No requirements exist on reporting of how many loads are rejected or the content of failed loads (if questionable loads are even rejected). How much of the waste that is brought into the facility is actually recycled and what exactly is the material? **Such requirements are not contained within the Regulations.**
- 6) Wood is the only material that is supposed to be shredded however, that is a very vague description. **This requirement exists only as an incorporation of a local ordinance. The**

Department does not feel it is appropriate to redefine the ordinance as the prohibition does not exist in the Department's Regulations.

- 7) Is treated or painted wood acceptable to shred? Treated wood or painted wood may be ground providing that the product be used as fuel at an approved biomass power plant. Other end uses shall be subject to RIDEM approval plus strict sampling and testing plan to be approved by RIDEM.
- 8) Why is there no requirement to enclose the wood shredding operation? This is not required by the Regulations; however, the Department is requiring the installation of down chutes and securing metal plates onto the sides of the conveyors as a condition of the permit.
- 9) What happens to the rest of the waste (aka bulky waste?) Is it handled properly per Rule 1.07.04 of the DEM regulations? C&D facilities are not permitted to accept bulky waste. The applicant stated that loads will be inspected prior to unloading and at the tipping floor for unacceptable waste such as appliances, fluorescent lighting fixtures, computer parts etc. Should any unacceptable waste discovered prior to the truck leaving the site, the truck will be reloaded with the rejected materials; however, if the truck leaves the site, the rejected waste shall be transported to an approved facility.
- 10) A lot of the material is screened and sold to the central land fill and used as cover. As some of this material has origins from out of state, how is this legal as it against state law to dispose of out of state waste at the central landfill? See [Out-or-State Waste and Out-of-State Facility Issues](#)
- 11) Lack of air monitoring at the site. See [Air Quality and Air Monitoring Issues](#)
- 12) Diesel particulate matter is a carcinogen and has extremely negative short and long term effects on respiratory health. The increase in tonnage from 150 tpd to 500 tpd already increased the number of trucks in the neighborhood and absolutely no consideration has been given to the health effects of a further increase. This was not evaluated because it is not required by the Regulations. If the Facility were replaced with a non waste related business, such as a warehouse, it is possible there would be more truck fumes, and it still would be beyond the Department's powers of regulation. See also [Traffic](#).
- 13) There is no sediment sampling at Omega Pond. This is not required by the Regulations, but the Department is already requiring groundwater and surface water sampling. See also [Water Quality Issues](#)

#### **34. *Ronald Rehbein- East Providence***

Received: 10/24/2010

- 1) There are far better locations than 1 Dexter Street for a waste transfer station. See [Process, Zoning and Environmental Justice](#)
- 2) Odors of rotten eggs as well as a metallic odor. See [Odors](#)
- 3) Soil and air at the Facility and Rumford area should be tested by the Department. See [Dust Control, Odors and Other Air Quality Issues](#), and [Inspections and Inspectors](#)

#### **35. *Don Rogers- East Providence***

Received: 10/25/2010

- 1) Noise around the Facility See [Noise Issues](#).
- 2) Disruptive noises from the Facility, as well as truck traffic occur outside of hours of operation are frequent. See [Noise Issues](#), [Traffic](#) and [Hours of Operation](#)
- 3) Facility is too close to Omega Pond where so much effort is being expended to serve fish populations. See [Water Quality Issues](#)
- 4) Facility expansion is in direct opposition to the city's plan to develop the Seekonk River waterfront. See [Overview of the Department's Role in the Permitting Process](#) and [Zoning](#)

- 5) Noise, dust, and pollution from the operation will substantially lower property values. See [Dust Control, Odors and Other Air Quality Issues](#), [Noise Issues](#) and [Property Devaluation](#)

**36. *Jeff Pimental- East Providence***

Received 10/25/2010

- 1) Commenter is not sure why the DEM monitoring station behind Myron J. Francis School can not detect this dust/pollution. See [Air Quality and Air Monitoring Issues](#)
- 2) A small ice skating rink at commenter's property for the past three winters often gets covered in a thin layer of dust. See [Dust Control](#)

**37. *JoAnn Roza- East Providence***

Received: 10/25/2010

- 1) Proposal will negatively impact property values See [Property Devaluation](#)
- 2) Health conditions, odors and noise will be worse. See [Health Problems in the Community, Odors and Noise Issues](#)

**38. *Racheal Wilson - East Providence***

Received: 10/25/2010

- 1) Noise at the facility See [Noise Issues](#)
- 2) Traffic will increase. See [Traffic](#)
- 3) Potential for pollution to be worse See [Water Quality Issues](#) and [Dust Control, Odors and Other Air Quality Issues](#)

**39. *Emily Huftalen DaRosa - East Providence***

Received: 10/25/2010

- 1) A new dumping site will decrease property values and quality of life in the neighborhood. See [Property Devaluation](#) and [Classification of the Facility](#)

**40. *Thomas Dubuque - East Providence***

Received: 10/25/2010

- 1) In 1999, many in the neighborhood adamantly opposed operation for fear of increased noise, dust, increased traffic, and a loss of property value. At the time, they promised to build a structure to enclose the grinding machine with dust collectors, operate from 7 am to 5 PM and periodically respond to neighbor concerns. Many of these did not come to fruition. See [Agreements made with the City and Community](#)
- 2) Homes around Algonquin Rd. have streaked roofs on homes with light shingles that is not present in other areas of the City. See [Dust Control](#)
- 3) Noise from the Facility and train. See [Traffic and Noise Issues](#)
- 4) Traffic has impacted roads and the bridge. See [Traffic](#)
- 5) The Department and EPA should set up air quality and noise monitoring. See [Air monitoring Issues and Noise Issues](#)
- 6) The Department should do more testing in its inspection. See [Scarcity of Department Resources](#)

**41. *Mr. and Mrs. Mark Hedden- East Providence***

Received: 10/25/2010



1) Has and is DEM been acting in the best interest of the community of Rumford? See [Overview of the Department's Role in the Permitting Process](#)

2) Have all of the following regulations and guidelines been followed? Yes, in accordance with Department procedures, the Department required revision and resubmission of the Application until it concluded that the Application met the Regulatory Requirements. Specific regulatory issues presented by the commenter are shown below

[The email contains some mistaken regulatory citations. The Department asked for clarification but received no response, however, hard copies submitted by the commenter make the intended citations clear]

- (1) 1.6.03 (2) changes regarding changes in operation (150 tons example) This notification occurred as part of the previous renewal. See also [New Application vs. Renewal](#)
  - 1.5.5 Zoning See [Zoning](#)
  - 1.5.6 (b) addressing impacts of activities of operation.  
The Department concluded that this requirement has been met and the Application addresses the impacts of activities on regulated operations.
  - 1.5.9 (a) groundwater testing (by who?) Testing is normally performed by a third party at the applicant's expense. Groundwater testing at TLA/Pond View followed the normal procedure and the results have not shown exceedences of the GB groundwater standard applicable to this site.
  - 1.4.3 Air quality and monitoring beyond the confines of their property lines.  
(c) Odors violations See [Odors](#)
  - 1.4.4 (a) The storage of materials (piles of product at their property line. Based on hard copy submitted, we believe the commenter meant Rule 1.4.05(a)) Rule 1.4.05(a) states that facilities that accept or store co-mingled recyclable materials, including C&D debris, must first obtain a license or registration from the Department. The Facility has already obtained a license in 2002 and is hereby requesting a new license.
  - 1.6.08 Inspections fire ordinances etc.  
(d) any reports citing deficiencies As with other permitted and licensed Facilities, the Department regularly leaves a copy of the inspection report at the Facility citing any deficiencies.
  - 1.7.10 Dust Control is inadequate See [Dust Control](#)
  - 1.7.11 Control of Litter Measures taken to what level? As the commenter implies, this Regulation leaves room for judgment.
  - 1.4.2 On site monitoring plans See [Water Quality Issues](#)
  - 1.4 (3) Radius Plans, its watershed responsibility and community within ½ mile.  
Based on the hard copy submitted, we believe this was intended to reference 1.14.02 (3). Rule 1.14.02 (3) only applies to sites within the Environmental Management District in Johnston.
- 3) Concerns are air quality, noise pollution, offensive odors, dust and fibrous pollutants, and traffic from operations associated with this facility. See [Dust Control, Odors and Other Air Quality Issues](#) and [Local Government and Community Issues](#)
- 4) The Department does not have on-site monitors for air quality and are not involved with any monitoring of air, odor, or water run off. See [Scarcity of Department Resources, Dust Control, Odors and Other Air Quality Issues](#) and [Inspections and Inspectors](#)
- 5) They do not address issues of how debris arrives or how it is transported to the facility. The rollaways are not covered. The Authority to regulate solid waste transportation is not granted by the authorizing statute (23-18.9): therefore, the Department cannot regulate this activity under state law.

- 6) There is no testing of toxins in rollaways. TLA/Pond View claims no responsibility for the exact contents of the rollaways saying it's the responsibility of the construction companies. [See Inspections and Inspectors](#)
- 7) Since 1998 several elderly persons on neighboring properties have died and the commenter is experiencing health problems including bronchitis, sinusitis, and pneumonia. [See Health Problems in the Community](#)
- 8) Tell me if this is a quality of life expected and granted by the Constitution? [See Overview of the Department's Role in the Permitting Process](#)
- 9) The Department has not monitored any environmental issue concerning TLA/Pond View as a Department as outlined by the state regulations? [As stated in an earlier response, the Department believes the process has complied with all statutory, regulatory and procedural requirements.](#)
- 10) Traffic. [See Traffic](#)
- 11) The City of East Providence laws and legislations mean nothing to these hearings? [See Local Government and Community Issues](#)

**42. *Ann Mailloux, Michael Saint, Sterling Saint - East Providence***

Received: 10/25/2010

- 1) Proposal would create more traffic, noise, pollution and potential health issues in a residential area. [See Traffic, Noise Issues, Dust Control, Odors and Other Air Quality Issues, Water Quality Issues, Health Problems in the Community and Zoning.](#)
- 2) The proposal will impact property values. [See Property Devaluation](#)

**43. *Linda J. Bischoff- East Providence***

Received: 10/25/2010

- 1) The proposal will impact property values and quality of life in the area. [See Property Devaluation and Overview of the Department's Role in the Permitting Process](#)
- 2) The proposal will mean that East Providence will have the new notoriety of having one of the largest (if not the largest) dump in New England. [The Department believes this to be a grossly inaccurate statement, see also Classification of the Facility](#)

**44. *David Lozito- East Providence***

Received: 10/25/2010

- 1) The proposal will increase traffic and noise on Roger Williams Ave. [See Traffic and Noise Issues](#)

**45. *Carolyn Beaupre - East Providence***

Received: 10/26/2010

- 1) Odors, dust, pond scum will negatively impact health and property values. [See Dust Control, Odors and Other Air Quality Issues, Water Quality Issues and Property Devaluation](#)
- 2) Attractive residence or condominiums would be a better use of the land. [See Overview of the Department's Role in the Permitting Process and Zoning.](#)

**46. *Recappuccio@cox.net (name not provided)- East Providence***

Received: 10/26/2010

- 1) Pollution, noise and traffic are a neighborhood problem, especially this summer and could affect health. See [Odors and Other Air Quality Issues](#), [Water Quality Issues](#), [Health Problems in the Community](#) and [Noise Issues](#).

**47. Tony Gomes - East Providence**

Received: 10/27/2010

- 1) Pollution, noise, traffic and odors are a problem, especially in the summer. See [Dust Control](#), [Odors and Other Air Quality Issues](#), [Noise Issues](#) and [Traffic](#)
- 2) Commenter is concerned about health issues regarding the elderly and nearby schools. See [Dust Control](#), [Odors and Other Air Quality Issues](#) and [Health Problems in the Community](#)

**48. Terrence Tierny, Esq.- Office of the Attorney General**

Received: 10/28/2010

- 1) Commenter claims that the OWM “just swallows whatever is told them by the applicant about the need for wetlands permits, and in this case it appears the applicant’s claim that it has permission to withdraw water (and routinely drive around a paved wetland “buffer” zones) was accepted without independent verification from Wetlands Program staff.” **The Department firmly disagrees with this assertion and feels the commenter, as he is not involved with the oversight of Department personnel, is not in a position to make such conclusions.**
- 2) Commenter requested a meeting with this Department’s Wetlands Program staff to work with him reviewing the Application. **The Department feels it is inappropriate and an intrusion into the Executive Branch of State Government for the Attorney General’s Office to request Department personnel to work under his direction to build a case against the Department. If the Attorney General’s Office lacks the expertise to challenge the Department’s decision, they should retain experts to work under their direction.**

**49. Connie Ackroyd - East Providence**

Received: 10/31/2010

- 1) Expansion will create more noise and traffic See [Noise Issues](#) and [Traffic](#)
- 2) Dust and odors. See [Dust Control, Odors and Other Air Quality Issues](#)
- 3) Taxes will increase. See [Local Government and Community Issues](#)

**50. Beth White - East Providence**

Received: 11/1/2010

- 1) Property devaluation. See [Property Devaluation](#)

**51. John Conley - East Providence**

Received: 11/1/2010

- 1) Noise at 5:30 AM interrupts sleep. See [Noise Issues](#) and [Hours of Operation](#)
- 2) Health hazards of airborne emissions. See [Dust Control, Odors and Other Air Quality Issues](#) and [Health Problems in the Community](#).

**52. Kathleen McGuigan - East Providence**

Received: 11/2/2010

- 1) Facility is incompatible with residential zoning. See [Zoning](#)
- 2) Expansion will create airborne dust, foul odor, noise and traffic. See [Dust Control, Odors and Other Air Quality Issues](#), [Noise Issues](#) and [Traffic](#)

**53. *Joseph Loven- East Providence***

Received: 11/4/2010

- 1) Noise, dust and health issues are affecting residents of Roger Williams Avenue. See [Noise Issues](#), [Dust Control](#) and [Health Problems in the Community](#).

**54. *Terrence Tierny, Esq.- Office of the Attorney General***

Received: 11/4/2010

- 1) TLA made a revision to its application and therefore the Department should restart the entire public notice/ public comment process. **Firstly, it should be noted the Department required the revision at the request of the commenter. Secondly it was an extremely minor revision to something brought up in the public comment process, namely that the Application stated that a wooden fence entirely encompasses the facility when it only partially encompasses the facility.**
- 2) Commenter objects to the clarification made which was to say a “fence” entirely encompasses the Facility. The Department had said in an earlier response to the commenter that it would ask them to revise the Application to indicate the wooden fence only partially encompasses the Facility. **While they could have said “the wooden fence partially encloses the facility” as we had anticipated, they elected to say a fence entirely surrounded the facility. Since the facility is entirely fenced, only partially with a wooden fence, both are accurate. It is important to remember, that as it describes the current facility, this change has no bearing whatsoever on what is being proposed.**

**55. *Rosemary and George Cluly - East Providence***

Received: 11/4/2010

- 1) Commenters believe bronchitis and related breathing and lung issues are caused by the Facility. See [Health Problems in the Community](#)
- 2) Traffic, dust, noise and odors are affecting property values. See [Property Devaluation](#), [Dust Control](#), [Odors and Other Air Quality Issues](#), [Noise Issues](#) and [Traffic](#)
- 3) Operation is not compatible with the neighborhood. See [Zoning](#)
- 4) Proposal will increase property taxes by requiring hiring of more police. See [Overview of the Department’s Role in the Permitting Process](#)
- 5) Facility headquarters is out of state. **This is not relevant to the permit review process.**

**56. *Frazier and Jim Gilbane - East Providence***

Received: 11/5/2010

- 1) Operation produces a large amount of particulate matter in the air which settles on our home, outdoor furniture and is NOT healthy to breathe and is not compatible with the neighborhood. See [Dust Control](#), [Odors and Other Air Quality Issues](#), [Health Problems in the Community](#) and [Zoning](#)
- 2) Noise pollution. See [Noise Issues](#)
- 3) Truck traffic See [Traffic](#)

**57. *Christina Chase - East Providence***

Received: 11/8/2010

- 1) Expansion will diminish home values and quality of life. See [Local Government and Community Issues](#) and [Property Devaluation](#)
- 2) Odors will be made worse. See [Odors](#)
- 3) A dump is not compatible with a residential area. [Zoning](#) and [Classification of the Facility](#)

**58. Eugenia Marks, Senior Policy Director- Audubon Society of RI**

Received: 11/19/2010

- 1) Commenter offered supplement to earlier comments regarding storm water permit. Requests review from DEM. Photographs are attached from 10/17/2010 showing:
  - i) Photo from 10/17/2010 showing material is not covered. **The materials left in uncovered dumpsters are primarily pressure treated wood and metal debris. These items are stored in containers at any construction sites throughout the state. The de-minimus amount of precipitation that infiltrates through these items then leaches from the container shall not adversely impact the environment.**
  - ii) Aerial photo dated 5/2010 showing material closer than 50 feet to Omega Pond. **See [Wetlands Issues](#)**
  - iii) Aerial photo also shows puddling and possible movement of storm water to Omega Pond. Commenter feels that: *These photographs of construction and debris materials, under an SIC designation from the Department, and the aerial are pertinent to a requirement that TLA Pond View be required to have a stormwater permit since they demonstrate exposed, uncovered material and indicate movement of stormwater across the site toward the pond.* **Storm water generated at the operational area is directed towards the approved UIC system, however, storm water from the remaining area moves by sheet flow to Omega Pond rather than from a point source. Some puddling due to topography may occur without being a violation.**
- 2) In addition, the permit application request for expansion to 1500 TPD processing of material indicates that materials may be stored in open rail cars for more than one day on the site. This is an additional exposure of materials to precipitation, leaching, and draining onto the surface of the property, whose topology slopes, even slightly toward Omega Pond. **The UIC system is permitted to handle waste in piles, as well as runoff from this source, which is small by comparison. Regular sampling of the UIC system has not shown this to be a problem, however, the Department will continue to review sampling data and require changes as appropriate.**

**59. Sharon Marques— East Providence**

Received: 11/22/2010

- 1) Noise **See [Noise Issues](#)**
- 2) Dust on yard and cars **See [Dust Control](#)**
- 3) Many residents have breathing problems and commenter has been diagnosed with breast cancer. **See [Health Problems in the Community](#)**
- 4) Facility is a dump. **See [Classification of the Facility](#)**
- 5) Odors **See [Odors](#)**

**60. Tony and Mariana Ormonde—**

Received: 11/22/2010

- 1) Noise **See [Noise Issues](#)**
- 2) Traffic is not compatible with road design. **See [Traffic](#)**
- 3) Dust, odors and other air pollution concerns. **See [Dust Control, Odors and Other Air Quality Issues](#)**
- 4) Omega pond is polluted and black and pond should not be stocked with fish. **See [Water Quality Issues](#)**

- 5) Commenter was reprimanded by the Department for cutting down a tree in a wetland **The Department must enforce regulations, such as Wetlands Regulations equally. If the Applicant proposed to (or on their own) cut down trees in wetlands, they would be held to the same standard as everyone else.**

**61. *Brian Wagner, Attorney for TLA/Pond View***

Received: 11/23/2010

- 1) **This “comment” submission was actually a response on behalf of the Facility to other comments received, and as such, we do not feel we need to respond to each response. However, the responses have been noted for the Department’s response to comments**

**62. *Claudine Taylor, East Providence***

Received: 11/24/2010

- 1) Commenter is Director of Brown Play School, a local preschool and has experienced many of the problems below at the school and her home.
- 2) Dust, odors and air pollution and associated health hazards **See [Dust Control, Odors and Other Air Quality Issues](#) and [Health Problems in the Community](#).**
- 3) Hours of Operation **See [Hours of Operation](#)**
- 4) Facility is not compatible with neighborhood. **See [Zoning](#)**
- 5) Odors **See [Odors](#)**
- 6) Fines for violation of rules will not prevent the problem. **The Department must rely on the remedies allowed in the law. The Statute and Regulations do not allow the Department to deny an application if we feel the fines allowed by law are too small. See also [Overview of the Department’s Role in the Permitting Process](#)**

**63. *Christopher Guzzi –Providence and Worcester Railroad***

Received: 11/23/2010

- 1) The Railroad maintains an excellent working relationship with the Applicant. **No response needed.**
- 2) Waste coming from the Facility has been properly classified and has never been rejected by the receiving facility. **No response needed.**
- 3) The Facility’s shipment by rail and location allows for more energy efficient and creates less emission and therefore more environmentally friendly than trucking. **See [Overview of the Department’s Role in the Permitting Process](#)**

## II. COMMENTS RECEIVED BY MAIL OR HAND DELIVERED IN PERSON

### 1. *The Honorable Jack Reed- United States Senate*

Received: 10/06/2010

- 1) This letter was sent of on behalf of Jo-Ann Durfee asking to consider a change of venue for public hearing. *As per a letter of 10/21/2010 from former Director Sullivan, another formal public hearing opportunity was provided in the evening in East Providence.*

### 2. *Maurice and Murial Bessette*

Received: 10/06/2010

- 1) Noise Pollution is a daily problem at the Facility. *See [Noise Issues](#)*
- 2) Dust from the Facility is a nuisance and health hazard. *See [Dust Control, Odors and Other Air Quality Issues](#) and [Health Problems in the Community](#).*
- 3) Large trucks with unlawful weight trespass on King Philip Road. *See [Traffic](#)*

### 3. *Delores A Sipples- East Providence*

Received: 10/07/2010

- 1) The Facility is close to Omega Pond and expansion will corrupt environment and water systems. *See [Water Quality Issues](#) and [Dust Control, Odors and Other Air Quality Issues](#).*

### 4. *Art and Pat Anthony- East Providence*

Received: 10/13/2010

- 1) *This letter was also sent as an email on 10/8/2010.* See [email response](#).

### 5. *Charles Machado- East Providence*

Received: 10/12/2010

- 1) Years ago the Facility made a commitment to only process 500 tons today. Now they want 1500 tons and in the future may want more. *See [Agreements made with the City and Community](#) and [Overview of the Department's Role in the Permitting Process](#)*
- 2) Noise from the Facility is a problem. *See [Noise Issues](#)*

### 6. *Brian A Wagner- Attorney for TLA/Pond View*

Received: 10/15/2010

- 2) *This comment was also submitted by email on 10/14/2010.* See [email response](#)

### 7. *Barbara Westgate – East Providence*

Received: 10/20/2010

- 1) Approval of the Application will increase noise. *See [Noise Issues](#)*
- 2) Pollution will impact school children. *See [Dust Control, Odors and Other Air Quality Issues](#)*
- 3) The Facility will not be an asset in the City's development plans for the area. *See [Local Government and Community Issues](#) and [Zoning](#).*

## 8. Christopher and Laurie Ontso- East Providence

Received: 10/21/2010

- 1) This letter was also sent as an email on 10/18/2010. See [email response](#).

## 9. Eugenia Marks- Audubon Society of RI

Received: 10/21/2010

- 1) How can capacity increase from 500 tons/day to 1500 without increase of materials stored outside? In order to increase production without increasing the size or storage piles, the Facility is proposing to increase operating hours, employ more people and ship out waste more frequently as necessary. The Application makes it clear that is their intent.
- 2) There is a discrepancy regarding the percentage of materials recycled. A discussion of the relationship between weight, volume and economic efficiency of moving rail cars should be provided. The Department's experience has shown that these rates vary with market rates for raw materials. As the Department has no standards for percentage of materials recycled, we do not feel it is appropriate to require this level of detail for matters that are not regulated.
- 3) Wall board containing gypsum is listed as a non-recyclable material. More detail should be provided about how dust generation from this waste stream will be minimized. The Department requires wetting of the material as a dust control measure. Additionally the sorting station is enclosed to minimize dust. The Department feels this is the maximum that can be required by the existing regulations.
- 4) How will the Facility ensure sprayed on asbestos and other insulating materials are separated from the waste stream? In addition to requiring generator certification regarding asbestos, the Department is requiring through a permit condition, notification and special handling protocols in the event that any asbestos is accepted.
- 5) How will dust from dumping into rail cars be controlled? In accordance with best management practices, the Facility sprays water on incoming waste, therefore minimal dust is expected. During inspections, Department personnel have not observed any dust leaving the site as a result from this activity.
- 6) If off-loading waste can occur 24 hours/day, how will dust be controlled under off-loading situations. Time of off-loading is not relevant to the needs for protocols, those measures that are effective during the day, should also be effective at night. See also [Dust Control](#)
- 7) A 20 foot high impermeable fence should be required to minimize dust around the entire facility. The current chain link fence is not adequate. The Department will consider this change, however, it is our understanding that such a fence cannot be constructed without approval from the City of East Providence. The Department cannot put a condition in the permit that causes the Facility to violate local ordinances. However, we are requiring as a condition of the permit, that the facility request approval from the City to increase the height of the fence. See also [Dust Control](#)
- 8) Why was no Water Quality Certification required? As explained in the general response section [Water Quality Certification Requirements](#) a water quality certification is not required because there is no evidence that this activity is causing or contributing to a water quality violation. RIPDES inspections of the site indicate that "the majority of the site contains paved surfaces with swails located at key points to direct storm water flow to the basin." This basin is used as the water source to spray water onto debris.
- 9) Why is no RIPDES permit required when Google photograph clearly shows materials that are not under cover? Numerous inspections by RIPDES, Waste Management and Office of Compliance and Inspection have documented that there are no direct point source discharges into Omega Pond, either from the catch basin, any drainage systems, or any channeling. No RIPDES permit is required because as set forth by Rule 31 of the RIPDES Regulations, an activity must be



conveyed to a point source to be regulated under RIPDES. In this case, no point source discharge to waters of the State has been observed.

The commenter is correct that **if** the activity generated a point source discharge to waters of the State, a RIPDES permit would be required for these activities. They would need to file under SIC 5093 (scrap and waste material) and would be considered a Category (vi.) “heavy industry” and would not be eligible for a waiver. However, as stated above, because there is no observable point source discharge, a RIPDES permit is not required.

- 10) What is the fate of 1,000 GPD of water sprayed onto long-haul trailers for dust control in transfer of materials? Some the water is absorbed and remains in the waste for dust control purposes. **The site is designed so that most if not all of the remaining water/run-off is directed towards the UIC system.**
- 11) How will air emissions of fuel to feed the proposed wood-fired heater be regulated to assure lead-based paint is not burned and contaminants released into the air? **The Department will place a condition in the license only allowing unadulterated wood to be used as a fuel in this heater and will inspect accordingly.**
- 12) The Department does not have the staff to review weight slips for daily total of waste received and shipped. **The Department currently requires annual reporting of all solid waste management facilities including this one. The Department does not have, nor will it have in the foreseeable future, the ability to examine every receipt of waste received and shipped by this or any other waste management facility in Rhode Island. The Department must instead rely on random audits over certain time frames for irregularities or exceedences in the records, as well as waste quantities stored onsite. See also [Scarcity of Department Resources](#)**
- 13) A mass balance accounting of waste should be submitted on a daily basis to the Department. **Such a requirement is not in the Regulations and is not required of any other facilities. Furthermore, the Department does not have the resources to meaningfully handle this additional information. See also [Scarcity of Department Resources](#)**
- 14) A google earth map shows waste is stored 33 feet from the edge of the pond. See [Wetlands Issues](#).
- 15) Fish may become entrapped and killed in the water withdrawn from Omega Pond. **The Department believes that the amount withdrawn and the hazard to fish is extremely small. The Department cannot justify prohibiting this permitted and historical withdrawal if other permitted withdrawals in similar waterways with migrating fish are allowed.**
- 16) Periodic water sampling of the pond should be required. Existing samples supporting the permit were taken during high water volume flow. Samples should be taken in late August to early September. **The Department has required and will continue to require quarterly monitoring. We feel that this gives a reasonable measure of water conditions during the four seasons and is consistent with regulatory requirements.**
- 17) Sampling of the ice should be required to assess the degree that contaminants in the ice create a spike in contamination when the ice melts. **To gather data on this issue, the Department sampled the ice during a recent complaint investigation in December 2010. A discussion of the results is in [Water Quality Issues](#).**

## **10. *June Sullivan- East Providence***

Received: 10/22/2010

- 1) This handwritten letter is very similar to an email received by the same commenter on 10/23/2010.
- 2) Pollution. See [Air Quality and Air Monitoring Issues](#) and [Water Quality Issues](#)
- 3) Noise. See [Noise Issues](#)

- 4) Traffic. [See Traffic](#)
- 5) Health issues. [See Health Problems in the Community](#)
- 6) Property values have already gone down. [Property Devaluation](#)
- 7) Dust and odors are already a problem requiring commenters to go in the house and not hang laundry. [See Odors](#)

## **11. *Jo-Ann Durfee- East Providence***

Received: 10/22/2010

- 1) Commenter has gone door to door listening to complaints and getting residents to sign a petition opposing the Application. **No response needed.**
- 2) Many residents complain of odors and dust inside and outside their homes. This makes it not practical to hang clothes outside. [See Odors](#)
- 3) Train whistles and equipment operation at all hours create a noise problem that disturbs neighbors. [See Noise Issues](#)
- 4) Health issues are a major concern for residents. [See Health Problems in the Community](#)
- 5) Kelly Ave is located above the berm the Facility has put up to block the dust and odors. **No response needed.**
- 6) No one has taken into account a playground that is located on the other side of Lowell Drive where children could be impacted. **The Department's air standards are designed to be protective for residential and recreational use. See also [Air Quality and Air Monitoring Issues](#)**
- 7) Residents call and complain to the Department and the City but the Department (and the City) in some cases does not record their complaints and in other cases loses their complaints. **The Department cannot speak to complaints to the City. However, the Department strongly disagrees with this statement. While our resources (including inspectors) are limited, we record all complaints and inspect each complaint as resources allow. Unless the complainant is anonymous, he/she is notified of the results of the inspection and has an opportunity to review the Department's file after the investigation is complete. Complaint records may be found either in the Department's Office of Compliance and Inspection (often the first point of contact for complaints logged) or in the facility file in the Department's Office of Waste Management.**
- 8) The neighborhood is an Environmental Justice Area and the Application is inconsistent with EPA's approach to Environmental Justice. [See Environmental Justice](#)
- 9) Notices were published in the newspaper and the web but many residents do not read the newspaper or have computers. All residents should be notified by mail. [See Adequacy of Public Notice and Public Hearings](#)
- 10) The Department schedules informational workshops in the day to minimize public input and for its own convenience. [See Adequacy of Public Notice and Public Hearings](#)
- 11) The Facility currently withdraws 1000 gallons per day but if the application is approved will withdraw 20,000 to 30,000 gallons. **According to Facility records the Facility currently withdraws approximately 6,000 gallons per day. The Department does not believe the statement that withdrawing will increase from 1000 gallons per day to 30,000 gallons is reasonable. While increases in processing at the Facility may necessitate an increase in water use, applications like dust control on the road should not increase proportionately to waste processed. Furthermore, there is no reason to believe a 3 fold increase in waste processing would yield at 20 to 30 fold increase in water use. Finally, even if the claim is accurate, TLA/Pond View's permit from the Department allows them to withdraw 30,000 gallons per day, so the Department cannot deny a permit because they plan on withdrawing the amount they are permitted to withdraw.**
- 12) The Department promised to post no fishing signs around Omega Pond at the informational workshops. **The Department believes this is not accurate. At the informational workshop,**

Department employees promised to speak to the Department's Fish and Wildlife program about whether there should be postings. As per a December 2009 letter from Catherine Sparks, Chief of the Division of Forest Environment, that office has addressed the issue of posting advisories in the Ten Mile River System. See [Attachment F](#).

- 13) The Department is hiding information about water quality in Omega Pond. The Department has made every effort to make information about water quality in the pond available.
- 14) Brian Zalewsky of the Office of Water Resources should be reviewing the Application. See [Scarcity of Department Resources](#)
- 15) The Facility is claiming odors and noise come from other Facilities, the commenters disagrees based on observation. Regarding odors, the Department cannot attribute odors to a source unless it is observed by the Department. See also [Odors](#) and [Noise Issues](#)
- 16) If the Application is approved, the Facility will operate 24/7. See [Hours of Operation](#)
- 17) Increased traffic will also be a problem. See [Traffic](#)
- 18) Commenter gave a description of 3 vehicles she observed on 9/20/2010, 9/27/2010 and 10/18/2010 with no cover, two of which went to Pond View. [Local Government and Community Issues](#)
- 19) Facility employees wear face masks and ear plugs due to loud noises. The Department's observation has been that employees at the site only wear masks and ear plugs within the building where processing is done.

**12. *Petition submitted by Jo-Ann Durfee signed by 144 residents- East Providence***

Received: 10/22/2010

- 1) Facility already creates offensive:
  - i) Sights See [Local Government and Community Issues](#)
  - ii) Sounds See [Noise Issues](#)
  - iii) Odors See [Odors](#)
- 2) Approval of Application will increase:
  - i) Pollution See [Dust Control, Odors and Other Air Quality Issues](#) and [Water Quality Issues](#)
  - ii) Noise See [Noise Issues](#)
  - iii) Traffic (train and truck) See [Traffic](#)
- 3) Facility is only yards away from Omega Pond. See [Water Quality Issues](#)

**13. *Mr. and Mrs. Hedden- East Providence***

Received: 10/25/2010

- 1) This letter was also sent as an email on 10/25/2010. See [email response](#).

**14. *Jennie Lydon- East Providence***

Received: 10/27/2010

- 1) Commenter is concerned approval of application will increase:
  - i) Pollution leading to health issues. See [Dust Control, Odors and Other Air Quality Issues](#) and [Health Problems in the Community](#)
  - ii) Traffic See [Traffic](#)

**15. *Rich Brown- East Providence City Manager***

Received: 10/25/2010

- 1) The City opposes the Application as it would triple its existing disputed size. See [Zoning](#)

- 2) The City has presented a resolution opposing the Application [See Local Government and Community Issues](#)
  - i) The City has received numerous complaints about odor and noise. [See Noise Issues](#) and [Odors](#)
- 3) Traffic will be made worse. [See Traffic](#)
- 4) If the Department approves the Application, it must put strict conditions on the license including:
  - i) Requirement to protect Omega Pond [See Water Quality Issues](#)
  - ii) Dust monitoring and dust mitigation measures [See Dust Control, Odors and Other Air Quality Issues](#)
  - iii) Noise monitoring and noise mitigation measures. **Unlike the City of East Providence, the Department has no jurisdiction regarding noise. Therefore enforcement of noise ordinances must be done at a local level.** [See also Local Government and Community Issues](#)
  - iv) Require the Facility to prove valid easement rights to withdraw water from the pond. [See Water Withdrawal and Property Rights](#)
  - v) The City has concerns with the Department's ability or desire to regulate activities at the Facility. [See Inspections and Inspectors](#)

**16. *John Arrighi- East Providence***

Received: 10/28/2010

- 1) Approval of Application will decrease home values. [See Property Devaluation](#)
- 2) Noise. [See Noise Issues](#)

**17. *Robert G. Clark- East Providence***

Received: 10/28/2010

- 1) RIDEM is poised to approve the Application regardless of economical and social stigma associated with having an odorous and unsightly trash operation in a residential neighborhood. [See Overview of the Department's Role in the Permitting Process, Odors and Local Government and Community Issues](#)
- 2) State government interference and inaction is destroying positive economic growth in the area. **The Department is not sure what government interference is referenced here or if it is a Department issue, however, the Department is unwilling to override local zoning decisions, such as this one, precisely because it would fall into the category of interference of state government in local issues.** [See also Local Government and Community Issues](#)
- 3) The Department refuses to acknowledge the ecological rights of the majority over the excesses of corporate greed. [See Overview of the Department's Role in the Permitting Process](#)

**18. *Christopher and Laurie Ontso- East Providence***

Received: 11/1/2010

- 1) **This letter is an expanded version of one submitted on 10/21 and by email on 10/18.**
- 2) The proposal will significantly increase traffic on Roger Williams Ave. The Facility already does not adhere to traffic laws. [See Traffic](#)
- 3) Expansion will increase both air and water pollution. [See Water Quality Issues](#) and [Dust Control, Odors and Other Air Quality Issues](#)
- 4) Odors coming from the Facility. [See odors](#)
- 5) They have noticed a browning of the ice in winter. [See Dust Control](#)
- 6) The Department should share sampling information of pollution. [See Air Quality and Air Monitoring Issues](#) and [Water Quality Issues](#)

- 7) Notification occurred by newspaper and they, like many residents, do not get the paper. See [Adequacy of Public Notice and Public Hearings](#)
- 8) At the public hearing, none of the questions were answered. See [Adequacy of Public Notice and Public Hearings](#)

**19. *Raymond and Paula Anderson- East Providence***

Received: 11/1/2010

- 1) Hours of operation should be no earlier than 7 AM. See [Hours of Operation](#)
- 2) The dust should be analyzed at the facility. See [Air Quality and Air Monitoring Issues](#)
- 3) The Department should do regular, unannounced inspections. The Department already does unannounced inspections on a monthly basis, at a minimum. See also [Inspections and Inspectors](#)

**20. *Paulo Tiburcio- East Providence***

Received: 11/3/2010

- 1) The Department would agree that just rainwater from the Facility is enough to contaminate Omega Pond. See [Water Quality Issues](#)
- 2) Commenter was prohibited from building an addition on his home due to Wetland Regulations and therefore DEM should deny this permit. See [Wetlands Issues](#)
- 3) Commenter has seen various materials floating on Omega Pond including plastic wrapping paper, bottles, tennis balls and more. Many of these items, such as tennis balls, are not specific to C&D Processing Facilities and the Department would need evidence to attribute it to the Facility.
- 4) Ice has a layer of dust on the pond. See [Water Quality Issues](#)
- 5) There are less fish and birds in the Pond. See [Water Quality Issues](#)
- 6) Gas like odors are a problem at the Facility. See [Odors](#)
- 7) The Commenter has dumped at the Facility and feels there is no oversight over what materials go there. Anybody can dump anything. See [The Nature of C&D Waste and Classification of the Facility](#).
- 8) There is no air quality monitoring. See [Air Quality and Air Monitoring Issues](#)
- 9) Just because there have been no violations found does not mean none have ever occurred. Agreed.

**21. *Kyle Travers- East Providence***

Received: 11/3/2010

- 1) C&D Debris contains lead, asbestos, oil based contaminants, etc. The Facility is not permitted to accept hazardous waste or asbestos.
- 2) The operation is too close to neighborhoods and the water. See [Local Government and Community Issues](#)
- 3) There has been no lab testing for environmental contaminants. Quarterly groundwater, quarterly surface water monitoring and air testing have all occurred and continue to occur at the site. See also [Air Quality and Air Monitoring Issues](#) and [Water Quality Issues](#)
- 4) The Department should do more oversight of operations there. See [Inspections and Inspectors](#)
- 5) Traffic in the area is a concern. See [Traffic](#)
- 6) Waste should be tested. See [Inspections and Inspectors](#)

**22. *Peter Gross- East Providence***

Received: 11/3/2010

- 1) The Facility is incompatible with the residential neighborhood and it is not beneficial to the health of commenter family. See [Zoning and Health Problems in the Community](#)

**23. Frances M. Gross-- East Providence**

Received: 11/3/2010

- 1) Rumford is a nice neighborhood and should not be known as Dumpford. See [Overview of the Department's Role in the Permitting Process and Environmental Justice](#)

**24. Thomas Fronczak-- East Providence**

Received: 11/3/2010

- 1) Contamination and runoff to Omega Pond See [Water Quality Issues](#)
- 2) Odors. See [odors](#)
- 3) Traffic. See [Traffic](#)
- 4) Noise. See [Noise Issues](#)
- 5) Expansion of gull population that are drawn to such a site seeking food. While vermin such as gulls are a serious issue at transfer stations, in the Department's experience at this and other C&D sites, this type of waste creates very few gull issues because this type of waste does not usually contain food. In the Department's inspections, we have not observed a gull problem.
- 6) Dust. See [Dust Control](#)
- 7) Health concerns. See [Health Problems in the Community](#)
- 8) Decreased property values. See [Property Devaluation](#)

**25. Kathleen McGuigan-- East Providence**

Received: 11/4/2010

- 1) Facility is incompatible with residential neighborhood. See [Zoning](#).
- 2) Dust and odors from the site. See [Air Quality and Air Monitoring Issues](#)
- 3) Noise. See [Noise Issues](#)
- 4) Traffic. See [Traffic](#)
- 5) Health problems. See [Health Problems in the Community](#)

**26. Connie Ackroyd-- East Providence**

Received: 11/8/2010

- 1) Noise. See [Noise Issues](#)
- 2) Traffic. See [Traffic](#)
- 3) Odors and dust. See [Air Quality and Air Monitoring Issues](#)
- 4) Property values will go down and taxes will go up. See [Property Devaluation and Local Government and Community Issues](#).

**27. Dr. Nina Markov and Dr. Arthur Riss- East Providence**

Received: 11/8/2010

- 1) The Facility is incompatible with the residential neighborhood. See [Zoning](#)

**28. Helen McWilliams, R.N.-- East Providence**

Received: 11/12/2010

- 1) Residents should have been notified by mail. See [Public Notice and Public Hearing Process](#)

- 2) Approval of the application would negatively affect the environment of the area. See [Dust Control, Odors and Other Air Quality Issues](#) and [Water Quality Issues](#)

**29. John Shea-- East Providence**

Received: 11/12/2010

- 1) Noise and odors worsens commenter's asthma. See [Health Problems in the Community, Noise Issues and Odors](#)

**30. Gerald Cousineau-- East Providence**

Received: 11/15/2010

- 1) Traffic. See [Environmental Justice](#)
- 2) Lack monitoring of air emissions. See [Air Quality and Air Monitoring Issues](#)
- 3) Facility is poorly sited. See [Zoning](#)

**31. Jole Kent?-- East Providence**

Received: 11/15/2010

- 1) This is a heavy industrial area and the business belongs there. See [Zoning](#)
- 2) Commenter walks around the area every day and never senses odors or dust. **No response needed.**
- 3) We should encourage recycling to keep waste out of landfills. See [Overview of the Department's Role in the Permitting Process](#)

**32. Lawrence Walinski-- East Providence**

Received: 11/16/2010

- 1) Traffic. See [Traffic](#)
- 2) Lower property values. See [Property Devaluation](#)

**33. Patricia Walinski-- East Providence**

Received: 11/16/2010

- 1) Property devaluation. See [Property Devaluation](#)
- 2) Odors dust and other pollution causing health problems. See [Air Quality and Air Monitoring Issues and Health Problems in the Community](#)

**34. Mrs. Wm. McNally-- East Providence**

Received: 11/16/2010

- 1) Elected officials and EPA should take action to investigate health issues at this site. **No response needed.**

**35. Stephen Durfee-- East Providence**

Received: 11/17/2010

- 1) Facility operations leave brown dust on the ice at Omega Pond and on houses and cars in the area. See [Dust Control](#)
- 2) Odors. See [Odors](#)
- 3) In addition to traffic problems, commenter observed Pond View Truck uncovered on Roger Williams Ave. See [Traffic](#)

- 4) Fish ladder project is incompatible with this Application See [Fish Ladders in the 10 Mile River System](#)
- 5) Application is incompatible with condominium development plans for the area. See [Local Government and Community Issues](#)

**36. *Joseph Colin-- East Providence***

Received: 11/19/2010

- 1) Noise. See [Noise Issues](#)
- 2) Traffic. See [Traffic](#)
- 3) Odors. See [Odors](#)
- 4) Dust. See [Dust Control](#)
- 5) Commenter's daughter has respiratory problems. See [Health Problems in the Community](#)
- 6) Property devaluation. See [Property Devaluation](#)

**37. *Paul and Brigitte Yattaw-- East Providence***

Received: 11/19/2010

- 1) Airborne contamination. See [Dust Control, Odors and Other Air Quality Issues](#)
- 2) Commenter has persistent sinus issues. See [Health Problems in the Community](#)
- 3) Traffic. See [Traffic](#)
- 4) Noise. See [Noise Issues](#)
- 5) Judge Fortunato should revisit his ruling. **No response necessary.**

**38. *James O'Leary-- East Providence***

Received: 11/22/2010

- 1) Pollution. See [Dust Control, Odors and Other Air Quality Issues](#) and [Water Quality Issues](#)
- 2) Noise. See [Noise Issues](#)
- 3) Lower property values. See [Property Devaluation](#)

**39. *Al Pallotta-- East Providence***

Received: 11/22/2010

- 1) **A copy of this letter was also sent by email on [10/7/2010](#). See [email response](#).**

**40. *Dianna Machado-- East Providence***

Received: 11/22/2010

- 1) Noise and odors are already a problem. See [Noise Issues](#) and [Odors](#).

**41. *Marsha Nussdorf-- East Providence***

Received: 11/22/2010

- 1) Property devaluation. See [Property Devaluation](#)
- 2) Windows and window sill frequently have dust on them. See [Dust Control](#)
- 3) Commenter has a chronic cough of undetermined origin. See [Health Problems in the Community](#)
- 4) Traffic. See [Traffic](#)
- 5) The Facility is inappropriately cited in a residential area. See [Zoning](#)



**42. Maureen Casey-- East Providence**

Received: 11/22/2010

- 1) Noise. [See Noise Issues](#)
- 2) Dust [See Dust Control](#)
- 3) Traffic. [See Traffic](#)
- 4) Poor air quality. [See Dust Control, Odors and Other Air Quality Issues](#)
- 5) The Facility is inappropriately cited in a residential area. [See Zoning](#)

**43. Scott Rabideau—Natural Resource Services Inc. (Consultant for City and Waterfront Commission)**

Received: 11/22/2010

- 1) A new freshwater wetlands permit is required. [See Wetlands Permitting Requirements](#)
- 2) A water quality certification is required [See Water Quality Certification Requirements](#)
- 3) Water withdrawal is located on a property not owned by the applicant. [See Water Withdrawal and Property Rights](#)
- 4) Wetlands permit is not transferable and TLA took title to the property so a new permit is required. **The site owner has not changed, therefore the permit is still valid.**
- 5) A storm water management plan is required. **Construction Storm water Permit is not required because no disturbance greater than 1 acre will occur.** [See also RIPDES Permitting Requirements](#)
- 6) To be consistent with the fish ladder project, the Facility must control non-point source discharge with best available technology. [See Fish Ladders in the 10 Mile River System](#)
- 7) The freshwater wetlands permit for water withdrawal did not take into account impact on breeding of the fish populations in Omega Pond. **The permit was issued with the finding that water withdrawal was insignificant, the Department was aware of seasonal fluctuations in water levels when it issued the permit.**

**44. Lori Williams—Employee of TLA/Pond View and East Providence resident**

Received: 11/23/2010

- 1) Commenter has worked at Pond View for 2.5 years and has never seen odor or dust problems. [See Dust Control, Odors and Other Air Quality Issues](#)
- 2) Recycling is beneficial to the environment [See Overview of the Department's Role in the Permitting Process](#)
- 3) Commenter lived on Roger Williams Ave. from 1962 to 1980 and there was always truck traffic at all hours of the night. [See Traffic](#)

**45. Jay Healy—TLA/Pond View Employee**

Received: 11/23/2010

- 1) Commenter has worked for the facility for 6 years and has never seen problems with odors and dust as long as TLA has operated the site and does not wear dust protection in the open yard. [See Dust Control, Odors and Other Air Quality Issues](#)
- 2) Noise at the site is similar to any industrial operations and he does not wear ear protection. [See Noise Issues](#)
- 3) Approval of the Application would create more jobs. [See Overview of the Department's Role in the Permitting Process](#)
- 4) The City may try to close the facility and take away jobs. [See Local Government and Community Issues](#)

[The form letter above was signed by 37 other employees with only the name, date and years of service being different. In the interest of brevity, only names are listed below]

- 46. Henry Ferland-- TLA/Pond View Employee**  
Received: 11/23/2010  
1) Form letter identical to that of Jay Healy, above.
- 47. Cheryl-Lynn Wilcott-- TLA/Pond View Employee**  
Received: 11/23/2010  
1) Form letter identical to that of Jay Healy, above.
- 48. Mark Williams-- TLA/Pond View Employee**  
Received: 11/23/2010  
1) Form letter identical to that of Jay Healy, above.
- 49. Lori Williams-- TLA/Pond View Employee**  
Received: 11/23/2010  
1) Form letter identical to that of Jay Healy, above.
- 50. Dan Little-- TLA/Pond View Employee**  
Received: 11/23/2010  
1) Form letter identical to that of Jay Healy, above.
- 51. Jorge Benoit-- TLA/Pond View Employee**  
Received: 11/23/2010  
1) Form letter identical to that of Jay Healy, above. .
- 52. Steven Bennett-- TLA/Pond View Employee**  
Received: 11/23/2010  
1) Form letter identical to that of Jay Healy, above. .
- 53. Cataino Espinoza-- TLA/Pond View Employee**  
Received: 11/23/2010  
1) Form letter identical to that of Jay Healy, above.
- 54. Reverieino Cortes-- TLA/Pond View Employee**  
Received: 11/23/2010  
1) Form letter identical to that of Jay Healy, above.
- 55. Victor Estrada-- TLA/Pond View Employee**  
Received: 11/23/2010  
1) Form letter identical to that of Jay Healy, above.
- 56. Mario Ortiz-- TLA/Pond View Employee**  
Received: 11/23/2010

- 1) Form letter identical to that of Jay Healy, above.
- 57. Gustavo Perez-- TLA/Pond View Employee**  
Received: 11/23/2010
  - 1) Form letter identical to that of Jay Healy, above.
- 58. John Abbendoes-- TLA/Pond View Employee**  
Received: 11/23/2010
  - 1) Form letter identical to that of Jay Healy, above.
- 59. Florencio Ruiz-- TLA/Pond View Employee**  
Received: 11/23/2010
  - 1) Form letter identical to that of Jay Healy, above.
- 60. Ruben Perez-- TLA/Pond View Employee**  
Received: 11/23/2010
  - 1) Form letter identical to that of Jay Healy, above.
- 61. Erik Cortez-- TLA/Pond View Employee**  
Received: 11/23/2010
  - 1) Form letter identical to that of Jay Healy, above.
- 62. Juan Perez-- TLA/Pond View Employee**  
Received: 11/23/2010
  - 1) Form letter identical to that of Jay Healy, above.
- 63. Juan Pablo Ortiz-- TLA/Pond View Employee**  
Received: 11/23/2010
  - 1) Form letter identical to that of Jay Healy, above.
- 64. Rosario Marques-- TLA/Pond View Employee**  
Received: 11/23/2010
  - 1) Form letter identical to that of Jay Healy, above.
- 65. Eduardo Valente-- TLA/Pond View Employee**  
Received: 11/23/2010
  - 1) Form letter identical to that of Jay Healy, above.
- 66. Raul Hernades-- TLA/Pond View Employee**  
Received: 11/23/2010
  - 1) Form letter identical to that of Jay Healy, above.
- 67. Guadalupe Teder-- TLA/Pond View Employee**  
Received: 11/23/2010
  - 1) Form letter identical to that of Jay Healy, above.

- 68.** *Jose Cisneros-- TLA/Pond View Employee*  
Received: 11/23/2010  
1) **Form letter identical to that of Jay Healy, above.**
- 69.** *Christopher-- TLA/Pond View Employee*  
Received: 11/23/2010  
1) **Form letter identical to that of Jay Healy, above.**
- 70.** *Jorge Borja-- TLA/Pond View Employee*  
Received: 11/23/2010  
1) **Form letter identical to that of Jay Healy, above.**
- 71.** *Rafael Lauro-- TLA/Pond View Employee*  
Received: 11/23/2010  
1) **Form letter identical to that of Jay Healy, above.**
- 72.** *Eric Castro-- TLA/Pond View Employee*  
Received: 11/23/2010  
1) **Form letter identical to that of Jay Healy, above.**
- 73.** *David Castro-- TLA/Pond View Employee*  
Received: 11/23/2010  
1) **Form letter identical to that of Jay Healy, above.**
- 74.** *Florentino C-- TLA/Pond View Employee*  
Received: 11/23/2010  
1) **Form letter identical to that of Jay Healy, above.**
- 75.** *Moro Tolebu-- TLA/Pond View Employee*  
Received: 11/23/2010  
1) **Form letter identical to that of Jay Healy, above.**
- 76.** *Vincent Cortez-- TLA/Pond View Employee*  
Received: 11/23/2010  
1) **Form letter identical to that of Jay Healy, above.**
- 77.** *Luis Ozuna-- TLA/Pond View Employee*  
Received: 11/23/2010  
1) **Form letter identical to that of Jay Healy, above.**
- 78.** *Bladair Cortez-- TLA/Pond View Employee*  
Received: 11/23/2010  
1) **Form letter identical to that of Jay Healy, above.**
- 79.** *Victor Ruriz-- TLA/Pond View Employee*  
Received: 11/23/2010

- 1) Form letter identical to that of Jay Healy, above.

**80. Carmelo G-- TLA/Pond View Employee**

Received: 11/23/2010

- 1) Form letter identical to that of Jay Healy, above.

**81. Michael Dosroidra—BBC Transportation Services**

Received: 11/23/2010

- 1) Commenter runs a contracting business and delivers to the Facility on a regular basis and it is clean and well run particularly since acquired by TLA in 2008. **No response needed.**
- 2) Noise and Traffic are the norm for any business. See [Noise Issues and Traffic](#)
- 3) Dust, noise and other such issues are intermittent at most and may not even come from the Facility given other industrial and septage activity in the area. See [Dust Control, Odors and Other Air Quality Issues](#)
- 4) Commenter fears the City's opposition is the start of an effort to close down other area businesses. See [Local Government and Community Issues](#)

[The form letter above was signed by 27 other business owners with only the name, date and company name being different. In the interest of brevity, only names and company are listed below]

**82. Gary Vanasse—TLA Customer**

Received: 11/23/2010

- 1) Form letter identical to that of BBC Transportation Services, above.

**83. Arie Vandam—DGC Highway LLC**

Received: 11/23/2010

- 1) Form letter identical to that of BBC Transportation Services, above.

**84. Robert DiRusso—DiRusso Bros LLC**

Received: 11/23/2010

- 1) Form letter identical to that of BBC Transportation Services, above.

**85. Robert Dutra- 2 Rod Way Farm Recycling Inc.**

Received: 11/23/2010

- 1) Form letter identical to that of BBC Transportation Services, above.

**86. Robert Bashan, Direct Overweight Carries**

Received: 11/23/2010

- 1) Form letter identical to that of BBC Transportation Services, above.

**87. Kirk Moakler- TLA Customer**

Received: 11/23/2010

- 1) Form letter identical to that of BBC Transportation Services, above.

**88. Steve Mare—J.C. Fence Co.**

Received: 11/23/2010

- 1) Form letter identical to that of BBC Transportation Services, above.

- 89. Victor Duarte- Home Improvements**  
Received: 11/23/2010  
1) **Form letter identical to that of BBC Transportation Services, above.**
- 90. John Karrowski- Karbowski Container**  
Received: 11/23/2010  
1) **Form letter identical to that of BBC Transportation Services, above.**
- 91. Noah Escales- TLA Customer**  
Received: 11/23/2010  
1) **Form letter identical to that of BBC Transportation Services, above.**
- 92. Jason Dorrance—Dorrance Recycling Corporation**  
Received: 11/23/2010  
1) **Form letter identical to that of BBC Transportation Services, above.**
- 93. Jerry Furth, Hetzler Contracting**  
Received: 11/23/2010  
1) **Form letter identical to that of BBC Transportation Services, above.**
- 94. Jeff Robbins- TLA Customer**  
Received: 11/23/2010  
1) **Form letter identical to that of BBC Transportation Services, above.**
- 95. Scott Patterson- A Container Service**  
Received: 11/23/2010  
1) **Form letter identical to that of BBC Transportation Services, above.**
- 96. Larry Brooks- Brooks Disposal**  
Received: 11/23/2010  
1) **Form letter identical to that of BBC Transportation Services, above.**
- 97. Joel Demelo- TLA Customer**  
Received: 11/23/2010  
1) **Form letter identical to that of BBC Transportation Services, above.**
- 98. Providence Fire Restoration**  
Received: 11/23/2010  
1) **Form letter identical to that of BBC Transportation Services, above.**
- 99. Alan Whitmarsh- A Star Disposal**  
Received: 11/23/2010  
1) **Form letter identical to that of BBC Transportation Services, above.**
- 100. Graf Zajal- TRW Recycling**  
Received: 11/23/2010

- 1) [Form letter identical to that of BBC Transportation Services, above.](#)
- 101. Laurie Brasil- Attleboro Mulch Disposal**  
Received: 11/23/2010
- 1) [Form letter identical to that of BBC Transportation Services, above.](#)
- 102. Allen Viera- A. Viera Disposal**  
Received: 11/23/2010
- 1) [Form letter identical to that of BBC Transportation Services, above.](#)
- 103. Glenn Dorrance- Dorrance Recycling Corporation**  
Received: 11/23/2010
- 1) [Form letter identical to that of BBC Transportation Services, above.](#)
- 104. Tim Holt- B.R.S.**  
Received: 11/23/2010
- 1) [Form letter identical to that of BBC Transportation Services, above.](#)
- 105. Richard Whitebear- Big Dog Disposal**  
Received: 11/23/2010
- 1) [Form letter identical to that of BBC Transportation Services, above.](#)
- 106. Brandon Olson- Olson Brothers Hauling Inc.**  
Received: 11/23/2010
- 1) [Form letter identical to that of BBC Transportation Services, above.](#)
- 107. Paul Cewin- TLA Customer**  
Received: 11/23/2010
- 1) [Form letter identical to that of BBC Transportation Services, above.](#)
- 108. Kevin Cabral- Devin Cabral Antiques**  
Received: 11/23/2010
- 1) [Form letter identical to that of BBC Transportation Services, above.](#)
- 109. Stephen Ribeiro-- East Providence**  
Received: 11/23/2010
- 1) Odors dust and other pollution. [See Dust Control, Odors and Other Air Quality Issues](#)
  - 2) Brown or gray dust accumulates on the pond that can be swept with a broom. [See Water Quality Issues](#)
  - 3) The company is ill suited to a residential area. [See Zoning](#)
- 110. Melissa and Micael Curran-- East Providence**  
Received: 11/23/2010
- 1) Odors dust and other pollution will increase health risks. [See Dust Control, Odors and Other Air Quality Issues](#) and [Health Problems in the Community](#)

- 2) The company is ill suited to a residential area. See [Zoning](#)

**111. Roger and Wendy Pyper-- East Providence**

Received: 11/23/2010

- 1) Noise. See [Environmental Justice](#)
- 2) Air Pollution. See [Dust Control, Odors and Other Air Quality Issues](#)
- 3) Truck Traffic. See [Traffic](#)
- 4) The company is ill suited to a residential area. See [Zoning](#)

**112. Jeanne Boyle-- East Providence Planning Director**

Received: 11/23/2010

- 1) In 2003, the City Council rezoned all the properties within the waterfront district to establish the East Providence Waterfront Special Development District Zoning. Industrial-3 or Heavy Industrial Zone has not been in effect for 6 ½ years. Intensification of use will require review and approval of Waterfront Commission. See [Zoning](#)
- 2) There is no easement on the deed to allow water withdrawal from Omega Pond. [Water Withdrawal and Property Rights](#)
- 3) There have been complaints of dust and noise from neighbors. See [Dust Control, Odors and Other Air Quality Issues](#) and [Noise Issues](#)
- 4) Commenter submitted a review from the Maguire Group of the traffic study citing problems in that document. See [Response to Jim Coogan- Maguire Group \(on Behalf of City of East Providence\)](#). See also [Traffic \(vehicles and rail\)](#)
- 5) State law requires that action of State agencies be consistent with local Comprehensive Plans. See [Zoning](#)

**113. Keith Gonsalves—President, Ten Mile Watershed Council**

Received: 11/23/2010

- 1) TLA has been a strong supporter of the 10 mile Watershed Council and has assisted greatly in cleanups. **No response needed.**
- 2) Facilities such as this are important to reduce illegal disposal of construction waste. See [Overview of the Department's Role in the Permitting Process](#).
- 3) Commenter is satisfied with the efforts of the Facility regarding their riparian buffer that they have maintained. See [Wetlands Issues](#)

**114. Senator Daniel DaPonte—District 14 Senator**

Received: 11/23/2010

- 1) Noise. See [Noise Issues](#)
- 2) Traffic See [Traffic](#)
- 3) Odors, particularly in the summer. See [Odors](#)
- 4) Dust collected on the ice at Omega Pond. See [Dust Control](#)
- 5) Lack of evidence of satisfactory environmental testing. See [Water Quality Issues and Air Quality and Air Monitoring Issues](#)
- 6) Respiratory problems in the community. See [Health Problems in the Community](#)

**115. Terrence Tierney, Esq.- Office of the Attorney General**

Received: 11/24/2010



- 1) The Application is deficient because as a new license they must get a certificate from the municipality and the State Planning Council per 23-18.9-9(a)(1)-(4) and (c). [See Court Decisions on Previous License](#)
- 2) The Application is misleading for the following reasons:
  - i) Project Summary
    - (1) It does not mention residential neighborhoods within ¼ mile of the site. **Residential neighborhoods are shown in the radius plan and are not required to be in the summary.**
    - (2) The Application does not place commitments on the percentage of material they will recycle but states it will recycle as practical and economically feasible. **Such commitments are not required by the Regulations.**
    - (3) Applicant states “Quantities stored will continue to meet RIDEM Solid Waste Regulations” while the Department records show they failed to meet storage limitations. [See Wetlands Issues and Increased Tonnage, Storage, and Stockpile Issues](#)
    - (4) The proposed increase does not warrant the requested extension of operating hours. [See Hours of Operation](#)
  - ii) General Requirements
    - (1) Commenter makes reference to definitions in the Draft 2007 Regulations. **As these Regulations were never promulgated, the issue is not relevant.**
    - (2) The Facility needs State Planning Council Approval to proceed with a new Application. [See Court Decisions on Previous License](#)
  - iii) 1.4.00 Demonstration of Compliance with Prohibitions
    - (1) Application erroneously states that the Facility has an existing Freshwater Wetlands Insignificant Alteration Permit No. 03-0225 and no new permits are required. [See Wetlands Permitting Requirements](#)

#### **116. Giovanna Tebano- East Providence**

Received: 11/29/2010

- 1) Traffic. [See Traffic](#)
- 2) The company is ill suited to a residential area. [See Zoning](#)

#### **117. Manny Soares- East Providence**

Received: 11/29/2010

- 1) Rail car trains are stationed on commenter property. **No response needed.**
- 2) Noise. [See Noise Issues](#)
- 3) What distance may C&D storage and operations occur from the property line? As per Rule 7.2.02, C&D storage and processing must be 50 feet from a structure. Also Rule 7.2.05 requires a buffer zone or alternative measures be identified to be sufficient to address dust, odors, litter or other concerns identified by the Department.
- 4) Dust. [See Dust Control](#)

#### **118. Cheryl-Lynn Willcatt- Employee of TLA/Pond View**

Received: 11/29/2010

- 1) Noise, odors and dust have never been a problem in the 2 ½ years she has been employed there. She does not wear a mask or ear protection. [See Noise Issues, Odors and Dust Control](#)
- 2) Approval of the Application will create job opportunities in the community. [See Overview of the Department’s Role in the Permitting Process](#)

**119. Virginia Rives—East Providence**

Received: 11/29/2010

- 1) Noise. [See Noise Issues](#)
- 2) Odors. [See Odors](#)
- 3) Dust [See Dust Control](#)

**120. Sharon Marcou—Employee of TLA/Pond View**

Received: 11/29/2010

- 1) **Form letter identical to that of Jay Healy submitted on 11/23/2010.**

**121. Claudine Taylor—East Providence**

Received: 11/29/2010

- 1) Commenter also sent an email on 11/24/2010. [See email response.](#)

### III. COMMENTS FROM TRANSCRIPT OF PUBLIC HEARING

Begun 10/22/2010 in Providence, concluded 10/25/2010 in East Providence

#### 1. Mayor LARISA— City of East Providence

- 1) The Supreme Court has ruled that the Application should be accompanied by a certificate from the municipality and certification from the Statewide Planning Council. The site does not have either. [Court Decisions on Previous License](#)

#### 2. Robert Cusack—East Providence City Council

- 1) Commenter read into record resolution adopted by City of East Providence by its council on October 5, 2010. This resolution raised the following issues:
  - i) The City disputes the validating of current 500 ton/day limit based on a variance granted by the East Providence Zoning Board [See Zoning](#)
  - ii) Expansion is incompatible with zoning. [See Zoning](#)
  - iii) Direct law department to take necessary legal action to enforce state and local laws. **No response needed.**

#### 3. Jeanne Boyle—East Providence Planner

- 1) Issues regarding local zoning were sent in a letter on 11/23/2010 by Ms. Boyle. [See Response](#)
- 2) State law requires that action of State agencies be consistent with local Comprehensive Plans. See also [Response](#) to 11/23/2010 letter.
- 3) Noise and traffic. **Unlike the City of East Providence, the Department has no jurisdiction regarding noise and traffic. See also [Noise Issues](#) and [Traffic](#)**
- 4) Odors. [See Odors](#)
- 5) Dust. [See Dust Control](#)
- 6) Is there space on the property to accommodate three times more waste? **In order to increase production without increasing the size or storage piles, the Facility will need to increase operating hours, employ more people and ship out waste more frequently as necessary. The Application makes it clear that is their intent.**
- 7) Approval of the application is incompatible with construction of the fish ladders at Omega Pond. [See Fish Ladders in the 10 Mile River System](#)

#### 4. William Conley- Former City Solicitor for East Providence

- 1) License in 2003 was specifically conditioned upon the facility complying with the zoning ordinances of the City of East Providence and they have not. This requirement is reaffirmed by two court cases (Allen vs. The Zoning Board of Review of the City of Warwick and Providence & Worcester Railroad vs. The City of East Providence). [See Zoning](#)
- 2) The Facility, because of its location, became subject to the land use regulations of the Waterfront District Commission and, as the Planning Director pointed out to you, has been subject to that jurisdiction for more than six years and has failed to get the necessary approval. [See Zoning](#)
- 3) The Department did not allow its own employees to testify at administrative hearing thereby “ambushing” the process. [Court Decisions on Previous License](#)
- 4) The Department should resolve the 2003 case before proceeding with the review of this permit. The Department has unnecessarily delayed the proceedings. [See Court Decisions on Previous License](#)

## 5. Clayton Carlisle- Louis Berger Group (for Waterfront Commission and City of East Providence)

- 1) Applicant states that the site is bordered by Omega Pond to the north and east; however, the site layout plan has shown that the city property borders the pond rather than the facility. Therefore, the submittal should include a stamped copy of the property survey performed by Waterman Engineering. **The Department concurs that the applicant should provide, and therefore the Department shall request an updated site plan that clearly shows the Facility's legal boundaries and the existing and proposed contours at two (2) foot contour intervals, water hose(s) intake location(s), as well as any other requirements per Rule 7.1.03 in the Solid Waste Regulations No. 7. This site plan shall be certified by a Registered Land Surveyor in the State of Rhode Island. The Department cannot specifically advocate for the private firm of Waterman Engineering or mandate they be hired, as a condition of the license.**
- 2) Satellite Photos indicate that material stockpiles have been created which are significantly larger than those shown on the site plan. Despite RIDEM stockpile storage requirements, the applicant does not appear to be able to stay within the storage limit requirements. Tripling the incoming C&D material will only exacerbate the situation. **Please see [Increased Tonnage, Storage, and Stockpile Issues](#) regarding current stockpiles storage. The stockpiles shown on the site plan are proposed for the future operating plan. There is adequate space to store processed materials provided the material is shipped out on a regular bases. The application for a license cannot be denied based on speculations about future violations. The facility has also proposed financial assurance in excess of that required based on proposed maximum storage piles onsite.**
- 3) The picking and sorting building should be identified in the site plan. **The Picking and Sorting Building is located on the site plan and is labeled as "Equipment Storage & Bailing Area". No change to the Application is needed.**
- 4) More information should be provided about gypsum wallboard separation, processing, shipment and final destination. **The Department will include conditions within the permit that will specifically address the handling of gypsum. These conditions will require segregation and time limits (2 weeks) for gypsum as well as a two week storage limit on C&D fines.**
- 5) Pond View withdraws up to 20,000 gpd of water from Omega Pond, primarily for dust control. The recent site improvements and improved operating /housekeeping practices will allow Pond View to operate within its permit limits (30,000 gpd). The latter statement should be explained. **In April 2001, BETA group, Inc. requested on behalf of Pond View Recycling, Inc. to continue pumping surface water from Pond View. BETA group estimated a maximum of 20,000 gpd being withdrawn. However, the recent submittal prepared by WOODARD&CURRAN for TLA/Pond View has estimated the current pumping rate at 6,100 gpd and estimated the future amount at 5,100 gpd due to substantial pavement improvements at the entrance of the facility (along Dexter Road as well as the access to the scale house and the unloading area).**
- 6) There is no indication on the site plan of how the Vortechs 2000 collection system (UIC system) is utilized and the manner in which process and runoff water is directed to the system. **The approximate location of the UIC system is depicted on Figure 2 and design details of the UIC (Vortechs 2000) system are provided in the permit application. No change is needed. Also, please see response #1.**
- 7) This site should be required to obtain a RIPDES permit. **See [RIPDES Permitting Requirements](#).**
- 8) More stringent dust control restrictions should be placed on the facility. RIDEM should require off-site dust monitoring and testing. **See [Dust Control](#).**
- 9) RIDEM should require that a noise monitoring program be submitted for RIDEM's approval and mitigating measures should be implemented as necessary. RIDEM should also require that the noise monitoring program provide monthly reports which are made available to the public. **See [Noise Issues](#)**

- 10) The plans are not stamped, although the application has been stamped. The site plans still lack information that would be useful in evaluating the site activities and operation. The property survey should be stamped and included in the permit application. **See Response #1.**
- 11) RIDEM should state clearly as a permit condition that only wood grinding is allowed at the facility and that wood grinding is limited to 150 tons per day. **The Department will place a condition on TLA/Pond View license that clearly states the facility will only be allowed to grind 150 ton/day of wood.**
- 12) A wood fence and not chain link fencing should be installed around the entire property. **The Solid Waste Regulations do not specify the type of fence to be utilized at the Solid Waste Management Facilities, the Department cannot specify the type of fence.**
- 13) Surveillance cameras installed by TLA to monitor the site will be linked to a web system. RIDEM and the public should be allowed web access to the system. **Solid Waste Regulations have no requirements for installing surveillance cameras and questions if such a requirement could be legally enforced.**
- 14) Rail cars should be covered. **See [Traffic \(vehicles and rail\)](#)**
- 15) Misting system – The system should be described in more details to sufficiently identify the amount of water added during grinding and the collection system utilized to control runoff from the process. **The permit application has indicated that the misting system utilizes approximately 100gallons per day and the runoff from the process will be directed to the facility’s Department approved UIC system. The Department is also adding a permit condition to require quarterly documentation demonstrating compliance with 30,000 gallon per day water withdrawal limit.**
- 16) More information regarding gypsum wallboard collection, storage, handling and final destination should be required. The Department should consider hydrogen sulfide monitoring (as per Regulation 1.7.16) and a system must be installed if steps are not adequate. **Since the Department does not have standards for storage containers onsite, more detail is not necessary to evaluate the application for compliance with the Regulations. The Regulation cited by the commenter for H2S active gas collection system is not applicable here as the requirement is only for landfills. The Department believes that the generation of hydrogen sulfide is best addressed by limiting the time of storage. To that end the Department will also specify a time frame to store gypsum wallboard in roll-off containers not exceeding (2) weeks. See also [Dust Control](#).**
- 17) The License should specify the amount of material being accepted and the amount and type of material being ground up. **The limitations on grinding are per local ordinances, while the Department included the overall limitation, the ordinance does specify that a maximum of 150 ton/day of wood is permitted to be ground up. Further measures to monitor or enforce this local ordinance should be done by the City.**
- 18) Intermittent stream on-site is not identified. **The Department’s staff has never observed this intermittent stream and feels that to show a stream onsite may give an inaccurate picture of onsite drainage.**
- 19) Radius Plan should be certified by Registered Land Surveyor in the State of RI. **Agreed.**
- 20) March 2009 FEMA inundation mapping should be included in the Radius Plan. **Radius Plan shall be revised to include the 2009 FEMA mapping that had not been produced when the application was first submitted.**
- 21) Orthophoto background on site plans make the whole plan hard to read. **Displaying site features with a orthophoto background is a judgment call. The Department feels that the orthophoto background makes the site features easier to identify and it is the Department’s judgment they do not need to be revised.**
- 22) The site plan has indicated that five (5) out of eleven (11) catch basins are filled which resulted in an incomplete drainage system. Also, filled catch basins have demonstrated negligence of the routine maintenance for the aforementioned catch basins. **See response to comment #1. Also, the Department inspected and shall continue to inspect the catch basin located within the operational area (part of UIC system) Recent inspections have shown the catch basin that receives process**

- water to be clear. The filled catch basins are on adjacent property or city roads and not under the Facility's control. In the past three (3) years the Department's staff noted in five (5) inspection reports observing standing water at the catch basin located within the operational area.
- 23) Site Plan should be revised to show paved areas and typical on-site traffic patterns. See Response to comment #1. Traffic patterns, tipping areas and paved areas shall be depicted clearly on the site plan.
  - 24) The Department should commit to increased inspection schedules at the site. The Department cannot prioritize its inspection resources in a vacuum. Inspection schedules will have to be balanced with issues at other sites. See also [Scarcity of Department Resources](#).
  - 25) The Department should recognize variation in recycling rates and require more reporting relative to recycling rates. Given that the Regulations do not specify the recovery rate of the incoming materials, and that such rates vary with market rates for products, the Department feels this would be a poor use of resources.
  - 26) The Application should be revised to reflect the amount of material which can be removed from the site daily by rail. According to the Application Pond View is capable of transporting 1,400 tons per day of waste by rail. The Department feels this is adequate.
  - 27) According to the table delineated in section 7.2.03 of the application the future pavement improvement impact on the amount of water withdrawn for dust suppression shall result in (60%) reduction. The Department will request quarterly reports demonstrating compliance with the withdrawal limit of 30,000 gallons per day.
  - 28) Storm-water runoff and water quality issues (e.g. RIPDES permit) should be evaluated. See [Water Quality Issues](#)
  - 29) The buffer zone should include only areas owned by the applicant. The buffer is defined as the property within 50 feet of water body (Omega Pond). The Regulations do not take property lines into account because they have little bearing on the environmental value of wet land buffer zones around surface water bodies. As with many other sites, the buffer zone includes a pre-existing road.
  - 30) A planting plan for shrubbery should be a required permit condition. The Department shall require, as a condition of the license, a plan to enhance vegetation in portions of the buffer zone, including the berm be submitted by the facility for approval.
  - 31) A new Freshwater Wetland Permit application should be submitted due to change of facility's ownership. See [Wetlands Permitting Requirements](#)
  - 32) Usage of Non-Pond View property to place the intake hoses and water truck hose to withdraw water from Omega Pond should be re-evaluated by the Department. In addition, the revised site plan should depict the referenced hose locations. See [Water Withdrawal and Property Rights](#)
  - 33) Legal Boundaries: The application states that the site is bordered by Omega Pond to the north and east; however, the site plan has indicated that it is bordered by a property owned by the City of East Providence which abuts the pond. Agreed. The application will be revised accordingly.
  - 34) Site Plan has not depicted the bulk separation areas or the concrete picking pad. Site plan shall clearly depict and label these areas. Also, see Response to comment #1.
  - 35) Metals sorting and storing materials with no financial value inside a building to be baled. Site Plan does not reflect this statement. It's not clear if this building is used to store gypsum board. See responses #1(site plan) and #16 (gypsum processing). Also, the site plan has shown the building.
  - 36) More detail should be provided on new and existing equipment (e.g. Terminator). The Applicant's submittal in regards to equipment has satisfied the requirements of Solid Waste Regulations. TLA/Pond view shall not be allowed to add any new equipment without the Department's prior approval as per the Solid Waste Regulations.
  - 37) Dust Control Program should include the method and the frequency of watering utilized to suppress the dust and the need for 20 foot high impermeable barrier (fence) at the perimeter. Dust

control usually employed on as needed basis dependent on weather conditions. As a result, the Solid Waste Regulations do not require a schedule for watering to mitigate dust nuisance. Also, see [Dust Control](#). See also previous response to comment #12 regarding perimeter fence.

- 38) The applicant does not identify the final disposal quantities for non-recyclables and processing residue. Also, Allied Waste's Niagara Falls Landfill only accepts 9000 tons/month of C&D waste from Pond View which seems not sufficient for final disposal. TLA/Pond View stated in the submittal that the Facility recovers 85-90% of incoming materials. Nevertheless, the Department has requested that this submittal shall demonstrate the capability of TLA/Pond View to haul and dispose of the vast majority of the maximum accepted waste (i.e. the capacity to haul and dispose of 1,400 ton/day). The submittal has identified other out-of-state facilities known as Tunnel Hill Landfill in OH and Lordtown Construction Recovery in OH. Also, Attachment E of the Application includes weight slips for the outgoing waste which clearly identify several final destination facilities. Also, the table delineated in section 7.1.05 shows the final destination for non-recoverable materials. In regards to the crushed concrete and brick (intermittent operation), these materials will be used as road base or landscaping as cited on P. 1 of the permit application.
- 39) RIDEM should make a permit condition stating that the Facility is prohibited from selling processed wood waste in Rhode Island unless the operating plan is modified to clearly separate the two. In accordance with TLA/Pond View submittal, the generated wood chips shall only be utilized as fuel and/or shipped for out of state recycling facility identified as TAFISA Canada. The Facility will not be allowed to sell the generated wood chips for other end uses in the State of RI without prior Department's approval as outlined in Solid Waste Regulations No. 7. Also, the operating plan shall be amended to include a sampling and testing plan to be subjected to the Department's approval as stated in the Application.
- 40) Identify end-users for concrete, brick and stones. These items are not defined as solid waste and therefore their end use is not regulated.
- 41) Site Plan- revised site plan should be submitted to show the piping network, swale system and the temporary residual storage area. See response #1. Specific information related to the approved UIC system is included within the submittal and filed with Office of Water Resources.
- 42) The Application states that the pavement improvement along Dexter Road has reduced the erosion. Clarify the latter statement. The pavement along Dexter Road has referenced the entrance of the Facility, where poor pavement was believed to contribute to sedimentation at the Facility.

## **6. Robin Main- East Providence Waterfront Commission**

- 1) Commenter objects to 5 minute limit on speakers and that the Department, having been forced to have 2 hearings, is still trying to impede public input. The Department agreed to, but was not required to have the additional workshops and hearings. See also [Adequacy of Public Notice and Public Hearings](#)

## **7. Jim Coogan- Maguire Group (on Behalf of City of East Providence)**

- 1) Commenter performed a detailed review of traffic study submitted as part of the Application and disagrees with a number of the assumptions and assertions in that document. See [Traffic](#)

## **8. Jo-Ann Durfee- East Providence**

These comments and petition were presented to the Department at the hearing (11/22/2010). See [Comments](#) and [Petition](#)

## **9. Stephen Durfee- East Providence**

- 1) These comments were also sent to the Department in writing on 11/17/2010 . See [Stephen Durfee-- East Providence](#)

## **10. Debra Nolan- East Providence**

- 1) On her last complaint, DEM investigator took 1.5 hours to investigate odor and by then it was gone. If he had stayed longer, he may have smelled it again. **Given the enormously strained resources the Department is experiencing (see also [Scarcity of Department Resources](#)), a response the same day in under 2 hours is quite good. The Department cannot have inspectors rush at a minute's notice or staked out for days at a facility waiting for an odor.**
- 2) Odors. See [Odors](#)
- 3) Dust. [Dust Control](#)
- 4) Noise. See [Noise Issues](#)
- 5) Hours of Operation. See [Hours of Operation](#)

## **11. Ken Foley- Owner of Facility's Property**

- 1) Zoning approval was only for grinding, not waste received. **Agreed.**
- 2) Judge Fortunado agreed that the City cannot limit amount of waste accepted. **No response needed.**
- 3) He and his family have spent many years the site and do not have any health problems. See [Health Problems in the Community](#)
- 4) Facility has been tested and retested by dust, noise and everything imaginable and have not found a problem. See [Noise Issues and Air Quality and Air Monitoring Issues](#)
- 5) Pictures of problems go back to 2001. TLA does a much better job of controlling dust than when he was the operator. See [Dust Control, Odors and Other Air Quality Issues](#)
- 6) Land use is consistent with industrial neighbors including a hazardous waste cleanup firm and toilet company. See [Zoning](#)

## **12. Manuel F. Soares- East Providence**

- 1) Commenter also submitted written comments on property line issues and noise on 11/29/2010. See [Manny Soares- East Providence](#)
- 2) Commenter was not notified of Permit Application. See [Public Notice and Public Hearing Process](#)

## **13. Terrence Tierney- Office of the Attorney General**

- 1) The Department has no right to place a time limit on oral comments. See [Public Notice and Public Hearing Process](#)
- 2) The Department should conclude hearing on 2003 license before continuing. See [Court Decisions on Previous License](#)
- 3) According the Rhode Island Supreme Court, a new license must have certification from the municipality and the Statewide Planning Council. See [Court Decisions on Previous License](#)
- 4) DEM should address problems at existing C&D facilities like NEED and Vinagro East before approving any new licenses. **The Department feels that the problems at the two cases referenced that were illegally accepting and landfilling C&D has no relationship to permitted facilities.**
- 5) The Department should enforce ban on out of state C&D waste that ends up at the RIRRC Facility in Johnston. **Rhode Island Superior court has already decided that the Department has no authority to enforce R.I.G.L. 23-19-13.1 as this statute gives exclusive authority to promulgate and enforce these regulations to the Rhode Island Resource Recovery Corporation. The**



Department has included a license condition that states no waste generated from outside the State of Rhode Island shall be deposited in the Central Landfill in accordance with R.I.G.L. 23-19-13.1(a) and the Office of the Attorney General Opinion No. 89-07-36.

**14. David Ashton- Gripnail Corporation**

- 1) Traffic. See [Traffic](#)

**15. John Torgan- Save The Bay**

- 1) River Herring populations have declined between 2000 and 2005 by 95%. No response needed.
- 2) Approval of Application is inconsistent with construction of fish ladders. See [Fish Ladders in the 10 Mile River System](#)
- 3) Lack of a real buffer between the Facility and Omega Pond. See [Wetlands Issues](#)
- 4) Withdrawal of water from the pond should be regulated. See [Wetlands Permitting Requirements](#)
- 5) Save the Bay intends to submit more comments before the close of comment period. (The Department did not receive additional comments from Save the Bay.)

**16. Eugenia Marks- Audubon Society of Rhode Island**

- 1) Commenter also submitted 2 written comments. See [Eugenia Marks, Senior Policy Director- Audubon Society of RI](#) and [Eugenia Marks- Audubon Society of RI](#)

**17. Arnold McConnell- East Providence**

- 1) Commenter is executor of an estate that abuts the property. No response needed.
- 2) The hearing process is a charade and laws are being broken. See [Adequacy of Public Notice and Public Hearings](#)
- 3) Odors. See [Odors](#)
- 4) Commenter does not believe the Waterfront Commission's Authority represents the will of the people of the city. See [Local Government and Community Issues](#) and [The Relationship of the Interested Parties](#)
- 5) Dust See [Dust Control](#)

**18. Greg Watka- Aspen Aerogels**

- 1) Commenter mostly does not object to Facility operations but "every once and a while" when they are bringing in berms there is an odor. Based on other conversations, we believe commenter is referring to them digging in piles of C&D fines. See also [Odors](#)

**19. James Briden Esq.- Solicitor, East Providence**

- 1) The Department's legal council should review zoning certification . See [Zoning](#)

**20. Robin Main Esq.- East Providence Waterfront Commission**

- 1) The Department's Wetlands Division has not reviewed the application. See [Wetlands Issues](#) and [Scarcity of Department Resources](#)
- 2) The wetlands permit is not transferable, and therefore not currently valid. See [Wetlands Permitting Requirements](#)
- 3) The Facility does not have the legal right to withdraw water from the pond over property it does not own. See [Water Withdrawal and Property Rights](#)

- 4) The Facility needs a RIPDES permit. See [RIPDES Permitting Requirements](#)
- 21. William Fazioli- Vice Chairman, East Providence Waterfront Commission**
- 1) Facility is inconsistent with City's Comprehensive Plan. See [Local Government and Community Issues](#)
  - 2) Traffic. See [Traffic](#)
- 22. Edward Pimental- East Providence Zoning Officer**
- 1) Facility received a violation, commenter believed it was an Air Certificate for Zoning and the Facility is not in compliance with their zoning. See [Zoning](#)
- 23. Donna Dellefemine- East Providence**
- 1) Odors, particularly in the summer. See [Odors](#)
- 24. Mark Hedden- East Providence**
- 1) Commenter also submitted email (10/25) and written comments at the hearing (10/25). See [Mr. and Mrs. Mark Hedden- East Providence](#).
- 25. David Sullivan- East Providence**
- 1) Commenter is concerned about health of residents. See [Health Problems in the Community](#)
- 26. Richard Brown- East Providence City Manager**
- 1) Commenter also submitted email (10/25) and written comments at the hearing (10/25). See [Richard Brown- East Providence City Manager](#)
- 27. Gerald Cousineau- East Providence**
- 1) Traffic. See [Traffic](#)
  - 2) Facility is poorly located. See [Zoning](#)
- 28. Paul Ricchi- East Providence**
- 1) Company should give a presentation at the hearing See [Adequacy of Public Notice and Public Hearings](#)
- 29. Nancy Gage- East Providence**
- 1) Noise. See [Noise Issues](#)
  - 2) Hours of operation. See [Hours of Operation](#)
  - 3) Facility should be enclosed. There is no such requirement in the Regulations, see [Dust Control, Odors and Other Air Quality Issues](#)
  - 4) Odors and Dust. [Dust Control, Odors and Other Air Quality Issues](#)
  - 5) The Department should police the company. See [Inspections and Inspectors](#)
- 30. Wayne Gage- East Providence**
- 1) Brown ice at Omega Pond and on cars and houses. See [Dust Control, Odors and Other Air Quality Issues](#)

**31. Jedd and Jenna Pineau- East Providence**

- 1) Noise. [See Noise Issues](#)
- 2) Dust and odors. [See Dust Control, Odors and Other Air Quality Issues](#)

**32. John Fehey- East Providence**

- 1) Traffic. [See Traffic](#)
- 2) Commenter was concerned about dust and odors but did not detect them when he visited the facility. [See Dust Control, Odors and Other Air Quality Issues](#)
- 3) Commenter was ambivalent about whether the permit should be granted. **No response needed.**

**33. Norma Ladeira- East Providence**

- 1) Commenter is opposed to entire Facility. **No response needed.**

**34. Armando Ladeira- East Providence**

- 1) Commenter dislikes company and they should move to China. **No response needed.**

**35. Charles Machado- East Providence**

- 1) Noise. [See Noise Issues](#)
- 2) Dust and odors. [See Dust Control, Odors and Other Air Quality Issues](#)

**36. Holly Campbell- East Providence**

- 1) Noise. [See Noise Issues](#)
- 2) Dust and other air quality issues. [See Dust Control, Odors and Other Air Quality Issues](#)
- 3) Commenter has health issues. [See Health Problems in the Community](#)
- 4) Traffic. [See Traffic](#)
- 5) Is there mold and lead paint in demolition debris. **In the Department's experience, both wood painted with lead paint and moldy items can be reasonably expected to be in C&D waste, as well as other solid wastes. The Regulations were developed with this in mind. See also [The Nature of C&D Waste](#)**
- 6) Hours of operation. [See Hours of Operation](#)

**37. Don Rogers- East Providence**

- 1) Noise. [See Noise Issues](#)
- 2) Dust and other air quality issues [See Dust Control, Odors and Other Air Quality Issues](#)
- 3) Traffic [See Traffic](#)

**38. Karl Machata- East Providence Coalition**

- 1) Many industries in the area have been polluting **No response needed.**
- 2) Hundreds of phone calls have been made to the Department and none have been logged in. **Department strongly disagrees with this statement. While our resources (including inspectors) are limited, we record all complaints and respond to them as resources allow. We do not ignore or throw away complaints. In 2010, the Department received less than twenty complaints about the Facility.**
- 3) Evidence of violations were sent in years ago and no action was taken. **See response to similar complaint from 9/29/2010. See [Ken Schneider- Co- President, East Providence Coalition](#)**
- 4) Noise. [See Noise Issues](#)

- 5) Dust and other air quality issues. See [Dust Control, Odors and Other Air Quality Issues](#)
- 6) Facility has not been in compliance with Regulations. [History of Noncompliance, Deficiencies, Violations, and Enforcement Actions](#)

**39. Mr. Machata- East Providence**

- 1) Odors. See [Odors](#)

**40. John Staniera- East Providence**

- 1) Commenter has health issues. See [Health Problems in the Community](#)
- 2) Dust. See [Dust Control](#)
- 3) Material could be contaminated with lead and asbestos. See [The Nature of C&D Waste](#)

**41. John Lynch- East Providence**

- 1) Dust. See [Dust Control](#)
- 2) Commenter's family members have asthma. See [Health Problems in the Community](#)
- 3) Project is inconsistent with the City's development plans for the Waterfront. See [Local Government and Community Issues](#)

**42. Ken Schneider- East Providence Coalition**

- 1) In 1998, this group opposed the zoning variance the City granted. See [Local Government and Community Issues](#)
- 2) Commenter's conversations with EPA indicate that companies like this usually locate in poor areas. **No response needed.**
- 3) Commenter understands that J.R. Vinagro C&D Processing Operation will be completely enclosed. **The application for J.R. Vinagro Corporation proposes that grinding will occur inside an enclosed building.**
- 4) Commenter also made comment in email of 9/29 and 9/30 See [Ken Schneider- Co- President, East Providence Coalition](#)
- 5) How will the Department police the amount of material received? See [Inspections and Inspectors](#)
- 6) What air testing will be done? See [Air Quality and Air Monitoring Issues](#)

**43. Joe Tavares- East Providence Police Chief**

- 1) Commenter's personal experience has shown traffic on Roger Williams Avenue is a safety concern. **The Department has no jurisdiction over transportation issues, see also [Traffic](#).**

**44. Ralph Marzialo- East Providence**

- 1) Traffic. See [Traffic](#).
- 2) Odors. See [Odors](#)

**45. Rosmary Cluley- East Providence**

- 1) Facility is not compatible with the residential area. See [Zoning](#)

**46. George Cluley- East Providence**

- 1) Dust. See [Dust Control](#)

**47. Paul Yattaw- East Providence**

- 1) Commenter noticed the Department's headquarters have a courtyard with a fountain and residents cannot go into their backyards because of the operation. **No response needed.**

**48. Ricky Tiburicio- East Providence**

- 1) These issues were also brought up in a written comment received on 11/3/2010. See comment from [Paulo Tiburicio](#).

**49. Tony Ormonde- East Providence**

- 1) Dust. **See [Dust Control](#)**
- 2) Noise. **See [Noise Issues](#)**

**50. Brian Coogan- East Providence**

- 1) Facility and City leaders should sit down with the community and work these issues out. **No response needed.**

**51. Daniel DaPonte- RI State Senate**

- 1) Commenter thanks the Department for scheduling a night meeting. **No response needed.**
- 2) Dust. **See [Dust Control](#)**
- 3) Noise. **See [Noise Issues](#)**
- 4) Odors. **See [Odors](#)**
- 5) Health problems in the community. **See [Health Problems in the Community](#)**
- 6) Traffic. **See [Traffic](#)**.

**52. Joseph Colin**

- 1) Noise. **See [Noise Issues](#)**
- 2) Odors. **See [Odors](#)**
- 3) Property Devaluation. **See [Property Devaluation](#)**

**53. Francis Keating**

- 1) Commenter read a letter from Linda Bischoff emailed to the Department on 10/25/2010. **See [Linda J. Bischoff- East Providence](#)**

**54. Pat Blenkiron – East Providence**

- 1) **Commenter also commented by email on 10/20/2010.**
- 2) Commenter objects that she cannot ask questions and get an answer at the hearing. **See [Adequacy of Public Notice and Public Hearings](#)**
- 3) There should be air monitoring. **See [Air Quality and Air Monitoring Issues](#)**
- 4) Omega Pond should not be stocked with fish. **See [Fish Kills in Omega Pond](#) and [Fish Ladders in the 10 Mile River System](#).**

**55. Cheryl Greaves- East Providence**

- 1) Air quality should be monitored **See [Air Quality and Air Monitoring Issues](#)**
- 2) Train traffic leads to poor air quality. **As with traffic, the Department has no authority or jurisdiction to regulate railroads.**

- 3) Dust [See Dust Control](#)
- 4) Some of commenter's family members have health issues. [See Health Problems in the Community](#)

**56. Margaret Dooley- East Providence**

- 1) Noise. [See Noise Issues](#)
- 2) Odors. [See Odors](#)
- 3) Commenter has observed diminished wildlife at Omega Pond. [See Water Quality Issues](#)
- 4) Traffic. [See Traffic.](#)
- 5) Hours of Operation. [See Hours of Operation](#)
- 6) Dust. [See Dust Control](#)
- 7) Residents should be provided with contacts for the City, State and TLA so they don't have to hunt for phone numbers if they have a problem. [The Department believes that is an excellent idea, see Attachment G: CONTACT LIST FOR POND VIEW](#)

**57. Stephen Witherell- East Providence**

- 1) Noise. [See Noise Issues](#)
- 2) Odors. [See Odors](#)
- 3) Dust. [See Dust Control](#)

**58. Ray Jovin- East Providence**

- 1) They have complained to the Department and the City about odors but phone calls are never returned. [The Department cannot speak for the City, regarding complaints issue, See Inspections and Inspectors](#)

**59. Bill Iacovino- East Providence**

- 1) A family member and neighbor both had health issues. [See Health Problems in the Community](#)
- 2) Odors. [See Odors](#)
- 3) Dust. [See Dust Control](#)

**60. Betty Anella- East Providence**

- 1) Dust. [See Dust Control](#)
- 2) Noise. [See Noise Issues](#)
- 3) Hours of Operation. [See Hours of Operation](#)

**61. Tom Clupny- East Providence**

- 1) Odors. [See Odors](#)
- 2) Dust. [See Dust Control](#)
- 3) The Department is not telling the truth about the air monitoring station on Myron Francis School. IT was placed by EPA to monitor air quality at Pond View. [The commenter is factually mistaken on a few points:](#)
  - [The Station was placed there by Department, not by EPA.](#)
  - [It was not built to monitor air quality at the Facility or Ocean State Steel but for more regional measurements.](#)

- The data has been and continues to be public record. See also [Air Quality and Air Monitoring Issues](#)
- 4) Samples should be taken of dust on the ice at Omega Pond. See [Water Quality Issues](#)
- 5) C&D debris has lead paint. See [The Nature of C&D Waste](#)
- 6) Hours of Operation. See [Hours of Operation](#)

**62. Bernie Beaudreau- East Providence**

- 1) There is technology to control air pollution that should be used. See [Dust Control, Odors and Other Air Quality Issues](#)
- 2) Company is ill suited to its current location. See [Local Government and Community Issues](#)

**63. Corliss Blanchard- East Providence**

- 1) Commenter has asthma. See [Health Problems in the Community](#)
- 2) Odors. See [Odors](#)
- 3) Company is not compatible with a residential area. See [Local Government and Community Issues](#)
- 4) Property devaluation. See [Property Devaluation](#)

**64. Robert Tewksbury- East Providence**

- 1) The Department is subject to the state and federal laws. Agreed see also [Overview of the Department's Role in the Permitting Process](#)
- 2) Debris with lead paint is ground and released into the air. See [Dust Control, Odors and Other Air Quality Issues](#)

**65. Stephen Riberio- East Providence**

- 1) Odors. See [Odors](#)
- 2) Dust. See [Dust Control](#)
- 3) Noise. See [Noise Issues](#)

**66. Karen Chase- East Providence**

- 1) Commenter is concerned about health effect of contaminants in the air. See [Dust Control, Odors and Other Air Quality Issues](#) and [Health Problems in the Community](#).

**67. Nancy Capineri- East Providence**

- 1) Noise. See [Noise Issues](#)
- 2) Dust See [Dust Control](#)
- 3) The Department has not addressed the Supreme Court decisions. See [Court Decisions on Previous License](#)
- 4) The Department and East Providence police should be stopping trucks that are not covered. Unlike the East Providence Police, the Department neither has the authority to stop vehicles nor enforce traffic laws. See also [Traffic](#)

**68. Chris Fontes- East Providence**

- 1) Noise. See [Noise Issues](#)
- 2) Traffic. See [Traffic](#)

- 3) Pollution. See [Dust Control, Odors and Other Air Quality Issues](#)
- 4) Odors. See [Odors](#)
- 5) Facility may be causing some people to get asthma. See [Health Problems in the Community](#)

**69. Peter Willey- East Providence**

- 1) Commenter submitted written comments on 10/22/2010. See [Peter Willey-- East Providence](#)



**Attachment C: DESCRIPTION OF 10 MILE RIVER RESTORATION PROJECT**

**Rhode Island Department of Environmental Management  
DIVISION OF FOREST ENVIRONMENT**

1037 Hartford Pike  
North Scituate, RI 02857

October 18, 2010

Walid Ali  
Office of Waste Management  
235 Promenade St.  
Providence, RI 02908

Dear Walid,

This letter is in response to your request for a brief description of the proposed diadromous fish habitat restoration projects and reported fish kills on the Ten Mile River system. The projects will include the construction of Denil fishways and eel ramps at the first three obstructions located at the Omega Pond, Hunts Mill and Turner Reservoir dams. Overall the projects will provide an additional 314 acres of river herring spawning and nursery habitat, provide for the maturation of adult American eels and create connectivity along the river for resident species. Currently, construction has begun at Hunts Mill and Turner, and construction at Omega is planned in 2011.

The Ten Mile River is an historic fish run and has been RIDEM Division of Fish and Wildlife's highest priority for diadromous fish restoration. For over twenty years river herring have been lifted over Omega Pond Dam by local volunteers and since the harvest closure in 2006, RIDEM Division of Fish & Wildlife has issued special collector permits to continue this stocking activity. In addition, Massachusetts has stocked Turner Reservoir with adult herring broodstock for many years. With the existing run, past stocking efforts, and the opening of additional nursery and spawning habitat, we anticipate a strong river herring run very quickly.

Adult river herring return each year to spawn and spend a very short time (weeks) in the freshwater systems. Typically they do not feed until returning to the sea. River herring are pelagic spawners, meaning they spawn in the water column and the eggs sink to the bottom, sticking to substrate including weeds and sticks. The fry spend the summer feeding in the water column on phytoplankton and migrate to sea in the fall.

Due to the high obstructions on the Ten Mile River, the system has some of the lowest densities of American eel in the state. We believe the new proposed eel ramps will change that trend. Eels spend there adult lives in the freshwater systems and by day burrow into the mud and heavy cover, feeding at night on insects, worms, crayfish, clams and fish. Opposite life history as the river herring, adult eels return once to the ocean, spawn and presumably die.

In the past, fish kills in Central Pond have been reported and staff biologist have conducted onsite investigations. Typically the fish kills occurred in the spring and were assumed to be by

natural causes (spawning stress and/or low oxygen levels). There were no observations of any chemical sheens or odors. No fish kills on the Ten Mile River were reported to the Division in 2010. There has been an established river herring run on the Ten Mile River for years and no reported river herring fish kills have been observed by the Division. To further investigate reported fish kills on the Ten Mile River systems you may want to check with the Division of Enforcement.

There are many partners working together with the fish passage restoration projects, and the Ten Mile River projects are a high priority for the Division, therefore the RIDEM Division of Forest Environment supports this restoration project. If you have any questions, please feel free to contact me at (401) 647-3367.

Catherine Sparks  
Chief, Division of Forest Environment  
Freshwater Fisheries and Wildlife Sections, DFW

Cc: Mark Dennen  
Christine Dudley  
Alan Libby  
Phil Edwards

**Attachment D: FIRE DEPARTMENT APPROVAL LETTER**



**East Providence  
Fire Department**  
*Division of Fire Prevention*  
913 Broadway  
East Providence, RI 02914  
Phone (401) 435-7681 FAX: (401) 435-7681



December 17, 2009

Pondview /TransLoad America  
1 Dexter Road  
East Providence, RI 02914

Re: Site Visit

Dear Mr. Bennett,

As per my site visit regarding the location of the portable crusher / screener to the building; this office will approve the location of the portable crusher / screening machinery providing it has a clearance of 20 feet to any portion of the building. It is also agreed that at the end of each work day all material will be cleared from the portable crusher and there will be no material stock piled less than 20 feet from the building or the portable crusher. Steve please call me if you have any questions regarding this matter.

Respectfully,

A handwritten signature in cursive that reads "Captain Oscar M. Elmasian".

Captain Oscar M. Elmasian  
Fire Marshal / ADSFM  
East Providence Fire Dept.

**Attachment E: 2009 LNC FROM RIDEM**



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
235 Promenade Street, Providence, RI 02908-5767 TDD 401-222-4462

20 April 2009

**LETTER OF NON-COMPLIANCE: OWM/WFMP # 09-46  
CERTIFIED MAIL**

Mr. Jack Walsh, General Manager  
TLA-Pond View  
1 Dexter Rd.  
E. Providence, R.I. 02914

Dear Mr. Walsh:

On 30 March and 14 April 2009, Department personnel conducted inspections of TLA-Pond View Construction and Demolition Debris Processing Facility. During these inspections the following violations of the Rhode Island Rules and Regulations for Solid Waste Management Facilities were noted: "

**Rule 1.7.13 Operating and Engineering Plans:** A facility shall be operated in conformity with its approved operating and engineering plans. Variances from such plans shall be permitted only after prior written approval from the Director.

**Rule 1.7.15 Buffer Zone:** All composting facilities and solid waste management facilities shall be required to maintain a buffer zone area that serves to mitigate nuisance impacts such as dust, litter, odor, and noise from composting facilities or solid waste management facilities to human activities. The buffer zone must be an area of undeveloped vegetated land retained in its natural undisturbed condition, or created to resemble a naturally occurring vegetated area, or approved equal, that is not used for any composting facility or solid waste management facility operations. The buffer zone may be utilized for vegetated drainage controls such as swales or storage ponds.

**Rule 7.2.02 (c) Storage:**

- (c) Storage of unprocessed and/or processed construction and demolition debris must be in designated areas, and stockpiles must not exceed twenty (20) feet in height and fifty (50) feet in width. A minimum separation of fifty (50) feet must also be maintained between stockpiles and buildings or other structures. In addition, unprocessed and/or processed construction and demolition debris must not be compacted, or covered with soil or other materials. Processing of materials utilizing compaction equipment may be allowed only with prior Department approval.

 30% post-consumer fiber

**TLA-Pond View License Condition No. 6:**

6. TLA-Providence LLC shall maintain a fifty (50) foot buffer zone between the facility operations and the adjacent Omega Pond. In accordance with the approved operating plan, no storage stockpiles or processing of materials may occur within this buffer, and no vehicle traffic except for emergency and maintenance vehicles will be permitted.

Specifically, the following findings of fact were noted by the Department personnel:


- 1) Inspector(s) observed several empty dumpsters being stored within the buffer zone. This is a violation of the above 1.7.15 Rule and License Condition No.6.
- 2) The separation distance between two wood chip piles was less than the required fifty (50) feet. This is a violation of Rule 7.2.02.
- 3) Waste was placed in several dumpsters located to the rear of building #1. Said building is not located within the approved facility's boundary lines. This is a violation of Rule 1.7.13.

Below is outlined the required remedial measures that shall be taken to address the above violations:

- A) TLA-Facility shall not store and/or process any materials within the buffer zone.
- B) TLA-Facility shall maintain a minimum separation of fifty (50) feet between stockpiles and between stockpiles and buildings or other structures.
- C) TLA-Facility shall not store waste outside the boundary lines of the licensed facility.

This matter must be expediently resolved to avoid the issuance of further enforcement actions, which may include a Notice of Violation and Administrative Penalty. Your cooperation in this matter is anticipated. If you have any further questions, please feel free to contact me at 222-2797 ext. 7512.

Sincerely,

  
Walid Ali, Senior Engineer  
Office of Waste Management

Authorized by,  
  
Laurie Grandchamp, Supervising Engineer  
Office of Waste Management

Cc: Leo Hellested, Chief, DEM-OWM  
Tracey Tyrrell, Supervising Engineer, DEM-OC&I

**Attachment F: 2009 LETTER FROM RIDEM FISH AND WILDLIFE**



Rhode Island  
Department of Environmental Management

**DIVISION OF FISH AND WILDLIFE**

4808 Tower Hill Road  
Wakefield, RI 02879

RECEIVED  
D.E.M. / O.W.M.  
2010 NOV 22 P 1:42  
401 789-3094  
FAX 401 783-4460



December 29, 2009

Ron Gagnon, Chief  
Office of Customer & Technical Assistance  
235 Promenade St.  
Providence, RI 02908

Dear Ron,

This letter is in response to written comments received from the Senior Director for Policy of the Audubon Society of Rhode Island, dated December 3, 2009, regarding the permit application for the fish ladder and eel ramp proposed at the Omega Pond Dam on the Ten Mile River. The proposed diadromous fish habitat restoration projects at Omega, Hunts Mill, and Turner Dams will provide an additional 314 acres of river herring spawning and nursery habitat, provide for the maturation of adult American eels and create connectivity along the river for resident species. At this time your office has permitted fishways and eel ramps at Hunts Mill and Turner and construction bids for the upper two projects are due on January 29, 2010. Currently your office is reviewing the permit application for Omega Pond Dam which is the first and most critical obstruction on the system.

The Ten Mile River is a historic fish run and has been RIDEM Division of Fish and Wildlife's highest priority for diadromous fish restoration. For over twenty years river herring have been lifted over Omega Pond Dam by local volunteers and since the harvest closure in 2006, RIDEM Division of Fish & Wildlife has issued special collector permits to continue this stocking activity. In addition, Massachusetts has stocked Turner Reservoir with adult herring broodstock for many years. With the existing run, past stocking efforts, and the opening of additional nursery and spawning habitat, we anticipate a strong river herring run very quickly.

Adult river herring return each year to spawn and spend a very short time (weeks) in the freshwater systems. Typically they do not feed until returning to the sea. River herring are pelagic spawners, meaning they spawn in the water column and the eggs sink to the bottom, sticking to substrate including weeds and sticks. The fry spend the summer feeding in the water column on phytoplankton and migrate to sea in the fall. It is the opinion of division biology staff that the herring eggs and fry are in very little, if any, contact with contaminated sediments which are presumed to be covered. The division biologists feel it is unlikely that contaminates are leaching into the water column to a degree that will result in significant damage or contamination to potentially exposed fry. The short duration of time the eggs and juveniles spend in the freshwater system would minimize absorption or ingestion of contaminates. Furthermore, there has been an established river herring run there for years and no reported observations of any

curvature effects on the spines of juveniles or returning adults. Lastly, the river herring fishery is closed and therefore at this time river herring cannot be possessed in RI fresh and marine waters.

Due to the high obstructions on the Ten Mile River, the system has some of the lowest densities of American eel in the state. We believe the new proposed eel ramps will change that trend. Due to the American eel life history and habits, restoration in proximity of contaminated sites may be a concern and warrant a fish consumption advisory. Eels spend their adult lives in the freshwater systems and by day burrow into the mud and heavy cover, feeding at night on insects, worms, crayfish, clams and fish. RIDEM Division of Fish and Wildlife could request RI Department of Health to issue an advisory warning against the consumption of American eel on the Ten Mile system until restoration projects increase eel densities so they may be collected and tested to determine if the advisory should continue. At this time with the extremely low densities it would be difficult to sample eels by eel trap or electrofishing to conduct fish health testing.

The division is not aware of any fish health testing on the Ten Mile River systems and fishing is common on the system for freshwater fish. Currently RI has fish consumption advisories on many systems throughout the state including the Woonasquatucket River which has new fishways and eel ramps. The states of Connecticut and Massachusetts have advisories for many fish species as well, including American eel on systems they are restoring. The Division takes public safety very seriously and will do whatever necessary in the future to ensure this, including initiating the process of imposing an advisory for American eel on the Ten Mile River if warranted.

It is the position of the Division of Fish and Wildlife that the important advantages of restoring river herring and American eel to the entire Ten Mile ecosystem outweigh the concerns highlighted in the public letters. Unlike a dam removal, there will be little disturbance to the sediments in question with the installation of this fish passage. To drastically delay the Ten Mile River Restoration Projects for an expensive dredging project presents a risk that could jeopardize the future completion of the project. Completing Hunts Mill and Turner Reservoir fishways without the completion of the Omega Pond fishway below would be a disappointment and logistical failure of the efforts to date. Requiring dredging could also set a precedent for every diadromous habitat restoration project planned in the state. The Ten Mile River is a high priority for diadromous fish passage, therefore the RIDEM Division of Fish and Wildlife will continue to support this restoration project. If you have any questions, please feel free to contact me at (401) 789-3094.

Sincerely,

  
Catherine Sparks  
Chief, Division of Forest Environment  
Freshwater Fisheries and Wildlife Sections, DFW

Cc: Christine Dudley  
Phil Edwards

## **Attachment G: CONTACT LIST FOR POND VIEW**

- ◆ **Odors and Dust Complaints-**
  - **RIDEM Office of Compliance and Inspection-** 401-222-1360
  - **Also East Providence Zoning Office-** 401.435.7720
  
- ◆ **Zoning issues, Hours of Operation, Noise-**
  - **East Providence Zoning Official-** (401) 435-7720
  
- ◆ **Motor Vehicle Laws and Ordinances**
  - **East Providence Police-** (401) 435-7600
  - **RI State Police Commercial Vehicle Enforcement Unit-** 401.444.1000
  
- ◆ **Onsite Waste Operations-**
  - **RIDEM Office of Waste Management-** 401.222.2797 ext. 7512
  
- ◆ **TLA/Pond View Facility**
  - **In addition to government numbers above, complaints can also be directed to TLA/Pond itself at 401.438.3000**



**Attachment H: PUBLIC COMMENTS**

**Attachment C  
HARD COPY COMMENTS RECEIVED  
FOR THE LICENSING OF THE  
TLA/POND VIEW SOLID WASTE FACILITY APPLICATION**

Comment Period September 2, 2010- November 24, 2010

As of December 16, 2010

Attached are comments received by mail or in person. Comments are scanned in order of date received.

## **Attachment B**

### **E-MAIL COMMENTS RECEIVED FOR THE LICENSING OF THE TLA/POND VIEW SOLID WASTE FACILITY APPLICATION**

Comment Period September 2, 2010- November 24, 2010

**EMAIL CORRESPONDENCES:** Email text is pasted in the order they were received with the exception that in some cases, where email responses or requests for clarification were sent, the chain of emails is placed together for clarity. Department responses to emails are shown in red. Font and other minor formatting was changed to make emails more consistent and readable. To conserve space, headers were deleted.

*Terrence Tierney, Esq.- Office of the Attorney General*

Received: Thursday, 9/2/2010

Thank you, Mark, for conducting today's workshop in a professional manner. I am writing to follow up on your request that we set out concerns about the process being used, and the substance of the application.

- 1.) DEM should hold a public hearing in the affected community and at a time when citizens are able to attend, rather than , or in addition to, the hearing scheduled during the work week at your headquarters in Providence. The Attorney General requests that you provide an evening hearing in East Providence, and issue a new public notice to alert interested citizens.
- 2.) The application materials should be posted electronically so that the public may review them on line rather than having to visit DEM's office.
- 3.) The material provided to the public at the workshop was misleading and inaccurate with regard to current configuration of the facility (e.g. a berm on the east side was not described as such on the so-called "Site Plan Property Features – Figure 2-B", and the fence does not go around the entire facility as suggested), and accurate plans should be produced for public inspection.
- 4.) The DEM facility inspection reports , and all correspondence between DEM and the applicant concerning this application should be posted on line for the period of time from the date of the initial application to the present
- 5.) DEM should require the applicant to provide a photo enhanced image of the facility as it would look like if the requested expansion is approved. The only photo image provided at the workshop was deceptive in that it was taken after the facility was closed for the day and did not show trucks entering the facility, or being weighed, or any piles of unprocessed C&D in the sorting areas. The requested image should show the piles of material ( sorted and unsorted) from the vantage point of an observer on the ground rather than the aerial view provided.

- 6.) TLA-Pondview should be required to provide the log of complaints from the neighbors that it claims to maintain
- 7.) DEM should acknowledge that the facility operator does not have a Wetlands Act permit for the withdrawals of water it is making from Omega Pond, and suspend plans to consider approving the expansion application until this requirement of state law is met
- 8.) DEM should clarify that the so called wetland buffer zone is paved and regularly used for vehicular traffic, thereby defeating the intended function of a wetland buffer zone.
- 9.) DEM should require monitoring of dust generated from the facility, and require the operator to monitor odors generated in the area.
- 10.) Since DEM acknowledges its inability to audit the amount of out of state waste arriving at the facility, it should require an independent source of such verification as a license condition
- 11.) Before approving the proposed application, DEM should first conclude the hearing on whether the existing license was approved in accordance with state law. The RI Supreme Court just rejected DEM's position that a "new three-year license for the facility in the name of TLA" was issued in February 2008 (see DEM brief at p.10 in Attorney General Lynch v DEM) and ruled that the existing license "is a product of the 2003 license". Despite a right to a hearing on this disputed 2003 license the Attorney General has yet to receive one. DEM is responsible for the delay ( see Final Agency Decision describing DEM's "stalling" of the hearing), and should decide whether the facility is entitled to be operating even at 500TPD before considering another expansion.

I may send along additional concerns but wanted to get these out today. Thanks.

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**From:** Mark Dennen

**Sent:** Friday, September 10, 2010 4:18 PM

**To:** 'Terence Tierney'

**Cc:** Leo Hellested (leo.hellested@DEM.RI.GOV); Walid Ali (walid.ali@DEM.RI.GOV); Susan Forcier (Susan.Forcier@DEM.RI.GOV); Terry Gray (terry.gray@DEM.RI.GOV); 'jbriden@cityofeastprov.com'; 'KEVIN BRISTOW'; jwalsh@transloadamerica.com; 'Main, Robin L.'

**Subject:** RE: TLA Pondview public workshop and public hearing

Terry,

I promised a response within a week regarding the issue of hearing location and format raised at last week's meeting (I am 1 week late). As I requested, you formalized the request for change in your email below, which was seconded in an email from Robin Main. Mr. Bristow also formalized an objection to the move. Please see our response as attached, hard copy will follow.

Thanks,

Mark M. Dennen

RIDEM/Office of Waste Management

235 Promenade St.

Providence, RI 02908

tel. 401.222.2797 ext. 7112

fax 401.222.3812

e-mail: mark.dennen@dem.ri.gov

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**[The text below was attached to the email of September 10, 2010]**

September 10, 2010

Terence Tierney, Esq.  
Office of the Rhode Island Attorney General  
150 South Main Street  
Providence, RI 02903

RE: TLA/Pond View Public Workshop of September 2, 2010

Dear Mr. Tierney:

Thank you for your comments of September 2, 2010 regarding the above referenced public informational workshop and the related application. The comments are attached for convenience. Many of your comments, specifically numbers 6-10, detailing what you believe to be deficiencies in the application, will be considered as part of the review of public comments and an appropriate response will be crafted along with the Department's responses to all other public comments received, after the close of the public comment period. However, comments 1-5 and 11 relate to issues that must be addressed prior to the public hearing and a response is contained below.

As a general comment regarding all permit applications, for the process to be efficient, fair and transparent for both the public and the Applicant, the Department has established regulations and procedures that are predictable and applied equally to all applicants. Therefore, the Department in its review may reject an application if it does not contain the elements required by statute or regulation. This application went through such a process of review, comment and resubmission between the Department and the Applicant prior to the Department's issuance of a Notice of Intent to Issue and the scheduling of the public workshop and comment hearing. In order to best make use of limited resources and to streamline review, the Department spells out these requirements so the applicant is aware of them prior to submitting an application, and so that the requirements to revise an application are transparent and equally applied to all applicants. To that end, the Department cannot and has not required items in one application, if it is not required of others in similar circumstances.

Regarding the informational workshop, the Department believes that both the Applicant and the Department showed great consideration for the attendees in conducting a three hour workshop in order to insure that all concerns and questions had been addressed, including many that were not directly related to the current application.

1. Time and location of the hearing- The Department's Solid Waste Regulations require an informational workshop be held within fifteen (15) days of publication of the Public Notice. A public hearing must be held 60-75 days after the workshop. The timing and location selected for both the informational workshop and the scheduled public hearing are in full compliance with the relevant statutes and regulations.

However, we think your point is valid that some members of the community may not be able to appear during working hours to obtain information about the application. To that end, the Department will arrange to have a copy of the application placed in the main branch of the East Providence Public Library for the public to review. We are also going

to arrange for an opportunity for members of the public to meet, in the community and in the evening, one on one to obtain information and express their concerns. While not legally obliged to be there, we will invite the town and the facility to have representatives at these meetings as well.

Regarding the public hearing, the Department amended its standard public notice in this case to allow submission of public comments by email, as well as by letter or by oral comment at the public hearing. Therefore, residents can comment on the application from the convenience of their own homes. If any interested parties wish to have a hearing, or many such hearings in the community and send us the comments, the Department will include them in the administrative record and give them the same weight as other comments received. As you are aware, all comments received at the hearing or in writing (or by email, in this case) before and after the hearing are given equal weight and response from the Department. Furthermore, we would state that the hearing location, at the Department's headquarters in Providence, is 8 minutes from East Providence City Hall. This does not constitute a travel hardship for the interested public.

2. Posting of online applications- The Department is currently in the process of creating a framework for the submission of electronic applications, allowing for online posting of them for public review. The Department requested on September 10, 2010 for the application to provide an electronic copy of the application, and is awaiting a formal response. At this time, due to staffing and budgetary constraints, the Department does not have the means to convert all applications received to an acceptable electronic format and to post them online for review. The complete application is available for review at RIDEM, as described in the public notice. If the Attorney General's Office wishes to, they are welcome to create an electronic copy and post it on their website. We would also note, a posting of an electronic application has not been required of other Waste Facility Applications.
3. While you are correct that the berm on the east side of the property is not depicted on figure 2b, it is clearly shown on figure 2a. Figure 2a and 2b, when viewed in conjunction, accurately depict the facility; as the berm is clearly shown on figure 2a, we see no reason to duplicate it on 2b. Both of these figures were mounted and displayed at the informational workshop, so your statement that the material provided to the public at the workshop was misleading and inaccurate is disingenuous and without merit.

Regarding the issue of the fence, as was discussed in the workshop, you are correct that the plan described it as enclosing the facility where it should say partially enclosing the facility. To this end, the Department will require that the Applicant amend the description of the fence to indicate that the fence partially encloses the facility. Thank you for calling this minor error in the application materials to the Department's attention. However, your characterization that based on this one minor error in terminology, the materials presented to the public at the workshop were inaccurate and misleading is also disingenuous and an exercise in hyperbole.

4. The Department has put aside standard file review procedures to allow parties interested in this site to review inspections reports and other records without the procedure or delay of scheduling a formal file review under the Access to Public Records Act. Robin Main, of the Waterfront Commission, has already taken advantage of this opportunity. Also as mentioned previously, the Department is making a copy of the application available at the local public library.

There is no requirement in the Regulations that an applicant produce **any** aerial photographs. However, as is common practice, the Applicant produced a large, detailed aerial photograph of the facility taken after working hours. It did not show vehicles driving at the site, or what the site looks like during rain events, or after snow storms and it does not need to. Your request for additional photographs to show vehicles and other operations is completely without precedent for any waste management facility application or any other approval in the Office of Waste Management. Had the Applicant produced the requested photographs, they may have been subjected to criticism due to important site features being obscured by vehicles driving over them.

5. The suggestion that the facility should use special effects to create “enhanced photographs” of operations that have not yet occurred is even more unprecedented. In light of the fact that other recent solid waste applications, unlike this, that propose construction of new landfills (RIRRC) and new buildings (J.R. Vinagro) the requirement makes no sense.
  
11. The application that was the subject of the workshop is an application for a new license. The Department’s review and ultimate decision on this application is not in any way dependent on the validity of the existing license. Furthermore, the existing license has not been found to be invalid by any court, and as such, the facility is currently operating under a valid, Department-issued license. There is no precedent to say the Applicant is not entitled to submit a new application, which is not dependent on the existing permit, and to have it reviewed despite the pendency of your suit. The Attorney General’s having not received an administrative hearing in that matter at this time, is not in any way under the control of the Office of Waste Management.

As previously stated, the Department will respond to your remaining comments along with our responses to all other public comments after the close of the public comment period. I hope that this letter adequately responds to your immediate concerns, and please feel free to submit in writing any further comments or concerns that you may have up until the close of the public comment period in late November.

Please feel free to contact me at (401) 222-2797 extension 7112 or Walid Ali at extension 7512 regarding programmatic or technical issues. For legal concerns, please contact Susan Forcier at (401) 222-6607 ext. 2305.

Sincerely,

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

cc: L Hellested, Walid Ali RIDEM OWM  
S. Forcier, RIDEM OLS  
J. Walsh, TLA/Pond View  
R. Main EP Waterfront Commission  
J. Briden, City of E. Providence





**Robin L. Main, Partner - Hinckley, Allen & Snyder LLP**  
**Received: Friday, 9/3/2010**

Dear Mark:

On behalf of the East Providence Waterfront Commission, I would like to thank you for insuring at yesterday's public informational workshop on the TLA-Pond View facility that all participants had the opportunity to speak on the issues. I also would like to thank you for inviting the Waterfront Commission to provide its immediate requests to you via e-mail. The Waterfront Commission concurs in the demands made to RIDEM in the e-mail from the Attorney General's office, which was sent to you yesterday afternoon. The Waterfront Commission also wishes to emphasize that it is imperative that the public hearing occur in the evening and at a location in East Providence so that all concerned residents who wish to express themselves are given the opportunity. Simply put, this is the due process that RIDEM must provide. You stated that you would provide RIDEM's response to our demand on the scheduling and location of the public hearing within one week of yesterday's workshop. In addition, the Waterfront Commission asks that RIDEM provide or given attention to the following:

1. Within ten days of September 2 make available to my office all of the inspection reports and related documents, including but not limited to photographs, that RIDEM has concerning the TLA-Pond View facility that have been received or generated by RIDEM within the past two years; and
2. Review with RIDEM's Wetlands Division the permit for Pond View, including, but not limited to, whether the permit is valid as to TLA-Pond View's operations, whether the so-called buffer area between the facility and Omega Pond is sufficient and whether there are any wetlands violations associated with the facility.

Thank you for your attention to these matters. I will be following up with you again on the document production and public hearing date, time and location. In the meantime, if you have any questions, please do not hesitate to contact me. Thank you.

Regards,

Robin Main

Robin L. Main  
Partner | Hinckley, Allen & Snyder LLP  
50 Kennedy Plaza, Suite 1500 | Providence, RI 02903-2319  
p 401.457.5278 | f 401.457.5279  
28 State Street | Boston, MA 02109  
p 617.345.9000 | f 617.345.9020

*Kevin J. Bristow, Esq.- Attorney for TLA/Pond View*

Received: Friday, 9/3/2010

Dear Mr. Denning and Mr. Ali:

I am writing to you as the legal representative of TLA-Pond View to advise you of our opposition to the request of Attorneys Tierney and Main to add an additional public hearing and change the venue of the hearing already scheduled with respect to the licensure process of TLA-Pond View. We very much appreciate an opportunity to share our thoughts on these issues. Initially, please be advised that we are opposed to any change in the date or venue of the Public Hearing, currently scheduled for October 22, 2010. The required Notice has already been issued and there is no valid reason for changing either the date or the venue. In anticipation of the October 22nd date, TLA-Pond View has cleared the schedules of its entire project team so that they can be present in the event of any questions or concerns from the public. To reschedule the hearing may make it impossible for every project member to be present. Additionally, there is no need to have the venue changed from the DEM offices and no cogent reason for such a change of venue has been given. I am not aware of any precedent for moving a pre-scheduled meeting in the absence of truly exigent circumstances, and I point out that the pending applications of the R.I. Central Landfill and Patriot Recycling have had only one workshop and public hearing scheduled, both at RIDEM offices. Moreover, it was clear to me at the workshop that Attorneys Tierney and Main were not objectively attempting to learn information regarding TLA-Pond View license application. Many of their questions and statements were nothing more than accusations and attacks that seemed to be ideologically and politically motivated. TLA-Pond View is anxious to meet and speak with any concerned citizen regarding the pending license, however, I do not believe that RIDEM should change a previously scheduled and publicly noticed hearing to accommodate the agendas of Attorneys Tierney and Main. Again, thank you for the opportunity to weigh-in on these most important issues.

Very truly yours,  
Kevin J. Bristow

***Terrence Tierney, Esq.- Office of the Attorney General***

Received: Thursday, 9/10/2010

Thank you, Mark, for providing a copy of this document pursuant to my request. I must have misunderstood your earlier message, which appeared to me to be an agreement by DEM to release this document only if the Attorney General would agree that the statement of our concerns requested by your department could be sent to the applicant (even though it had not made such a request).

Now that this office has been made aware of the basis for the applicant's objection we would like to briefly respond to TLA-Pondview's position. As for the purported lack of precedent or reason for the requested hearing in the host community, and at a time when the affected public can actually attend, please recall that at the time the existing disputed license was issued the public hearing was convened in East Providence, in the evening, and a second hearing was also scheduled at that time and place due to the inability of elected representatives of the community to attend the first hearing. The Attorney General's request is consistent with RIDEM's need to provide a meaningful opportunity for public comment on this controversial application, and Attorney Bristow's position that such request was made merely to "accommodate the agendas of Attorneys Tierney and Main" is completely unfounded, and frankly, absurd. The TLA project team cannot answer questions at the public hearing under DEM's format, so the potential that every member of the team might not be able to attend should not be factored into your decision. Unlike the other facilities referenced in Pondview's objection, this application concerns a solid waste facility located in close proximity to a residential neighborhood, and both the existing operations and proposed expansion are vehemently opposed by the host community. Citizens should not be expected to take a day off work to attend a public hearing on such a controversial application, and any burden on the applicant is justified under the particular circumstances of this case.

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***Terrence Tierney, Esq.- Office of the Attorney General***

Received: Thursday, 9/10/2010

Mark Thank you for sending RIDEM's response to the concerns raised by the Attorney General's office. Based on your invitation to do so in that response I would like to raise a few more questions and concerns. How will the community be notified of the evening meeting to which the applicant will be invited, and of the filing of a copy of the application at the E.P. Library? Could you furnish a copy of the September 10, 2010 request to the applicant to provide an electronic copy of the application, and let me know of the response DEM receives? Will the opportunity to review material relating to the application include access to the requested copy of all correspondence between DEM and the applicant?

Given the RIDEM AAD Hearing Officer's ruling that counsel for the Office of Waste Management caused the administrative hearing on the legality of existing License #64 to "stall," (and the fact that DEM has still not reconvened such hearing despite the RI Supreme Court's directive of last May) I must respectfully differ with RIDEM's position that the continued denial of the administrative hearing expressly required by the Administrative Procedures Act is not within your agency's control. Since the pending application expressly states (at Section 1.6.01) that TLA Pond View requests an increase in the tons per day rate of the "current solid waste license No. 64" - and the RI Supreme Court's has ruled that the "existing license is a product of the 2003 license," - DEM's position that action on this application "is not in any way dependent

on the existing permit ” appears to be legally and factually erroneous. Having just lost the argument over whether the exiting license was a “new” one issued in February,2008, RIDEM should reconsider the decision to treat this application as one seeking a “new license,” and should finally decide if License #64 was properly issued in the first place.

**From:** Mark Dennen

**Sent:** Wednesday, September 22, 2010 2:51 PM

**To:** 'Terence Tierney'

**Cc:** Leo Hellested; Walid Ali; Susan Forcier; Terry Gray; jbriden@cityofeastprov.com; KEVIN BRISTOW; jwalsh@transloadamerica.com; Main, Robin L.

**Subject:** RE: TLA Pondview public workshop and public hearing

Terry,

Below I have attempted to respond to your questions and concerns. For clarity I put my responses in red (with your original comment in blue).

Please let me know if you have additional questions or concerns,

Mark M. Dennen

RIDEM/Office of Waste Management

235 Promenade St.

Providence, RI 02908

tel. 401.222.2797 ext. 7112

fax 401.222.3812

e-mail: mark.dennen@dem.ri.gov

*How will the community be notified of the evening meeting to which the applicant will be invited, and of the filing of a copy of the application at the E.P. Library ? A notice will be placed in the Providence Journal (the East Bay Post will not provide enough notice), also asked the library and city hall to post the notice and placed a copy on our web site. We have also e-mailed the notice to meeting attendees.*

*Could you furnish a copy of the September 10, 2010 request to the applicant to provide an electronic copy of the application, and let me know of the response DEM receives ? Yes, I think I sent an initial request and I also sent a follow up on Sept. 10 and a further follow up/clarification a few days later. I will send them to you.*

*Will the opportunity to review material relating to the application include access to the requested copy of all correspondence between DEM and the applicant ? No. We received initial submittals and commented on deficiencies and required resubmissions. To put out earlier versions with details on their shortcomings will only confuse people regarding what is actually in the final application. This information is public record and you may request to review them. We are looking for comments on what is in **this application**, not earlier versions.*

*Given the RIDEM AAD Hearing Officer's ruling that counsel for the Office of Waste Management caused the administrative hearing on the legality of existing License #64 to “stall,” (and the fact that DEM has still not reconvened such hearing despite the RI Supreme Court's directive of last May) I must respectfully differ with RIDEM's position that the continued denial of the administrative hearing expressly required by the Administrative Procedures Act is not within your agency's control. Since the pending application expressly states (at Section 1.6.01) that TLA Pond View requests an increase in the tons per day rate of the “current solid*

waste license No. 64” – and the RI Supreme Court’s has ruled that the “existing license is a product of the 2003 license,” - DEM’s position that action on this application “is not in any way dependent on the existing permit ” appears to be legally and factually erroneous. *In my September 10, 2010 letter responding to your initial comments, under Paragraph 11, I stated that "The Attorney General's having not received an administrative hearing in this matter at this time is in no way under the control of the Office of Waste Management." I would reiterate that **OWM** has no control over the **AAD** process. It is my understanding that the parties recently met with the newly assigned hearing officer in this matter, and that the case is proceeding under his control at this time. Please speak to DEM legal counsel regarding the pending administrative action.*

*Having just lost the argument over whether the exiting license was a “new” one issued in February, 2008, RIDEM should reconsider the decision to treat this application as one seeking a “new license,” and should finally decide if License #64 was properly issued in the first place.*

*While the Supreme Court found that the existing license (renewed in 2006, and transferred to TLA in 2008) is a product of the 2003 license, the process which is currently underway and the application which is currently pending and at issue is materially different from both the renewal and transfer processes undertaken in 2006 and 2008. While the currently-pending application may refer back to the current valid license, that does not undermine the fact that, by statute and regulation, this application is being handled as a new license, with new opportunities for public participation in the process.*

*Jo-Ann Durfee- East Providence*

Received: Thursday, 9/21/2010

**From:** Jo-Ann Durfee [mailto:joanndurfee@hotmail.com]  
**Sent:** Tuesday, September 14, 2010 10:04 AM  
**To:** Mark Dennen  
**Subject:** Hours of Operation

Dear Mark,

TLA/Pondview hours of operation posted on the sign on their gate state 7:00 - 4:00

This morning at 6:20am I was awoken and had to shut my bedroom window due to the fact that TLA/Pondview decided to start working early.

I would appreciate you contacting them and reminding them of their hours of operation.

Thank you,

Jo-Ann Durfee

**From:** Mark Dennen  
**Sent:** Tuesday, September 14, 2010 10:09 AM  
**To:** 'Jo-Ann Durfee'  
**Cc:** Robert Schmidt (robert.schmidt@DEM.RI.GOV); Laurie Grandchamp (laurie.grandchamp@DEM.RI.GOV)  
**Subject:** RE: Hours of Operation

Thank you we will look into this.

Mark M. Dennen  
RIDEM/Office of Waste Management  
235 Promenade St.  
Providence, RI 02908  
tel. 401.222.2797 ext. 7112  
fax 401.222.3812  
e-mail: mark.dennen@dem.ri.gov

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*Jo-Ann Durfee- East Providence*

Received: Thursday, 9/21/2010

Dear Mark,

I sent you an e-mail last week on 9/14/20 regarding the hours of operation for TLA/Pondview.

To which you replied I'll look into it. I'm still waiting for an answer.

It was not only on Tuesday of last week they started operating their business before 7:00am.

This morning September 21st they started working early woke me up at 6:12am had to shut the windows, machinery running and train whistle blowing.

You do not live in this neighbor I've lived here all my life I can only imagine what it will be like for them to triple in size.

More noise, more pollution, more neighbors coming down with health problems.

Why should the neighbors of East Providence have to have a mini landfill near residential homes when it appears that TLA/Pondview are highly unlikely following DEM regulations.

I've lived either on Roger Williams Ave. or off a side street on Roger Williams Ave. all my life I have never once in all the years I lived here seen Omega Pond when frozen in the winter months look brown or gray in color this has only happened since Pondview moved their operation to Dexter Road.

And to think that this spring DEM released fish into the waters that leads into Omega Pond so people could fish not knowing what health problems could occur from the pollution going into Omega Pond.

Who will be held accountable when the neighbors start having health problems from airborne dust, odor or anything else coming from the direction of TLA/Pondview???

TLA/Pondview does not follow their hours of operation of 7:00-4:00pm now what makes DEM think that they are going to follow DEM regulations to the law???

Once again this is not a police issue for the police department who is under staffed, over worked, and under paid to deal with a company or business who does not follow their hours of operating their business.

Please take this into consideration before issuing them a permit that allows them to triple in size.

Regards,

Jo-Ann Durfee

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**From:** Mark Dennen

**Sent:** Tuesday, September 21, 2010 2:21 PM

**To:** 'Jo-Ann Durfee'

**Cc:** Walid Ali (walid.ali@DEM.RI.GOV); Laurie Grandchamp

(laurie.grandchamp@DEM.RI.GOV); Robert Schmidt (robert.schmidt@DEM.RI.GOV)

**Subject:** RE: TLA/PONDVIEW

We have been looking into it, I was waiting to research some issues to respond, let me tell you what has happened to date. On 9/14 I asked Bob Schmidt to look into the situation upon receiving your complaint. He contacted the facility that morning and they admitted to running vehicles or equipment on the site during the time frame in your complaint. I also accompanied

him on a visit to the facility. They claimed that their permit prohibits them from grinding after 8 AM but they claim they are allowed by the City and by their existing permit to Operated 24 hours/day. I looked in their most recent application and they have a photograph of the sign with operating hours listed as starting at 7 AM. I will discuss this issue with Walid when he returns next week, as he is most familiar with their operating parameters. I am also copying Laurie on this (as she is back).

Mark M. Dennen  
RIDEM/Office of Waste Management  
235 Promenade St.  
Providence, RI 02908  
tel. 401.222.2797 ext. 7112  
fax 401.222.3812  
e-mail: mark.dennen@dem.ri.gov

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Subject: RE: TLA/PONDVIEW  
Date: Tue, 28 Sep 2010 11:33:23 -0400  
From: mark.dennen@DEM.RI.GOV  
To: joandurfee@hotmail.com; debnolan6@gmail.com  
CC: laurie.grandchamp@DEM.RI.GOV; walid.ali@DEM.RI.GOV

We said we would get back to you on the issue of operating hours upon Mr. Ali's return. Page 24 of their current permit is quoted below:

*Section 7.1.05b of the regulations requires that the operating hours be provided. Pond View Recycling, Inc. conducts it's business activities including material loading and removal and routine cleaning and maintenance 24 hours a day, 7 days a week. Materials are received Monday through Friday from 7:00 a.m. to 4:30 p.m. and Saturday from 7:00 a.m. to 12:00 p.m. Pond View also grinds wood into wood chips Monday through Friday, from 8:00 a.m. to 4:00 p.m. and Saturday from 8:00 a.m. to 12:00 p.m. Additional material processing, other than wood grinding occurs Monday through Friday from 7:00 a.m. to 5:30 p.m. and Saturday from 7:00 a.m. to 4:30 p.m.*

So if they were grinding wood or receiving waste before 7, that would be a violation of their permit, but other types of machinery operation and material loading is not a violation of the condition, as stated above. However there is a condition in the existing permit where we specifically said that they city can pursue enforcement if they are violating any local ordinances for noise. I would suggest you contact the city about this. We made this very clear in condition 7 of their existing license which says:

*It shall be the responsibility of Pond View Recycling, Inc. to ensure compliance with all zoning requirements and other applicable laws of the City of East Providence. The granting of this license shall in no way restrict the City's right or ability to enforce all applicable local laws...*

It is important to realize, whether we live next door or 50 miles away, we can only enforce the rules that exist.

Sincerely,



Mark M. Dennen  
RIDEM/Office of Waste Management  
235 Promenade St.  
Providence, RI 02908  
tel. 401.222.2797 ext. 7112  
fax 401.222.3812  
e-mail: mark.dennen@dem.ri.gov

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**From:** Jo-Ann Durfee [mailto:joanndurfee@hotmail.com]  
**Sent:** Tuesday, September 28, 2010 2:48 PM  
**To:** Mark Dennen  
**Subject:** RE: TLA/PONDVIEW

Mark,

Has DEM done anything to check on whether Pond View was grinding wood or receiving waste before 7:00 AM seeing that I see trucks tearing through Roger Williams Ave at 5:30am every morning heading to Pond View some with no covers on their roll offs and a lot of them with MA plates. Wouldn't this be a violation receiving materials that early in the morning? And the train whistle that blows at any hour of the day or night is this a violation also? I know that they do not follow DEM regulations or laws and if you were to have a person from DEM on site for a week you would see that it's the only time they would follow things to the letter of the law.

Even thou there is a public meeting on October 22nd scheduled which most residents will not attend because it's a financial hardship for them to take time out of work. It would be great for you and I to spend a Saturday visiting residents and you can hear from them in their own words what the problems are and how the expansion should not be granted. No Jack Walsh, no Ken Foley involved just DEM one on one with the resident and you may be shocked to see what they have documented. Please think about this and consider it.

Sincerely,

Jo-Ann

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**Subject:** RE: TLA/PONDVIEW  
**Date:** Tue, 28 Sep 2010 15:17:42 -0400  
**From:** mark.dennen@DEM.RI.GOV  
**To:** joanndurfee@hotmail.com  
**CC:** laurie.grandchamp@DEM.RI.GOV; walid.ali@DEM.RI.GOV

In terms of the hearing, it is important to remember that mailed and emailed comments are treated exactly the same as comments in person at the meeting, so nobody has to take time out of work to comment. The structure of a formal public hearing is such that they Department will not respond to any comments at the meeting, but will respond in writing, so I don't think we have made it a hardship for anybody to comment.

Mark M. Dennen

RIDEM/Office of Waste Management  
235 Promenade St.  
Providence, RI 02908  
tel. 401.222.2797 ext. 7112  
fax 401.222.3812  
e-mail: mark.dennen@dem.ri.gov

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**From:** Jo-Ann Durfee [mailto:joanndurfee@hotmail.com]  
**Sent:** Wednesday, September 29, 2010 1:56 PM  
**To:** Mark Dennen  
**Subject:** RE: TLA/PONDVIEW

Mark,

Thank you for answering the question regarding the hardship.

However you did not answer my question in regard to Pond View grinding wood or receiving waste before 7:00am seeing that I see trucks tearing through Roger Williams Ave at 5:30am every morning heading to Pond View some with no covers on their roll offs and a lot of them with MA plates. And the train whistle blowing any time of the day or night. Are these violations?

Jo-Ann

**From:** Mark Dennen  
**Sent:** Wednesday, September 29, 2010 3:36 PM  
**To:** 'Jo-Ann Durfee'  
**Cc:** Walid Ali (walid.ali@DEM.RI.GOV); Laurie Grandchamp (laurie.grandchamp@DEM.RI.GOV)  
**Subject:** RE: TLA/PONDVIEW

Regarding receiving and grinding the permit says:

*Materials are received Monday through Friday from 7:00 a.m. to 4:30 p.m. and Saturday from 7:00 a.m. to 12:00 p.m. View also grinds wood into wood chips Monday through Friday, from 8:00 a.m. to 4:00 p.m. and Saturday from 8:00 a.m. to 12:00 p.m.*

So if the facility received waste or ground wood outside of those hours, it would be a violation. The train whistle is not addressed by the permit. Whether the vehicles have MA plates does not affect their permit status at all. The loads being covered is the jurisdiction of the state police, commercial vehicle unit. DEM does not have the legal authority to regulate solid waste in transport, nor are we allowed to stop vehicles.

Mark M. Dennen  
RIDEM/Office of Waste Management  
235 Promenade St.  
Providence, RI 02908  
tel. 401.222.2797 ext. 7112  
fax 401.222.3812

e-mail: [mark.dennen@dem.ri.gov](mailto:mark.dennen@dem.ri.gov)

The comment below was also received from Jo-An Durfee relative to the Department's 9/30/2010 response to Ken Schneider.

From: joandurfee@hotmail.com  
To: michael.sullivan@dem.ri.gov; kenschneider33@cox.net  
CC: mark.dennen@dem.ri.gov; laurie.grandchamp@dem.ri.gov; walid.ali@dem.ri.gov; pmopp@fopsych.com; peter\_shank@brown.edu; rbrown@cityofeastprov.com; mayorlarisa@verizon.net; rcusack@newportinv.com; jbriden@cityofeastprov.com; debnolan6@gmail.com; gpcuzino@verizon.net; novasix5@yahoo.com; ljs3@cox.net; goesa@ride.ri.net; ccordeiro2@cox.net; sen-daponte@rilin.state.ri.us; neesee327@yahoo.com; epimentel@cityofeastprov.com; gefesq@cox.net; hasquith@amlawllp.com; rijerry@aol.com; psenra@cox.net; ryan.roslonek@draka.com; scott@whittum.com; vsamoorian@aol.com; wjoering@jfri.org  
Subject: RE: Pond View/ TLA  
Date: Fri, 1 Oct 2010 08:13:34 -0400

**Dear Mr. Sullivan,**

**Isn't it a fact that the EXPANSION of such facilities is within DEM's control, and not the host community??**

**Please advise.**

**Jo-An Durfee**

***Robin Main- East Providence Waterfront Commission***

Received, 9/29/2010

Mark, the City and Waterfront Commission are extremely disappointed that RIDEM refused to move the October 22 hearing to a more convenient location and time. The "public information workshops" that you have scheduled for October 4 and 6 are an intentional way to try to dilute the opposition to TLA/Pond View through a rigid process of appointments. Having dealt us this hand, I now need to know if any one has scheduled an appointment for October 4 or 6. Please keep me updated on the appointments. Robin

[Robin L. Main](#)

Partner | [Hinckley, Allen & Snyder LLP](#)

50 Kennedy Plaza, Suite 1500 | Providence, RI 02903-2319

p 401.457.5278 | f 401.457.5279

28 State Street | Boston, MA 02109

p 617.345.9000 | f 617.345.9020

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***Ken Schneider, Co-President- East Providence Coalition***

Received, 9/29/2010

**From:** Ken Schneider [mailto:kenschneider33@cox.net]

**Sent:** Wednesday, September 29, 2010 9:05 AM

**To:** Michael Sullivan

**Cc:** Mark Dennen; joanndurfee@hotmail.com; Laurie Grandchamp; Walid Ali; Peter M. Oppenheimer, Ph.D.; Peter Shank; Richard Brown; Joe Larisa; 'Bob Cusack'; 'James Briden'; 'Deb Nolan'; GERALD COUSINEAU; PAULYATTA; RO; Al Goes; ccordeiro2@cox.net; Daniel daponte ; Denise Damico; Ed Pimental ; George Furtado; HARRY ASQUITH Jr.; Jerry Kritz; Paula Senra; Ryan Roslonek; Scott Whittum; VSamoorian@aol.com; Wendy joering

**Subject:** Re: Pond View/ TLA

Dear Mr. Sullivan,

I am writing to you as co-President of the East Providence Coalition. We are a neighborhood group of citizens of over 200 families that have been together since the early 90's. Pond View should have never been allowed to locate where they are but the politicians that allowed that to happen are gone and mostly don't live in East Providence any more. PV has not followed the "rules and regulations" since their opening. Trucks are coming and going at all hours, the noise is horrendous, the smell is terrible and worst of all the dust and soot that emanates from this operation is not only disgusting but is causing health problems. If the workers at Pond View wear masks why is it OK for them to pollute into our neighborhoods that are only 100's of feet away? The city has sent them cease and desist orders. We have been to DEM with log books and videos of the truck traffic going into PV. It clearly showed that they were taking in a tremendous amount of tonnage on a daily basis above what they were permitted to do. This evidence was presented to the waste management division and NOTHING was ever done. We had suggested putting portable scales on the road leading to PV. That would have been easy and would have been the proof of our allegation. Why has the waste management division NEVER attempted to control this dump. If the reason is they provide a lot of the fill for the landfill that is unacceptable to us. WE LIVE HERE AND SHOULD NOT BE SUBJECTED TO THIS!

At this time Pond View is looking to expand to triple the size!! If they are out of control now what will be in the future? If the citizens, the city and the Attorney General's Office have all been fighting this company for years, can we all be wrong? I invite you to walk the neighborhoods around this facility, ask questions, talk the people and it will become quite clear to you in a short period of time that is the wrong place for a company like this. Even if there are environmental merits to what they are doing they should not be located in a residential area.

We have major concerns about the process that is set up for the review of this permit. Why doesn't DEM set up a public forum that DEM/PV can make their case for expansion and then take questions from the public? Why are citizens forced to set up individual appointment to ask their questions? You may not realize but this is very intimidating to a lot of people. People do want to be heard on this matter and for the waste division to state that emails and letters are all taken into account just isn't the same. Most people really don't know the specific questions to ask to get satisfactory answers to their concerns. The public hearing scheduled for 10/22/2010 is also unfair to the people who have the most to lose with this expansion. Why would a public hearing be set up at 10am on a Friday when most of the public could not go? I/We are requesting that this process be changed to an open forum that would be much more accommodating for the Citizens of East Providence.

Thank you for your attention,  
Ken Schneider

**From:** Michael Sullivan  
**Sent:** Thursday, September 30, 2010 10:22 AM  
**To:** 'Ken Schneider'  
**Cc:** Mark Dennen; joandurfee@hotmail.com; Laurie Grandchamp; Walid Ali; Peter M. Oppenheimer, Ph.D.; Peter Shank; Richard Brown; Joe Larisa; 'Bob Cusack'; 'James Briden'; 'Deb Nolan'; GERALD COUSINEAU; PAULYATTA; RO; Al Goes; ccordeiro2@cox.net; Daniel daponte ; Denise Damico; Ed Pimental ; George Furtado; HARRY ASQUITH Jr.; Jerry Kritz; Paula Senra; Ryan Roslonek; Scott Whittum; VSamoorian@aol.com; Wendy joering  
**Subject:** RE: Pond View/ TLA

Mr. Schneider:

Thank you for your comments. The DEM in all its units take our responsibilities very seriously. The control for siting facilities such as this resides with the local jurisdiction and DEM cannot override this local control. We are bound to evaluate the license applications for compliance with the requirements of the Rules and Regulations for Composting Facilities and Solid Waste Management Facilities" which are promulgated under the authority of the Rhode Island Refuse Disposal Act. I would agree the overall operation is improperly sited and is a commercial use in a residential setting but the City approved and DEM must accept their decision.

W. Michael Sullivan  
Director  
Department of Environmental Management  
235 Promenade Street  
Providence, Rhode Island 02908

(401) 222-4700 Ext. 2406 Voice  
(401) 222-6802 Fax

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**From:** kenschneider33@cox.net [mailto:kenschneider33@cox.net]  
**Sent:** Thursday, September 30, 2010 1:42 PM  
**To:** Michael Sullivan  
**Cc:** Mark Dennen; joandurfee@hotmail.com; Laurie Grandchamp; Walid Ali; Peter M. Oppenheimer; Peter Shank; Richard Brown; Joelarisa; 'Bob Cusack'; James Briden; Deb Nolan; GERALD COUSINEAU; PAULYATTA; ROBERTA; Al Goes; Cheryl & Rick Cordeiro; Daniel daponte; Denise Damico SOCCER; Ed Pimental; George Furtado; HARRY ASQUITH Jr.; Jerry Kritz; Paula Senra; Ryan Roslonek; Scott Whittum; VERNON; Wendy joering  
**Subject:** Re: Pond View/ TLA

Mr. Sullivan,

It's great to hear that you agree that this company is in the wrong location. All the neighbors with respiratory problems certainly agree with you. Is it part of DEM's obligation to protect the citizens as well as regulate facilities like this? If so, you are invited to walk the neighborhoods around this area and hear first hand about health problems that started either after PV opened or when people unknowingly moved too close to this "recycling facility". Just the very nature of the business is a pollution nightmare. If they are grinding old demo buildings you know there has to

lead in the air. If PV employees wear masks for protection what about the citizens? Could please answer my former questions 1. What is the process of monitoring this facility concerning their intake on a daily basis and air pollution? Why was the decision made NOT to have a public night time forum in East Providence?

Thank you,  
Ken Schneider  
401-369-0053

Sent via BlackBerry by AT&T

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**From:** Mark Dennen [mailto:mark.dennen@DEM.RI.GOV]  
**Sent:** Tuesday, October 26, 2010 3:08 PM  
**To:** kenschneider33@cox.net  
**Subject:** RE: Pond View/ TLA

Ken,

I am going through the email comments and compiling them for response. I have a few correspondences from you, including the one below. Would you like me to only enter the comments you read at the public hearing into the administrative record or do you want these entered as well?

Please let me know.

Mark M. Dennen  
RIDEM/Office of Waste Management  
235 Promenade St.  
Providence, RI 02908  
tel. 401.222.2797 ext. 7112  
fax 401.222.3812  
e-mail: [mark.dennen@dem.ri.gov](mailto:mark.dennen@dem.ri.gov)

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**From:** Ken Schneider [mailto:kenschneider33@cox.net]  
**Sent:** Tuesday, October 26, 2010 11:04 PM  
**To:** Mark Dennen  
**Subject:** RE: Pond View/ TLA

Mark,  
The email below does not have to be entered to be answered. Could you give me details about how all the concerns/questions will be answered?  
Ken

---

**From:** Mark Dennen  
**Sent:** Thursday, October 28, 2010 1:03 PM  
**To:** 'Ken Schneider'  
**Cc:** Laurie Grandchamp (laurie.grandchamp@DEM.RI.GOV); Leo Hellested

(leo.hellested@DEM.RI.GOV); Terry Gray (terry.gray@DEM.RI.GOV); Michael Sullivan  
**Subject:** RE: Pond View/ TLA

The reason I ask is that sometimes people email questions informally looking for a dialogue, and later take the time to make a more detailed comment. In such cases, sometimes they prefer to make the latter comment their only comment.

I can give you my informal response your 2 questions, which is just a response from me and Walid, as we cannot speak for everyone above me. I will also include them in the record for formal response, so they can go through appropriate levels of review. The formal response will be reviewed by RIDEM staff in the relevant programs, and will then be reviewed by RIDEM management and legal staff. Following that review, it will be reviewed and signed off, along with a final decision, by the Director himself.

1. *What is the process of monitoring this facility concerning their intake on a daily basis and air pollution?*

Regarding waste intake on a daily basis, the facility is required to keep written records made at the time of acceptance regarding the nature, quantity and origin of materials. RIDEM as part of its regular, unannounced inspections, has the right, and exercises the right, to review this paperwork. Also, RIDEM personnel visually inspect the accepted materials as well as the storage piles (ie. municipal trash should not be encountered at any location within the facility). Regarding air pollution, other than visual and olfactory observation, the Department does not do, nor does it require, analytical monitoring for air contaminants as per our Solid Waste Regulations No.s 1 and 7.

2. *Why was the decision made NOT to have a public night time forum in East Providence?*

Given the fact that they Director made the decision to have an additional public hearing in East Providence at night, I think the question is now moot.

Mark M. Dennen  
RIDEM/Office of Waste Management  
235 Promenade St.  
Providence, RI 02908  
tel. 401.222.2797 ext. 7112  
fax 401.222.3812  
e-mail: mark.dennen@dem.ri.gov



***Debra Nolan- East Providence***

Received, 10/4/2010

just so u know i made a complaint to Dem about the horrendous odor yesterday at 3:15 called Ben Levesque . received no comment. also this morning at 6:45 hearing clanging of heavy material truck beeping sound. what time do you say is regulation . to bad non of you live in this what used to be a very nice neighborhood maybe you would be more compassionate. or maybe see to it that they follow regulations. maybe you would be fighting against this. **BUT YOU DON'T LIVE HERE** seems like that's the difference. to allow them to triple in size will be the worst ever have some respect for the residence don't allow this to go through it"s bad enough!!!

**Holly M. Campbell, Shawn C. Campbell- East Providence**

Received, 10/4/2010

Dear Mr. Dennon-

I am emailing you in good faith that you will honor this email "exactly the same as comments in person at the meeting" as I may not be able to attend the 10/22/10 meeting at 10:00 am due to my work schedule.

The purpose of my email is to oppose the new permit that Pond View has applied for which will allow them to accept 1,500 tons per day.

I'm sure you realize this is triple the amount they are presently allowed to accept. My concerns are:

\*

Increased pollution

\*

Increased hours of operation

\*

Increased traffic

There are too many residential properties in the area and the RIDEM must take this into consideration for the safety and welfare of the residents, not to mention the integrity of our roads and Omega Pond.

Also, Pond View has a history of non-compliance and violations and therefore should not be eligible for the increase.

I sincerely hope that the RIDEM/Office of Waste Management does not grant Pond View the license to accept 1,500 tons per day of construction and demolition.

I thank you for the opportunity to express my comments on this matter.

Holly M. Campbell  
Shawn C. Campbell  
44 Algonquin Road  
Rumford, RI 02916  
(401) 438-4246  
hcampbell@risk-strategies.com

*Nancy Amorel- East Providence*

Received, 10/5/2010

**As a resident for over 40 years I would like to voice my opposition to TLA/Pond View tripling in size. Noxious smell, noise, dust on outside furniture and automobiles etc. has been an ongoing problem for my neighborhood, tripling in size will add to these problem.**

**Nancy Amore  
80 Algonquin Road  
Rumford, RI 02916**

***Beth White- East Providence***

Received, 10/5/2010

Hi, Mark

My name is Beth White, and while I have already signed the petition opposing the expansion of TLA/Pond View, I would like to also submit my opposition in writing.

I, my husband, and our 4 children live off Algonquin Road at 2 Sutcliffe Circle. We are already routinely disturbed by the train lumbering by, shaking the house, not to mention the sounds and smells of the landfill.

We enjoy our neighborhood and Rumford. We are very, very opposed to any expansion of the current operations of TLA/Pond View.

Thank you,

The White Family

***Marie Ghazal- East Providence***

Received, 10/5/2010

Dear Mark,

I am writing in opposition to **TLA/Pond View**. I am unable to attend the public meeting on October 22<sup>nd</sup> and wanted you to have my comments. Any expansion of the current facility would be detrimental to the health, safety and well-being of neighboring East Providence families. I urge you to not approve any expansion plans for TLA/Pond View.

Sincerely,

Marie Ghazal  
30 Algonquin Road  
Rumford, RI 02916-3502  
401-434-7081

***Marie Ghazal- East Providence***

Received, 10/7/2010

Dear Mr. Dennon,

My name is Al Pallotta. I reside at 42 Roger Williams Ave., in East Providence, RI. I'm writing to inform you of my Opposition to the expansion of Pond View in our City. The reasons are very clear.

1. On a nice day I'm unable to keep my windows open because of a caustic smell in the house.
2. There is fine dust that accumulates throughout the whole house. Sometimes it is a green, yellow, or a combination of both that is visible shortly after cleaning the house.
3. This residue also appears on my car as well and must be washed at least twice a week.
4. My family and friends complain of particles catching in their eyes when we have cook outs caused from the blowing debris. It's difficult to even cut the grass when the wind blows across from Pond View.
5. I have had a sinus infection for the last 2 years that doesn't respond well to antibiotics that I believe has been caused by the Caustic Smell from Pond View.
6. Another thing is the Loud Noise that comes from that facility that everybody complains about.
7. In addition, there are residents that live a few miles from Pond View that when the wind is blowing steadily can smell the Caustic Odor.

I believe it is in the best interest of all the residents in East Providence that this expansion would be dangerous and hazardous to all of us and they should not be allowed to TRIPLE IN SIZE.

Sincerely,  
AL Pallotta  
East Providence Resident

***George Ghazal- East Providence***

Received, 10/7/2010

Dear Mr. Dennen,

I am wrting in opposition to the TLA Pond View expansion in East Providence. It is not beneficial to our community.

George Ghazal  
30 algonqun Road  
Rumford, RI 02916

*Charles Machado- East Providence*

Received, 10/8/2010

Dear Mr. Dennon

Years ago Pond View made a commitment that to get a permit from the city of East Providence, it would only process 500 tons per day.

Now they want 1500 tons per day.

What will they want tomorrow?

I live on Larchmere Drive which is close to Pond View site. When I sit outside my yard, I can hear the annoying machine noise all day.

I say NO to the increase in tonnage.

Charles Machado  
42 Larchmere Drive  
Rumford, RI 02916



***Art and Pat Anthony- East Providence***

Received 10/8/2010

To: Mark M. Dennon  
RIDEM/Office of Waste Mgmt.  
235 Promenade Street  
Providence, RI 02908

From: Art and Pat Anthony  
56 Kelley Avenue  
Rumford, RI 02906  
[ARTANDPAT@COX.NET](mailto:ARTANDPAT@COX.NET)

RE: TLA/Pond View Triple Capacity Request

Dear Mr. Dennon:

We strongly oppose any expansion of the Pond View Plant. This plant came in to East Providence as a wood chipping operation. They lied and we have fought for years to stop that Mini-Johnson landfill from starting up. We have over the years watched truck after truck sneak in at night from outside of R.I. and dump their demolition debris containing toxic materials on the grounds of the plant. The ground used is only feet away from the Omega Pond, this Pond is the site of the new series of Fish Ladders being build at this moment. The ice on this Pond during the winter is BROWN despite the owners assurance that there is no pollution from their operation. The daily fires have been bought under control now but are still a threat. Piling up more lead filled debris (and God only knows what other materials are included in this mixture) will cause toxic destruction in the future for this land and water. There are no controls on what is delivered to this plant and eventually the Omega will not support any fish life at all never mind the Herring.

There is also a noise problem. We do have a noise level ordinance and, at certain times, they violate it. But our complaints fall on deaf ears.

I would suggest a surprise visit by your department and a demand access to all areas to see what we know goes on with this operation.

Sincerely yours,

Art and Pat Anthony

*Steve and Colleen Sabourin- East Providence*

Received 10/11/2010

We would like to register our disapproval of Pond View tripling their capacity until they take concrete measures to reduce noise. We live at least a quarter of a mile away, yet their activities are what awaken us any morning the windows are open.

Thank you,

Steve & Colleen Sabourin  
37 Dalton Street  
Rumford

***Ken Schneider, Co-President- East Providence Coalition***

Received 10/14/2010

Mark,

Could you please more specific about what the format will be on the 22<sup>nd</sup> and the 25<sup>th</sup>? Sounds like anybody that comes will get to only ask questions but there will not be any presentation from Pond View as to what they plan to do. I was not at the informational hearing at DEM but the informational workshops held at the EP Library was only a chance to ask questions without Pond View putting on any kind of display. It was a perfect situation of "If the unknowing citizens don't ask than we won't tell". Is it expected that the only way someone will know

what to ask is if they go to the library beforehand and read the application from Pond View?  
Ken Schneider

***Terrence Tierney, Esq.- Office of the Attorney General***

Received: 10/14/2010

**From:** Terrence Tierney [mailto:TTierney@riag.ri.gov]

**Sent:** Thursday, October 14, 2010 3:51 PM

**To:** Martin Wencek

**Cc:** Susan Forcier

**Subject:** Wetlands permit/ Kenneth Foley

Hi Marty I understand that a wetlands alteration permit ( #03-02250) was issued on September 9, 2003 to Kenneth Foley regarding withdrawal of water from Omega Pond in East Providence. Could you forward a copy to me ? I am preparing comments for a public hearing on a new solid waste license application for TLA Pond View Recycling, Inc., and am wondering if you could confirm that the Wetlands Division of DEM has not reviewed the TLA application as part of the DEM review, and has never issued a wetlands alteration permit to "pond View Recycling, Inc." or " TLA Pond View Recycling, Inc" allowing either entity to withdraw water from Omega Pond. As you may know, TLA Pond View processes and stores construction and demolition debris at its facility, and the application states ( in Appendix B) : "Because this debris may come in contact with storm water runoff and may carry contaminants into the adjacent Omega Pond....". Not surprisingly, since storm water "sheet flows" off the site and the topography slopes toward Omega Pond, surface water monitoring reports demonstrate repeated exceedances of the freshwater aquatic life criteria for Omega Pond. It is further stated (on p.19) that a fifty foot wide so-called "restricted" area exists along Omega Pond, but that maintenance vehicles are allowed to use the area. The application contains a memorandum relative to communications with you wherein you are quoted as saying that a wetlands permit extension or revision is not necessary if there are no changes to the water withdrawal operation or wetland buffer , and the facility continues to comply with the current permit conditions with no additional wetlands impacts. If the Wetlands Division has not reviewed the facility expansion application, how can DEM be assured that there are no changes to the water withdrawals and that the facility complies with the permit ( which appears to have been issued to a party other than the applicant) ?

Thanks.

**From:** Susan Forcier [mailto:Susan.Wilson@DEM.RI.GOV]  
**Sent:** Friday, October 15, 2010 11:26 AM  
**To:** Terence Tierney; Martin Wencek  
**Cc:** Mark Dennen; Laurie Grandchamp  
**Subject:** RE: Wetlands permit/ Kenneth Foley

Hi Terry,

If you'd like to come in and review the wetlands file for this matter, we will make that available to you at your convenience. Let me know when you'd like to come in, and I will get that set up for you. In the meantime, I am attaching the Word version of the 2003 permit that you requested (the signed, final version is in the file).

In terms of the current permit, the Office of Waste Management has reviewed the current application in coordination with other offices within the Department as necessary, and has determined that it meets applicable permitting requirements, including wetlands permitting. If you believe that a permitting requirement has not been met with this application, please raise that issue in your comments and the Department will review your comments and respond accordingly.

Thanks and have a nice weekend,  
Susan

**From:** Terence Tierney [mailto:TTierney@riag.ri.gov]  
**Sent:** Friday, October 15, 2010 3:33 PM  
**To:** Susan Forcier  
**Cc:** Martin Wencek  
**Subject:** RE: Wetlands permit/ Kenneth Foley

Hello Susan Thanks for sending the Word Version of the 2003 permit. I appreciate the offer to review the entire Wetlands Program file and would like to see it on Tuesday morning at 11. I'll come to the wetlands office at that time. As for OWM's coordination with other DEM offices in the review of the application that you mentioned – could you just confirm that the Wetlands Program was not among those other offices, and that OWM reached the determination about the applicant having satisfied the wetlands permitting requirements without ever sending the application to the Wetlands Program for review, or even discussing it with that office? I take it Marty will not be responding to my inquiries directly, so could you assist the Attorney General's office in determining whether the permitting requirements have been met by confirming: #1) that Marty made the statement attributed to him in the application (i.e., that operation under the existing permit is allowed provided there will be "no additional wetland impacts"); and 2) that DEM is resting solely on the applicant's representation that a permit extension or revision is not required without any verification of this claim by the Wetlands Program?

*Brian A. Wagner, Attorney for TLA/Pond View*

Received 10/14/2010

BRIAN A. WAGNER ATTORNEY AT LAW  
October 14, 2010  
ULY PADS PROFESSIONAL CENTER  
23 NORTH ROAD. SUITE A-32  
PEACE DALE, RI. 02879

*TLA-Pond View SWMF License Application  
Public Hearing Extension*

*Re:*

Mark Dennen  
RIDEM, Office of Waste Management  
235 Promenade Street  
Providence, RI 02908  
By Electronic Mail and  
By Regular Mail

Dear Mr. Dennen:

I represent TLA-Pond View with respect to its pending application for a permit to operate a Solid Waste Management Facility (Construction and Demolition debris Processing Facility) at One Dexter Road in the City of East Providence, Rhode Island. Yesterday afternoon I received a copy of an e-mail notification that you sent to my client amending the advertised public notice for the public comment hearing scheduled for October 22, 2010. I am writing to note my serious concerns about potential procedural issues that could flow from this last minute modification to the time and place of the public comment hearing.

Although R.I. Gen. Laws § 23-18-9-9 does not provide a lot of detail regarding what the public notice must contain relative to where and when the public comment hearing will occur, I think that it is safe to assume that the contents of any such public notice are probably required to meet the basic requirements laid out in § 42-35-3(1):

"The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and of the time when, the place where, and the manner in which interested persons may present their views thereon." (*Emphasis added.*)

While my client understands that the Department's intent here is to open up the process and allow additional opportunity for public comment in the community, my client and myself are deeply concerned that this change to the hearing procedure, little more than one week prior to the hearing, could itself create a basis for a complaint about procedural irregularities in the public hearing process; specifically, that DEM failed to provide adequate advance notice of the time when and the place where the hearing is to occur. Given that opponents to this license have successfully waylaid this application based on alleged procedural abnormalities in the past, taking the matter all the way to the R.I. Supreme Court, I am genuinely worried that DEM's late modification of the time and location of the hearing could create toehold for another such claim. Even if the likelihood of success of such a claim is remote, many opponents to this license application would be satisfied with any colorable claim to support litigation that would further delay a final decision on my client's application. Knowing this, the risk of creating a challengeable, procedural by changing the hearing schedule at this late date is both unnecessary and unacceptable.

The original notice for public hearing and comment process issued by DEM satisfies the legal requirements of § 23-18.9-9 of the Refuse Disposal Act and is entirely consistent with the practices and procedures used by the Department for all other applications; the Department and TLA-Pond View have already conducted additional public workshops to answer questions about

the licensing of this facility; and the public will have thirty (30) days after Friday, October 22, 2010 within which to submit written comments. Based on this, the benefit obtained by the public through one extra hearing day is not worth the risk of new procedural problems that could arise from the addition of the new times, dates and locations for the public comment hearing (even if done as an extension of the original advertised hearing).

Accordingly, TLA-Pond View respectfully requests that DEM reconsider its proposed extension and relocation of the public comment hearing.

Please include this letter as part of the public record in this matter and feel free to call if you have any questions.

Cc: Susan Forcier, Esq.  
RIDEM Office of Legal Services

***Robert and Dianne Clark- East Providence***

Received 10/17/2010

Mr. Dennen:

This message is regarding the Pond View request to increase the amount of recycling materials from 500 tons to 1500 tons per day.

As residents of Rumford, we were opposed to Pond View when it first came to our neighborhood as a new business and voiced our opinion at a city meeting. The site is in a residential area. A business such as Pond View should not have been allowed to locate here. Subsequently we were opposed to Pond View's request to bring in 500 tons of material a day to recycle. We certainly do not support and strongly object to a 3-fold increase in the amount of recycling.

Robert Clark  
Dianne Clark

*Christopher and Lauri Ontso- East Providence*

Received 10/18/2010

Mark M Dennon  
RIDEM/Office of Waste Mgmt  
235 Promenade Street  
Providence, RI 02908

Hello Mr Dennon,

I am writing to you as I am a resident of Rumford, RI living on Roger Williams Ave. It was recently brought to our attention that TLA/POND VIEW has applied for a permit to triple the business they do on Dexter Road, East Providence.

While we are not opposed to manufacturing or businesses in the area we are concerned about this for a number of reasons some of which we wanted to share with you at this time.

The first is that the amount of traffic currently on Roger Williams Ave is high and we are concerned that this increase in processing would lead to excessively higher truck traffic on our street. As we are on the corner with Wilson Street we see trucks coming and going on this street at all hours. If there are limits on the truck traffic this does not seem to currently be being adhered to by POND VIEW or it's subsidiaries so we would be concerned that this would continue to increase and get worse if they increase in size. While there is a sidewalk on one side of Roger Williams there is a significant amount of foot traffic on both sides of the street which raises concerns of the potential for an accident occurring if the traffic were to continue to rise.

A second concern we have would be the increased pollution that this processing could cause. The impression that we have as I have not conducted or seen the results of studies conducted on the water and soil in the area is that the current plant puts out a significant amount of both air and water pollution. There have been occasions over the last year where we have noticed an odor in the neighborhood and the only explanation we are able to place on this is the plant. Similarly while we are not right on the pond we have also noticed what appears to be a browning of the water and in the winter the ice which again we would equate to pollution being passed from the plant to the air and water. Again as it does not appear to us as residents of the neighborhood that POND VIEW is performing their current functions in an environmentally friendly manner we are concerned that an increase in the plants production would also be met by a corresponding increase in the pollution they generate.

A third concern that we have is the speed and apparent lack of attention paid to notifying the residents that this was occurring. In this day when most people do not receive the newspaper on a regular basis I would expect the law to require the company to inform the residents of this request through mailings or other means such as a meeting in which the residents are able to attend and hear the concerns of others in the community is a concern. To not do this implies to me that they feel that they are not able to present a case to the community to gain their support for this increase so they or the government is attempting to limit this option in order to allow this to proceed over any concerns which could be raised. Since this method of emailing or sending letters is being used as the primary option since most residents will most likely not be able to attend the day time meeting in our opinion it limits the sharing of information amongst the residents as questions are asked and answered on an individual basis. As a result the residents are not fully informed as to

the concerns or problems which other residents may be aware of and the answers to their questions are not available to all and the answers provided may be inconsistent.

Again while we are not anti-business and believe companies are able to pursue avenues of growth on their own since this path to growth requires a permit and impacts the public around them I would expect them to be open with us about their plans and take every opportunity to receive feedback and address concerns.

Thank you for this opportunity to voice our concerns to you. We look forward to hearing and taking part in further discussions on this matter.

Sincerely,

Christopher and Lauri Ontso  
79 Roger Williams Ave  
Rumford, RI  
02916

Christopher Ontso, Supervisor, 781-774-3241 Medical Information Technology, Inc.  
Mailstop: N2N42W, MEDITECH Circle, Westwood, MA 02090



*Nancy Capiner- East Providence*

Received 10/17/2010

-----Original Message-----

From: Nancy Capineri [<mailto:capineri@cox.net>]

Sent: Monday, October 18, 2010 3:05 PM

To: Walid Ali

Subject: TLA Pond View

Dear Mr. Ali:

I live at 6 Sutcliffe Circle in the Rumford section of East Providence. I strongly oppose any expansion of TLA/Pond View. The business operating at that address has already been a nuisance for years in terms of truck traffic, noise, air quality, and water quality of Omega Pond. Some reasons for my objection:

1. The railway cars cross between Sutcliffe Circle and the Pond View property. They are noisy and an increase will affect the quality of life in this residential neighborhood.
2. I replaced my siding and shutters in May 2006. They constantly need to be cleaned because of brown and black specks. I believe this is due to air pollution from Pond View.
3. There is already an abundance of truck traffic on Massasoit, Roger Williams Ave., and North Broadway. This is a congested area and I worry about the safety of residents.
4. The banging of dumpsters unloading and beeping of trucks backing up can be heard throughout the neighborhood and throughout the day. I have heard the noises as early as 6:00 AM.
5. The sounds of the rock crusher are even louder and more disturbing.
6. Apparently they can "accept waste" from 6AM to 6PM Mon.-Sat., but they can "offload waste" 24 hours a day/365 days a year! This process is noisy and dirty and DOES NOT belong in a residential neighborhood.
7. Property values are bound to decline if this business is allowed to expand.
8. I find it difficult to believe that the water quality of Omega Pond has not been adversely affected.
9. I also find it difficult to believe (as I was told at my appointed meeting at the Weaver Library on October 4, 2010, that the air quality is not tested by DEM.

I do plan to attend the DEM meeting on October 22 but I was told to put my concerns into writing for the "official record".

Sincerely,  
Nancy Capineri

***Patricia O. Blenkiron- East Providence***

Received 10/20/2010

Hello, Mr. Dennen,

I attended the meetings scheduled for the 5th at the Weaver Library re the Pondview Expansion Plan and we met there.

Since the Friday meeting is during work hours, I am not able to attend. Will actually be in Boston that day. Although I will attend the Weaver Library meeting on the 25th, I wish you to have these comments for the input for the 22nd.

Basically, this Plan is a misfit for the community of Rumford. We are only one section of E. Providence, actually we are a village with limited space and prior approval for businesses which should have located elsewhere originally.

The proposal for expansion appears to exceed normal expectations for quality of life of the citizens of Rumford and the larger E. Prov. community. An example is the stated expectation that traffic will triple. This means that instead of ~70 LARGE trucks daily there would be TRIPLE that number ~210!!!!!! This was stated by Mr. Walsh at the City Council meeting which addressed the Pondview subject on Tues, Oct 6th. It is truly unreasonable given the area. Even if there is a direct route planned for "about 2 years for now" there is no assurance it will ever become a reality.

I object, as a citizen of Rumford and of RI, to the impact on quality of life in Rumford if this proposal becomes a reality. This impact is greater traffic, more odors, and more noise related to longer hours of operation.

I am uncomfortable that the attorney for Pondview, Mr. Bristow stated at the Oct. 6th City Council meeting that the hours of operation are 8-4 Mon -Fri and 8-12 on Sat. This is not true per Mr. Walsh's statement on Oct. 5h that operations are 6-6 and that that could include even Saturdays if there was more material. He commented that they could actually operate 24 hours a day.

Thank you for noting my objection to this proposal.

Patricia O. Blenkiron

***Norman Williams- East Providence***

Received 10/21/2010

Dear sirs,

I strongly oppose TLA/Pond View tripling the size of its operation. I have lived here for 25 years and there has never been a problem with dust and noise until they came here.

We have to close our windows even on nice summer days to keep the dust out of our house.

When Omega Pond freezes in winter, there is a heavy coating of dust that settles on it. This dust has a strange color.

I have been over to see their operation many times. It is actually a large outside dump.

It would be devastating for this neighborhood to let this dirty operation expand.

Norman Williams  
92 Roger Williams Avenue  
Rumford RI, 02916

***Patricia Armstrong- East Providence***

Received 10/23/2010

This is to inform you that as a life long resident of Rumford, I heartily oppose the expansion of the TLA/Pond View licensure.

The pounding of the trucks on Roger Williams Ave. is already troublesome. Tripling the number of trucks would be disastrous. I know of one family who recently had trouble selling their home to someone whose reason was NOT the economy but the pending change at Pond View.

This is not the kind of business that we want here in Rumford. While they do try to be good neighbors, the nature of their business does not fit in with our family atmosphere.

Please do not grant this enlarged license.

Patricia Armstrong  
33 Berwick Place  
Rumford, RI 02916

***Ronald Rehbein- East Providence***

Received 10/24/2010

Hello Mr. Dennen,

As a Rumford, RI resident I would like to voice my opposition to Transload America's expansion plans for their Rumford plant. I would actually prefer if this hearing was not about expansion but rather about TLA ceasing operation at this location.

There are far better locations than 1 Dexter Street for a waste transfer station. Pondview is the name of the local operation which means it is just too close to RI water. In the past our neighborhood has smelled of rotten eggs and also something I can only describe as a metallic odor. We do not need to find out down the road that this expansion/facility was a huge mistake that could have been resolved in 2010.

I propose that the DEM test Pondview soil as well as Rumford area soil and air for contamination and air quality.

Thank you,

Ronald Rehbein  
12 Kelley Av.  
Rumford, RI 02916

***Don Rogers- East Providence***

Received 10/25/2010

Dear Mr. Dennen:

I am writing to strongly oppose the possible additional tripling in capacity of TLA/Pond View in Rumford. I have lived in Rumford at 11 Sutcliffe Circle, well in range of the noise the Pond View produces, for 9 years.

I have attended past City Council meetings where Pond View pursued zoning variances, and dealt on a daily basis with the clear impact of this industrial business upon my own home and family, and our broader residential area. I have reviewed the current documents available at Weaver Library related to the current application to expand, reviewed the East Providence Waterfront development plan, and spoken with fellow residents. This letter is not an emotional knee-jerk reaction, instead it is a considered, reasoned plea.

I do not want to pursue any unjustified personal attacks, but my first complaint is leveled on a personal basis. TLA/Pond View has consistently acted in aggressive discord with our community. The behavior of the owner Ken Foley, his workers, and his representatives, has been reprehensibly disrespectful and unprofessional in all their interactions with the city that I have observed in the media, the council chambers, and in private interactions over the years. This business and its operators are not welcome neighbors in our community, and should not be lightly handed approval to gallop to hugely increased capacity, a full ten times the last city-approved capacity of 150 tons per day.

Additionally, they very often operate at earlier hours than approved by the city and published in all their application materials, generating very disruptive noises as early as 5am on a frequent basis.

The noise is not simply truck traffic that could be servicing any other Dexter Road business, but it is very clearly emanating from TLA/Pond View because the sounds are the banging smashes of heavy dump truck gates and rumbling earth-moving equipment manipulating their materials. These vehicles are only present at Pond View/TLA. This noise is plainly audible and affects the sleep of my family in all seasons, whether our windows are open or not. Tripling their capacity and extending their hours will only triple the disruptive role of this business.

Further, I cannot understand the presence of this operation on the shores of Omega Pond and so close to the Seekonk River and the 10 Mile River. There has been so much good work to clean these waterways and serve the fish populations in them, but this business on their shores seems to this layman to be directly opposed to keeping them clean. I know that unwise earlier leaders of the city, not the DEM, allowed this business to be constructed on this site, but I do not see why this would tie the DEM's hands and make this grossly uncontrolled expansion something that's inevitable and out of their hands. The current capacity of 500 tons per day is already more than triple the last approved variance the city approved, it is up to DEM and nobody else to reign in the uncontrolled growth of this business.

Finally, at a broader level, I strongly feel that expanding TLA/Pond View is in direct opposition to the city's plan to develop the Seekonk River waterfront. Everything about the waterfront project is geared towards mixed use, residential through light industrial, but no matter how you look at it, Pond View is quite out of place in this plan. The increased truck traffic to Pond

View/TLA will certainly use the new roads that will be built through the waterfront areas, and this traffic and the noise, dust, and pollution from the operation will substantially lower the value of these areas and impact of this development effort.

Please oppose this unbridled expansion of TLA/Pond View, the only people who want it are the few individuals who benefit directly from it. There are a great many more people who will be negatively affected who deserve your consideration and support as well.

Thank you,

Don Rogers  
11 Sutcliffe Circle  
Rumford, RI 02916  
401-438-2397 (home)  
401-339-1810 (mobile)

***Jeff Pimental- East Providence***

Received 10/25/2010

Dear Mr. Dennen,

I am writing to you to voice my opposition to the proposed expansion of the Pond View facility. This facility emits dust from the recycling of building materials. I am not sure why the DEM monitoring station behind Myron J. Francis School can not detect this dust/pollution. I have constructed a small ice skating rink in my backyard and for the past three winters the ice surface often gets covered in a thin layer of dust which can be seen by sweeping the ice with a broom.

That type of facility should never have been allowed to abut residential neighborhoods.

Sincerely,

Jeff Pimental  
27 Duncan Rd.  
Rumford RI 02916

***JoAnn Roza- East Providence***

Received 10/25/2010

My Name is JoAnn Roza I live at 50 Frederick St. Rumford RI 02916. I have been a long time resident of East Providence and I oppose TLA/Pond View from Increasing the amount of pollution they are bringing into my back yard!!!! Unless TLA wants to buy my home at today's asset's price then I will do what ever it takes to stop them from Increasing ANY amount. We should be cleaning up our neighborhoods not making them worse!!! The health condition's and Stench that will follow such an increase not mentioning noise and traffic is not welcomed here!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

Thanks, But no Thanks!!

JoAnn Roza



***Racheal Wilson - East Providence***

Received 10/25/2010

Mark Dennen

, it has come to my attention that TLA/pond view is Applying for new license. I have great concerns. The noise from plant is already an annoyance at my roger williams residence but any increase of traffic would be unbearable considering the truck traffic in this area is ridiculous. Why would we want to increase the potential for more pollution to our neighborhoods !! Thank you...Rachael Wilson.. 165 Roger Williams ave.....  
Sent from my Verizon Wireless BlackBerry

*Emily Huftalen DaRosa - East Providence*

Received 10/25/2010

Mr. Dennen,

I was not able to attend either meeting to voice my opinion about the new license TLA/Pond view is applying for, I work nights. I grew up in Rumford, and then decided to buy my first home here. I plan on raising my family here. It is a wonderful place to grow up. However, with a new dumping site a few blocks from the elementary school and my home, I am afraid what will come of this neighborhood. I want to raise my children in a safe, clean environment like the one I grew up in.

Also, a dumping site will decrease the value of my property. My husband and I were fortunate enough to buy our home at the beginning of the housing market crash. However, it is still not quite worth the same as we paid for it. I cannot imagine what would happen to its worth if there is now a dump in my neighborhood. The economy is hurting my investment enough, please do not add to it by allowing Pond view to increase their dumping capabilities.

Thank you for taking the time to read my letter. Please take this matter seriously and as if it were to be allowed a few blocks from your home.

Sincerely,

Emily Huftalen DaRosa  
Resident of 43 Frederick St.

***Thomas Dubuque - East Providence***

Received 10/25/2010

Sir:

I am a resident of Algonquin Rd in Rumford. I am writing this letter to oppose any increase in the amount of tonnage permitted to be processed at TLA/ Pond View. My property abuts the railroad tracks that separate us from TLA/Pond View. When the Pond View project was first proposed to the council in 1999, my neighborhood was adamantly opposed to it for many reasons. Some were increased noise, dust, increased traffic, and a loss of property value. At the time, the former owner, Mr Foley, promised us the world. He would build a structure to enclose the grinding machine with dust collectors. He would only operate from 7 am to 5 PM. He would come back to the council periodically to respond to neighbor concerns. Anything to get his foot in the door. The council, against the wishes of the neighbors, gave approval for a maximum of 150 tons of processing per day conditional on these promises.

Somewhere along the line we are suddenly hearing that the permit allows up to 500 tons per day! When was that approved? 6 months after the original project began Mr. Foley was called before the council to explain why the promised building for abatement of noise and dust wasn't in place. He explained that an enclosure of that nature would be a fire hazard with the dust containment and we ended up with a plastic Quonset hut structure that neither abates noise nor dust. Take a ride around Algonquin Rd and look at all the streaked roofs on homes with light shingles. Drive around the rest of Rumford away from Pond View. Same air, no streaks! One neighbor had to have her roof washed to sell the house because the streaking was so bad. Pond View claimed that you couldn't prove the dust was from them. But you can't prove it wasn't either! I know for sure that the daily noise from the grinder is from them. I also know the loud banging of dumpsters being dropped from trucks traveling from as far as Maine is from them. I cannot enjoy my backyard during the week with the noise of the grinder, the dumpster drops, the front end loaders with there constant beeping and diesel motors running until 5 PM every day. Add to that the 8 - 10 car trains with 2 engines that shake my house to its foundation and there is little piece in this corner of Rumford on weekdays. We always had a train every day headed to Nyman Co. One engine and one car. How many cars will we need if the amount allowed to be processed is tripled?

Take a ride on North Broadway from Pawtucket Ave. to Massasoiett Ave. Do you think the car traffic caused all of these potholes and the destruction of the bridge? Triple tonnage equals triple truck traffic. As a taxpayer of both Rumford and the State of RI, I oppose again the operation of Pond View in general and any increase of the amount of processing at all. I want the RIDEM and the EPA to set up air quality monitors and noise measurement equipment in the neighborhoods around Pond View to guarantee the health and safety of those living in these neighborhoods.

Lastly, at every meeting I have attended, the argument from the legal eagles has been that there are no written complaints documenting our concerns. I believe the onus is on the business to police itself without complaint. I also believe the onus is on the DEM to do more that drop in for a cordial visit once a month but to perform measurable air quality testing, water pollution testing of Omega pond and noise pollution testing of the surrounding neighborhoods. I also believe as part of their existing permit, Pond View should pay for these tests but they should be performed by independent 3rd parties.

Sincerely,  
Thomas Dubuque  
54 Algonquin Rd  
Rumford, RI 02916  
401-438-6984

**Mr. and Mrs. Mark Hedden- East Providence**

Received 10/25/2010

108 Roger Williams Ave  
Rumford R.I. 02916  
Phone: 401-438-0785  
Email: tennis@cox.net

**Questions / concerns regarding Pond View/TLA operation and expansion.**

I feel that the responsibility for our communities' health and environmental health is and should be our governments own Department of Environmental Management. That responsibility, we as property owners and residence expect, has come into question.

Has and is DEM been acting in the best interest of the community of Rumford?

**Have all of the following regulations and guidelines been followed?**

**Cited from DEM's Regulations for Landfills # DEM OWM –SW04-01**

**1.6.03 (2) changes regarding changes in operation (150 tons example)**

**1.5.05 Zoning**

**1.5.06 (b) addressing impacts of activities of operation.**

**1.5.09 (a) groundwater testing (by who?)**

**1.4.03 Air quality and monitoring beyond the confines of their property lines.**

**(c) Odors violations**

**1.4.04 (a) The storage of materials (piles of product at their property line.**

**1.6.08 Inspections fire ordinances etc.**

**(d) any reports citing deficiencies**

**1.7.10 Dust Control is inadequate**

**1.7.11 Control of Litter Measures taken to what level ?**

**1.04.02 On site monitoring plans**

**1.04 (3) Radius Plans its watershed responsibility and community within ½ mile.**

Our concerns are air quality, noise pollution, offensive odors, dust and fibrous pollutants, and traffic from operations associated with the operation of this facility. Of these concerns, DEM has said they are only concerned with air and water impacts. Of these two concerns, DEM said they currently do not monitor air, dust, odor, or particulates. They, as an environmental monitoring agency, they rely on TLA/Pond View to monitor groundwater and water runoff issues that effect Omega Pond and Ten Mile River. So in summation, DEM does not have on-site monitors for air quality and are not involved with any monitoring of air, odor, or water run off. They do not address issues of how debris arrives or how it is transported to the facility. There is no testing of toxins in rollaways. TLA/Pond View claims no responsibility for the exact contents of the rollaways saying it's the responsibility of the construction companies. The company that sends the rollaways to TLA/ Pond View is required to monitor their contents and transport these covered. There are too many witnesses to the obvious fact that many are rollaways are not covered and only research into the chemical make up of particulates will disclose the health hazards inflicted to nearby residences.

A side note, since 1998, every home, but one, boarding my property has had an elderly person die. That is involving four homes totaling six senior citizens. I would like to know what a plume-to-mortality study would show.

I am a nationally ranked tennis player and tennis professional. No history of smoking or health problems. Prior to 1998, I had no 0 cases of sinus infections, bronchitis or pneumonia. After 1998 I have had to be treated 22 times for bronchitis or sinusitis and 2 times for pneumonia at East Providence Medical Center. This does not include two times during the last year and one mild case of pneumonia in 2009, which were treated by a Barrington physician.

If this is a result of just 150 tons per day, what do you think 1500 tons will accomplish?

My taxes are over \$4,000 per year is this for the privilege of living next to TLA/ Pond View?

Tell me if this is a quality of life expected and granted by the Constitution?

Tell me why DEM has not monitored any environmental issue concerning TLA/Pond View as a Department as outlined by the state regulations?

Tell me that 3 times the truck dumpster traffic will not have a serious impact on our environment.

Please email me any information pertinent to the above statutes any tonnages.

Please email me why The City of East Providence laws and legislations mean nothing to these hearings?

*Ann Mailloux, Michael Saint, Sterling Saint - East Providence*

Received 10/25/2010

Mr. Dennen

I was unable to make the public hearing on the granting of a new license to TLA/Pond View but I wanted to write to let you know that my husband and I oppose this. This is a 99% residential neighborhood and tripling TLA's capacity would create more traffic, noise, pollution and potential health issues in this fine area. This is unacceptable. The noise coming from TLA (even at hours when they are not supposed to be operating), the unpleasant smells that occur already, cannot be allowed to triple! This is and has been a wonderful area for our son to attend school and grow up into the successful college senior that he is today. Please do not allow that to change for all the other families in this neighborhood. We own one of the largest and highest valued properties in this area and I am trying to act now to protect it. No one wants to live near a dump and if you work for the Dem, I don't have to explain to you why...

Thanks for listening.

Ann Mailloux  
Michael Saint  
Sterling Saint  
129 Wilson Avenue  
Rumford RI 02916-2837

**Linda J. Bischoff- East Providence**

Received 10/25/2010

Mark M. Dennen  
RIDEM/Office of Waste Mgmt.  
235 Promenade Street  
Providence, RI 02908

Dear Mr. Dennen,

October 25, 2010

I am writing to let you know that I am not in favor of TLA/Pond View's request for a license to expand their capacity in any way. I own two pieces of property on Roger Williams Ave. Rumford, RI. Month-to-month tenants occupy both properties. One of the biggest reasons each tenant is happy there is it is a relatively quiet, pristine, seagull and odor free neighborhood. That will be subject to change if you grant the new license TLA seeks.

Property values in East Providence / Rumford have already seriously declined in value. How much do you think tripling the size of TLA/Pond View will attract anyone looking to purchase a home in that area? My guess and experience on this matter is IT WILL NOT BE A BIG PLUS for property values. Most people don't want to live next to dumps and they certainly don't want to live next to the Biggest dump in the state. If you approve this license, East Providence will have the new notoriety of having one of the largest (if not the largest) dump in New England.

My sisters and I grew up on Roger Williams Ave. on the waterside. Our grandparents lived in the house next to us. There have been more than enough changes in that area over the past fifty years; however, this will be the worst change yet.

I'm asking you to reconsider your position on this issue and do whatever you can to prevent TLA/Pond View from expanding. Do you think you would be in favor of this license if you and your family lived on or near the Omega Pond in Rumford?

Please do not add to the already serious downturn in property values in that area. Don't you think we could all use a break? Also, at the same time you could help restore a little faith in the system that people with power can and will do the right thing.

Thank you for your time,  
Linda J. Bischoff  
11 Bassett Lane  
Newfields, NH 03856  
603-772-8289  
Linda.bischoff@comcast.net



*David Lozito- East Providence*

Received 10/25/2010

I OPPOSE GRANTING TLA/Pond View from getting a new license to triple in capacity. The traffic and noise from there trucks on Roger Williams Ave. is very annoying.

DAVID W. LOZITO  
170 ROGER WILLIAMS AVE.  
RUMFORD R.I. 02916-3327

***Carolyn Beaupre - East Providence***

Received 10/25/2010

Good Morning Mr. Dennen,

I am writing to you this morning to address an issue that is most important to the quality of life in the City of East Providence. I was a resident of 58 years in this city and still own property abutting the Omega Pond, directly across from the Pond View facility.

As a child, my sisters and I grew up in a great neighborhood in an idyllic setting on the pond. There was no noise from the facility now known as TLA/Pond View...we could sleep in the early morning hours.

There was no smell, no dust, no pond scum generated by Pond View's daily business. Property values were healthy, because the area was desirable as a little "oasis" in a city environment. My family has owned property on the Omega Pond for nearly 100 years. I am a realist and know that things do change; however, they should change for the better, not for the worse.

Allowing Pond View to expand its services would certainly hurt property values even more than they have been hurt by our dismal economy. Who could think that it is a good idea to have a major "dump" in the middle of a city environment. How many people would like to live in an area where the dirt and dust particles necessitate power washing our property (houses) on a constant schedule? How many people would be naive enough not to think that breathing this dust etc. from Pond View is not affecting one's health?

My suggestion would be to diminish the size of Pond View's facility rather than to grow it. Perhaps they could go to an area that is not in the confines of a city environment. Perhaps it would be better to look to the future and see attractive residences, or condominiums lining what once was an idyllic pond teeming with fish, turtles and birds. This would eventually add to our tax base in a positive manner.

This economy will turn around and the possibilities of preserving a better use of such a great natural resource as the Omega Pond will make the DEM look visionary. Please do the right thing. Listen to the large number of residents and concerned citizens on this matter. Please do the right thing. Deny this petition for expansion. The residents will be healthier, our property will retain better value, the noise level will not be disturbing, the odors will not assault our senses, and foremost it will be the right thing because the residents have expressed their wishes for not allowing expansion.

Thank you for taking the time to read this e-mail.

Carolyn Beaupre

**[Recappuccio@cox.net](mailto:Recappuccio@cox.net) (name not provided) - East Providence**

Received 10/26/2010

This message is in opposition to letting TLA/Pond View get a new license to increase their capacity.

We live on Wilson Avenue and have experienced the pollution, noise, and traffic of this neighborhood problem.

The situation was especially noticeable this summer.

We are most concerned with the possible health issues it has caused and will continue to promote if this project is allowed.

The many school children and home owners are at risk.

There must be a solution to this problem and DEM needs to find it before more serious problems start to happen.

***Joseph Loven - East Providence***

Received 10/26/2010

My name is Joseph Loven, I am writing to strongly oppose the expansion of TLA Pond View. I live at 53 Algonquin Rd. in Rumford. You probably have heard the complaints already, the noise, dust, and health issues that the residents of Roger Williams Ave. are dealing with. They are not alone, not only do we oppose the expansion, we strongly oppose the existence of TLA Pond View in our backyard. Please do everything in your power to prevent and eventually close this dump down, if you lived here you would be standing with us.

Joseph B. Loven  
53 Algonquin Rd.  
Rumford, RI 02916  
Phone: (401) 368-0401

***Terrence Tierney, Esq.- Office of the Attorney General***

Received: 10/28/2010

Thanks for sending the list of attendees at the meeting with the applicant that was held two years ago to discuss the permitting requirements for the proposed expansion. The problem with your suggestion that I check with OWM about the need for wetlands program review is that such a determination should really be made by the wetlands program using its regulations. The OWM just swallows whatever is told them by applicants about the need for wetlands permits, and in this case it appears the applicant's claim that it has permission to withdraw water (and routinely drive around a paved wetland "buffer" zones) was accepted without independent verification from Wetlands Program staff. Since your office took the time to meet with the applicant to discuss the permitting requirements for the proposed facility - could you arrange a meeting for me with the Wetlands Program staff to discuss the same topic? Or, at least send a copy of TLA's wetland alteration permit if it exists?

**From:** Ron Gagnon [mailto:ron.gagnon@DEM.RI.GOV]

**Sent:** Wednesday, October 27, 2010 1:13 PM

**To:** Terence Tierney

**Cc:** Susan Forcier; Eric Beck

**Subject:** RE: TLA Pondview Recycling

Here is the letter with attached attendance list. I am copying Eric Beck, RIPDES Program Supervisor, for further information on SIC codes. You will need to check with Waste Management for need of wetland reviews.

Ronald N. Gagnon, P.E., Chief  
Department of Environmental Management  
Office of Customer and Technical Assistance  
235 Promenade Street

Providence, RI 02908  
401 222-6822, x 7500  
401 222-3810 (fax)

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**From:** Terence Tierney [mailto:TTierney@riag.ri.gov]  
**Sent:** Tuesday, October 26, 2010 2:33 PM  
**To:** Ron Gagnon  
**Cc:** Susan Forcier  
**Subject:** RE: TLA Pondview Recycling

Thanks, Ron. Could you forward the referenced attachment to the letter as well (i.e., the attendance list) ? Who from the Office of Water Resources determined that a RIPDES permit was not required for the discharge of stormwater from the site ? It is my understanding that several SIC codes could apply, and the application describes how stormwater comes in contact with contaminants in the debris and sheetflows toward Omega Pond, where surface monitoring reports show repeated exceedances of the freshwater aquatic life criteria. Also, who from the Wetlands Program determined that a new wetlands alteration permit would not be required so long as the amount of withdrawal would not increase ? It is my understanding that no permit to withdraw water was ever issued to the applicant (TLA Pondview), and the one previously issued was "non-transferable." Could you check to see if the Wetlands Program ever reviewed the application to expand, and whether it signed off on the plans to allow maintenance vehicles to routinely drive over the so-called wetland buffer zone ?

**From:** Ron Gagnon [mailto:ron.gagnon@DEM.RI.GOV]  
**Sent:** Tuesday, October 26, 2010 1:46 PM  
**To:** Terence Tierney; Cheryl Corsi  
**Subject:** RE: TLA Pondview Recycling

Terry,

Attached is the letter I think you are looking for. Sorry for the delay.

Ron

Ronald N. Gagnon, P.E., Chief  
Department of Environmental Management  
Office of Customer and Technical Assistance  
235 Promenade Street  
Providence, RI 02908  
401 222-6822, x 7500  
401 222-3810 (fax)

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**From:** Terence Tierney [mailto:TTierney@riag.ri.gov]  
**Sent:** Monday, October 25, 2010 2:25 PM  
**To:** Cheryl Corsi  
**Cc:** Ron Gagnon  
**Subject:** RE: TLA Pondview Recycling

Cheryl Have you had any luck locating the document ?

**From:** Cheryl Corsi [mailto:Cheryl.Corsi@DEM.RI.GOV]  
**Sent:** Thursday, October 14, 2010 8:37 AM  
**To:** Terence Tierney  
**Subject:** RE: TLA Pondview Recycling

Hi Terry,

I will look into it and get back to you.

Cheryl Corsi

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**From:** Terence Tierney [mailto:TTierney@riag.ri.gov]  
**Sent:** Wednesday, October 13, 2010 5:16 PM  
**To:** Cheryl Corsi  
**Subject:** FW: TLA Pondview Recycling

Could you send the letter I mentioned in this message to Ron ?

**From:** Terence Tierney  
**Sent:** Wednesday, October 13, 2010 5:14 PM  
**To:** 'Ron.Gagnon@dem.ri.gov'  
**Subject:** TLA Pondview Recycling

Hi Ron I'm looking over an application to expand a solid waste disposal facility filed by TLA Pondview and came across a reference to a letter you sent them ( or the consultant) on Dec 5, 2008 indicating that an industrial stormwater permit isn't required for the operation . Could you e-mail me a copy ? Could you also give me a call for a brief tutorial on the applicable regs ? ( Having trouble understanding how a solid waste facility that has stormwater runoff travelling offsite "via sheet flow" toward the adjacent Omega Pond, and which directs water that has been sprayed over ground up solid waste to a collection system that empties into the pond, doesn't require a RIPDES permit). Thanks

***Rosemary and George Cluly - East Providence***

Received 11/5/2010

Walid Ali  
RIDEM/Office of Waste Management  
235 Promenade Street, Suite 300  
Providence, RI 02918  
Email: walid.ali@dem,ri.gov

I am writing this on behalf of my husband and myself, we've lived in our home at 6 Wilson Ave, in Rumford for more than 30 years. Our home is directly across from Omega Pond. Coming from Pawtucket, we purchased our home In January 1978; we choose to live in Rumford, because it represented a healthy, peaceful setting. Since the inception of Pond View, our home is no longer the refuge that it was in 1978. Our property taxes have continued to increase, though the value of our home has decreased steadily, even more because of our proximity to Pond View. This year, our taxes increased more than 25%, we are retired and this is a real hardship, one that

is unjustified because Pond View makes our neighborhood, less than desirable. It causes both my husband and me to have repeated bouts of bronchitis and related breathing and lung issues, seriously affecting budget and our quality of life. The residents of our community deserve better, we should not have to deal with the traffic, dust, noise and odors that are produced by our noxious neighbor. To allow it to expand threefold is totally unthinkable. I ask you, how would you feel about having your family exposed to these hazards in your own home? Our neighborhood has become a hindrance to our health, safety and our peace of mind, don't even consider letting our living conditions deteriorate even further.

We are totally opposed to expanding Pond View, it should never have been allowed to open in the first place. Certainly Dexter Road is zoned for industrial use, but by no stretch should a "dump" be allowed to operate in such close proximity to a densely populated residential community. The traffic through our narrow overcrowded city streets is a nightmare now; I cannot comprehend how DEM could ignore the hazards and danger of tripling the number of trucks competing with taxpaying citizens traveling over narrow, congested, poorly maintained city streets. Another issue, the city would have to expand the police force to monitor the traffic, will our taxes be further increased to finance this expansion? This is an outrage!

DEM is financed by the taxpayers, it is charged with preserving our wetlands and waters, and maintaining our communities in a healthy manner. Why does it come down to this? How can DEM allow the taxpaying citizens to suffer while they condone the expansion of this facility, a facility that has its head quarters in another state? They pollute our air and water, and take their ill gotten gains back home. All while DEM closes its eyes to the mess caused by their operation. Is Rumford going to become a third world country? I'd like to know who in the chain of command is being enriched by Pond View to allow this outrage to continue. Look under the rocks and I think you'll find a low life willing to risk our health and wellbeing for their own gain.

Our windows are stained from the emissions of Pond View, our air is not healthy to breath, our health is compromised, our cars, home and yards are covered with dust, the noise is frequently unbearable, and traffic is a nightmare. How can you ignore the many complaints of the people who have to live with this every day? No community should have to deal with it; we deserve the same protection as every community in RI. Surely there are locations more suitable for Pond View, a location where there would be direct highway access, further removed from residential property, where the noise and dust and traffic would not be such a problem. It is a disgrace that in 2010, we seem to be living in the dark ages. Expand Pond View, certainly not, close it down and give the long suffering taxpayers a break. I implore you to do your job!

Sincerely,

Rosemary L. Cluley  
George J. Cluley  
6 Wilson Avenue  
Rumford, RI 02916  
401-434-8152  
Email: [rcluley@cox.net](mailto:rcluley@cox.net)

*Frazier and Jim Gilbane - East Providence*

Received 11/5/2010

Dear Sirs,

We live in Rumford, RI, and we are writing to vehemently oppose the DEM's granting TLA/Pond View a license to increase their recycling business at their Dexter Road facility in the Rumford section of East Providence, RI. TLA/Pond View has applied for a change to their licensing which will increase their daily capacity by approximately 3 fold, and this **MUST NOT** be done. If this is granted, our neighborhood quality of life will be continue to be impacted in a severely negative way.

We are already impacted by

1) Compromised air quality,

The large amounts of particulate matter in the air settle on our home, outdoor furniture and is **NOT** healthy to breathe,

2) Noise pollution.

The loud and offensive noises of the recycling machinery are often heard over the sounds of kids playing, and other neighborhood noises.

3) Intense truck hauling traffic.

The obnoxious impact of loud, heavy and often overloaded trucks hauling construction debris on our neighborhood streets is excessive. These fast moving and huge trucks are a menace to the families and children who walk and bike on the neighborhood streets. Our roads (Broadway Street, Roger Williams Ave etc.) have been impacted by many years of heavy truck traffic, as they are littered with potholes and weak patches of asphalt. The bridge crossing over the Ten Mile River is in disintegrating, is in disrepair, and now has a weight restriction limitation which means that heavy trucks cannot use it. Simply put, this is a residential community and the trucks must drive through our residential areas to get to/from the Dexter Street site.

Simply put, this commercial construction debris recycling business is already negatively impacting our community and we **CANNOT** nor **SHOULD** we be forced to tolerate the impact of an increase to the business! We want **NO** increase.

Please **DO NOT** grant the license for an expansion of the TLA/Pond View Recycling business. We want to live in a safe, quiet residential neighborhood where our quality of life is safeguarded.

Sincerely,  
Fraser & Jim Gilbane  
36 Berwick Place  
Rumford, RI 021916

***Tony Gomes - East Providence***

Received 10/27/2010

This message is in opposition to allow TIA/Pond View a new license to triple its capacity.

We live on Wilson Avenue and have experienced the pollution, noise,

traffic and smells due to Pond View. This summer was especially noticeable.

We are most concerned with the possible health issues it is causing. This neighborhood has several schools with children who are at health risk due to this landfill facility. The elderly should not have to be exposed to an unhealthy environment.

*Connie Ackroyd - East Providence*

Received 10/31/2010

Dear RIDEM/Office of Waste Management,

Hello my name is Connie Ackroyd. I am a resident of Rumford, Rhode Island and have lived on Chaffee Street for quiet sometime. A neighbor informed me that the TLA/Pond View Recycling might be getting a grant for a expansion. If DEM grants this expansion there will be more noise and traffic. There will be three times the amount of trucks on the road. This new license would increase the amount of recycling and in return this will make our neighborhoods have a bad smell and there will be more airborne dust. I oppose this expansion because i don't want to live in a neighborhood where the air smells bad and can possible cause health problems. I want my family to be healthy and we do not need to add more air pollution. Having DEM grant a new license our property taxes will increase and our property values will go down. Would you want to pay more in taxes and live near a dump? If a person wanted to move the would have to say your house is near a recycling center. I strongly oppose the expansion of TLA/Pond View Recycling because there will be more noise, traffic, air pollution, bad smells, and our taxes will raise. Thank you for taking the time to read this letter. I hope you can help our neighborhood and help DEM not grant the expansion. Thank you again and have a great day.

Sincerely,  
Connie Ackroyd

*John Conley - East Providence*

Received 11/1/2010

dear waldi;

ever since pond view moved into our neighborhood it has had a negative effect on my community and me personnly. i am constantly woken up in the morning at 5:30 when they start moving equipment and dropping dumpsters. not only do we deal with our sleeping pattern being altered and the psychological stress of this operation we also **live in fear of the potential health concerns that my wife and young family may face in the future** due to the aireborne dust that the prevailing winds carry into our home.

lets not let them expand, but help them find a home where they will not jeopardize the health and well being of a community.

john conley  
95 hoyt ave  
rumford, ri.



***Kathleen McGuigan - East Providence***

Received 11/1/2010

Dear Mr. Ali,

I am a concerned resident of Rumford and a mother of two young children ages 5 and 2 and I am writing because I strongly oppose the expansion of TLA/Pond View. I am disgusted that our residential neighborhood could become the site of Rhode Island's second largest C & D facility. My children and my neighbor's children do not deserve the airborne dust, foul odor, noise and traffic that the recycling of 1500 tons of waste will cause.

Please put yourself in our shoes and give our neighborhood residents the quality of life that we deserve. We moved here four years ago, from a major metropolitan area in the western part of the United States, to escape the pollution of the city and the poor air quality. I am pleading with you to not turn Rumford into the same kind of environment we escaped four years ago. My children beg you to please spare them from possible health problems, noise, and pollution.

Thank you for your consideration in this matter.

Sincerely,

Kathleen McGuigan

***Beth White - East Providence***

Received 11/1/2010

I am writing to express my firm opposition to the expansion of TLA/Pond View in Rumford.

I have expressed my opposition to DEM once before, have written to our State's senators, and am taking another opportunity to express my firm opposition to this proposed expansion.

Rumford, is a small, very tight-knit community with high property values. We do not want to have our community, our property values and our daily lives ruined by the expansion of this dump.

NO to the expansion of TLA/Pond View!

Thank you.

Beth White

***Anibal Raposo- East Providence***

Received 11/1/2010

I am writing to strongly oppose the expansion and also the existence of TLA/Pond View. I made the poor choice of buying a home on Lowell Drive last year because I have unfortunately noticed the negative impact this facility has had on my home and my quality of life. At first I thought there was construction going on across the pond and noticed the terrible noise that I heard every morning that started around 6 am coming from across the pond. Upon further investigating, I became aware that this was a dumping facility in a residential neighborhood. Each day I awaken to the sounds of trucks backing up and the clanking and banging of these trucks as they unload their unknown material which is NOT inspected. Now the noise is one thing, but when you compound the odor that comes from this place it becomes unbearable to even spend time outdoors in my own yard. The odor ranges from diesel to sulfur-rotten-egg-like stench. In addition to the noise and smell the film of ash that settle on my car and home is very unsettling especially because no one knows what is the composition of the particles and if they could be dangerous. The expansion would just devastate my property value and almost make it impossible for me to sell my home in the future. If you don't want to take my word for it, just take a drive to Roger Williams Avenue around six in the morning and listen, smell, and touch the dust for yourself to personally witness what the residents have to deal with on a daily basis. I implore you to NOT grant TLA/Pond View to expand.

Thank you

Anibal Raposo  
19 Lowell Drive  
Rumford, RI 02916

***Terrence Tierney - East Providence***

Received 11/8/2010

**[This email was in reply to a revision forwarded to Mr. Tierney]**

Hello Walid Thank you for forwarding the revisions to the TLA Pond View application that DEM is apparently allowing to be made after the public workshop and hearing on it have already been held. How will the public be notified that DEM is intending to approve a revised application -- rather than the one they have exercised their statutory right to review and comment on ? The attempted revision you forwarded continues to claim "The entire facility is surrounded by a perimeter fence" ( p. 9 of "Nov 3,2010 revision."). I am forwarding a copy of the Department's letter of September 10<sup>th</sup> wherein it said it would require the applicant to amend the erroneous description of the fence that is contained in the existing application, and would "require" that the applicant indicate that the fence only partially encloses the facility. What happened to that "requirement" ?

***Christina Chase - East Providence***

Received 11/8/2010

As a Rumford resident, I am vehemently opposed to the potential expansion of TLA/Pond View. Not only will it diminish the investment I have made in my house, but it will take away from the

quality of life we have here. Expanding the dump will wreak havoc on Roger Williams Ave, not to mention the stench that comes from 1500 tons of garbage each day. I can't for the life of me think of why a dump would ever exist in such a densely populated area, especially given the other parts of the state where there is more room. It is beyond my comprehension why anyone would think a dump that is surrounded by homes and schools is a good idea.

I urge the DEM is consider the negative impacts to the Rumford community when making their decision. I can't imagine there is even one positive.

Regards,  
Christina Chase  
45 Catlin Ave.  
Rumford, RI

***Eugenia Marks – Audubon Society of RI***

Received 11/19/2010

Dear Director Sullivan and Staff:

I testified at the public hearing for the above referenced permit application, and I herewith offer further comment. I have reviewed the files on this application at the offices of RI DEM.

Audubon Society of Rhode Island requests that DEM review its position on a stormwater permit for TLA Pond View and require such a permit. The attached photographs were shot by me at the end of Dexter Road and picture the Pond View TLA operation on or about October 17, 2010. These photographs show materials associated with the operations at Pond View/ TLA, and it shows that they are not covered. Aerial photographs from Google dated May 2010 (attached) also show exposed materials at the site; some of these materials are within the 50 buffer to Omega Pond. The aerial photo also shows puddling and possible movement of stormwater towards the pond in the dark patterns on the exposed soil. These photographs of construction and debris materials, under an SIC designation from the Department, and the aerial are pertinent to a requirement that TLA Pond View be required to have a stormwater permit since they demonstrate exposed, uncovered material and indicate movement of stormwater across the site toward the pond.

In addition, the permit application request for expansion to 1500 TPD processing of material indicates that materials may be stored in open rail cars for more than one day on the site. This is an additional exposure of materials to precipitation, leaching, and draining onto the surface of the property, whose topology slopes, even slightly toward Omega Pond.

Before the site was developed, I led a wetland excursion to this site and remember elderberry growing on the edge of the pond. I also scooped dragonfly larvae from the pond bottom on this location to demonstrate aquatic ecosystem to attendees of the program. As I testified in hearing, I am acquainted with the site from my monitoring of osprey nest in the nearby cell phone tower.

Thank you for this opportunity to add further comment to the docket for the above captioned permit application.

Cordially,

**Eugenia Marks**

*Senior Director of Policy*

**Audubon Society of Rhode Island**

12 Sanderson Road, Smithfield, RI 02917

Tel: 401-949-5454 ext. 3003

Fax: 401-949-5788

[emarks@asri.org](mailto:emarks@asri.org)

***Peter Willey – East Providence***

Received 11/22/2010

My name is Peter Willey and I am a resident of Rumford. I am writing to you today to express my firm opposition the proposed expansion of the TLA/Pond View facility.

As an environmental engineer, I am very concerned about operating a C&D waste processing facility in my neighborhood. Dust, odor, pollution of Omega Pond and noise are constant issues and there seem to be no regulations in place to monitor anything. Combine this with the lack of data on the waste itself; who knows what exactly is emitted into our neighborhood on a daily basis.

I would like to know what the requirements are for data reporting of the waste entering the facility. We were told the deliveries were made and accepted via “the honor system” and the employees at Pond View did a visual inspection of the load. A visual inspection will yield no empirical evidence as to the makeup of the waste, hazardous or inert. No requirements exist on reporting of how many loads are rejected or the content of failed loads (if questionable loads are even rejected).

How much of the waste that is brought into the facility is actually recycled and what exactly is the material? Wood is the only material that is supposed to be shredded however, that is a very vague description. Is treated or painted wood acceptable to shred? Why is there no requirement to enclose the wood shredding operation?

What happens to the rest of the waste (aka bulky waste?) Is it handled properly per Rule 1.07.04 of the DEM regulations? A lot of the material is screened and it is my understanding this material is sold to the central land fill and used as cover. As some of this material has origins from out of state, how is this legal as it against state law to dispose of out of state waste at the central landfill?

We were told that no air quality monitoring is required of this site. In my professional opinion, this is completely asinine. Residential property abuts the facility within 200 feet and there are constant complaints regarding dust emissions and rotten egg smells (which is most likely Hydrogen Sulfide gas which is also not monitored.) This does not include the added diesel particulate emissions from the trucks bringing in the waste. As I’m sure you are well aware, diesel particulate matter is a carcinogen and has extremely negative short and long term effects on respiratory health. The increase in tonnage from 150 tpd to 500 tpd already increased the number of trucks in the neighborhood and absolutely no consideration has been given to the health effects of a further increase.

The lack of monitoring of Omega Pond is equally frustrating. Surface samples are the only requirement. Residents repeatedly complain of runoff into the pond yet the DEM has never required any wet weather runoff sampling. They have also never required any sediment samples of the pond. By only requiring a simple surface test, we will never have an accurate picture of TLA/Pond View’s true impact.

As I stated earlier, I am an environmental engineer so I see the effects that careless environmental decisions have on people every day. But more importantly, I am the father of two amazing boys. They are my world and to live in a neighborhood where there is this much lack of regulation on a C&D waste processing facility is extremely disconcerting. I implore you; please reject this application for expansion. At least until due diligence is done as to its true impacts. To do otherwise would be professionally incompetent and grossly negligent.

I trust you will make the right decision.

Regards,

Peter Willey  
146 King Philip Road  
Rumford, RI 02916

***Sharon Marques – East Providence***

Received 11/22/2010

My name is Sharon Marques and I reside at 99 Roger Williams Ave. Rumford RI ,02916.

I am writing in regards to the permit for pondview and expansion also, I would like to express my opposition of this matter. I have been residing at this address since 1980. I loved the quiet neighborhood. We grow a small garden every year and like to spend much time in our yard in the summer cooking and spending time with our grandchildren. For quite some time now there has been a lot of noise from trucks and from pond view with their equipment. I really can't say what is in the air, but we have a film on everything in our yard and cars, including my garden. We all have breathing problems and allergy's now. There is no history of breast cancer in my family to my knowledge, but in the year 2002 I was very ill w/cancer. Yes I am a survivors. Wether or not this is from pond view or not, we will probably never know. However, between the noise, dust and extremely foul odor, (I do not have an air conditioner) and have to leave the windows open all summer , the odor is monstrous. We also are not happy with a dump across the street from our home.

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***Tony and Mariana Ormonde- East Providence***

Received 11/23/2010

To Whom it may concern,

Our house is located on Omega Way, a dead end street that abuts Omega Pond. We purchased our house at a premium, after falling in love with the water view and what seemed like a quiet location to raise a family. Shortly after moving in, however, we realized that this was not the case.

The first thing we noticed was the amount of large truck traffic traveling up and down Roger Williams Avenue. Every day, evening, and weekend large trucks travel Roger Williams Avenue, which has a 25 mph speed limit, reflecting the strictly residential area where hundreds of families reside. Not only do we hear the rumble of the trucks traveling Roger Williams Avenue, we have both been awoken numerous times as our house physically shook from the force of the large trucks barreling down the road. Also, every single week as we travel to and from our home,

we have had multiple instances of near collision with numerous large trucks. Since a large truck cannot pass under the railroad bridge on Roger Williams avenue without crossing the center line taking up both lanes, there have been numerous instances where we have either had to stop to allow a large truck to pass under the bridge, or narrowly missed collision with a truck while entering under the underpass. Since the road bends at a 45 degree angle after the bridge, it is impossible to tell what is coming though from the opposite direction until you are practically under the bridge. It is already a dangerous situation so it is hard to imagine this precarious situation becoming worse as more trucks travel this road to access Pond View.

Also, there are no sidewalks at the railroad bridge underpass on Roger Williams Avenue, although plenty of people travel by foot and bike up and down the street on a daily basis. We once took our infant daughter for walk in her stroller to the Sunshine Creamery, which is at the end of Roger Williams Avenue. Even though the ice cream parlor is a short walk from our house, it is too dangerous to walk under the bridge with the risk of a large truck coming though so sadly, we have to take the car if we decide to get ice cream from our neighborhood shop.

Pond View's operation has undeniably affected our home. We have to power wash our home multiple times a year due to the amount of dust that collects on it, especially the side facing the pond. There are often days when strange smells permeate the neighborhood, and we have no other option but to leave the house. On one particular day, I came home with my daughter to find that I could not even breathe the air inside or outside of my home and had to leave my home for no reason other than to escape the smell and breathing in toxic air. On days where we have called the police to report the noise or smell coming from Pond View, we have been told that the facility has a permit to operate as they are and there is nothing that the police can do.

After noticing how many people fish and use the pond for recreational purposes, we decided to purchase a canoe to also enjoy the pond that we live on. It became obvious on our first canoe trip that the pond water is undoubtedly polluted. The pond water is black, so dark that you cannot see any part of the oar that is placed in the water. On days when the pond is still, you can clearly see a film of dust particles on the surface of the water. Garbage and debris line the perimeter and are trapped in the brush that surrounds the pond. Disgusted, we have not used our canoe in almost 5 years, and find it ludicrous that the State expends resources stocking the pond with fish and maintaining a fish ladder while the pond continues to be contaminated on a daily basis.

An elderly couple owned our home prior to us, so after we purchased the house there were a number of issues that needed to be fixed. The yard was a mess and there were a number of trees that needed to be trimmed or removed due to rot. There was a large, old tree on the embankment that was rotted and leaning over the pond. We had this tree removed, and shortly thereafter a representative from DEM came to our home to inquire and reprimand us for cutting the tree that was rotted. Again, it seems contradictory that the people who make their home on the pond are threatened with fines for creating a safer environment for their families and those individuals enjoying the water, while the state department that claims to enforce the best interest of the pond allows it to be actively polluted by the neighboring industrial site.

In summary, it is difficult to believe that Pond View would be allowed to expand its operation, given its location. Although the area where it is located is zoned industrial, this area is nestled in a residential community surrounded by hundreds of homes, and is a short distance from the local elementary school, parks, and an ice cream parlor. It is hard to imagine the detrimental effect that the increased large truck traffic, the constant noise, dust, and odor will have on our neighborhood since our quality of life and quiet enjoyment of our home has been substantially affected by the presence of this public nuisance in the scope of its current operation. Although we love our home, it is no longer the place we thought was an ideal location to raise a family given we don't even feel comfortable allowing our daughter to play in our own yard and fear for her health.

I urge you to take into consideration the hundreds of families who make their home

nearby and will be adversely affected by the plant's operation.

Sincerely,

Tony & Mariana Ormonde

**Claudine Taylor- *East Providence***

Received 11/26/2010

Claudine F. Taylor  
28 Dalton Street  
Rumford, RI 02916

Senator Sheldon Whitehouse  
170 Westminster Street, Suite 1100  
Providence, RI 02903

November 23, 2010

Dear Senator Whitehouse,

I am writing to you to express my strong opposition to the expansion of TLA/Pond View. I have been living in my home in Rumford for the last 21 years. For many years I operated a Family Child Care business from my home, caring for up to 8 very young children. At that time I noticed a black residue on all of my outdoor play equipment even after wiping down frequently. My husband and I have heard deliveries being made very late at night as well as extremely early in the morning. We do not live right on Omega pond however the sound carries quite a ways. I do not feel as if TLA/Pond View is in its correct neighborhood at all. This space does not lend itself to such a business that creates excessive traffic, causes pollution and creates health hazards for us and our environment.

Aside from residing in this neighborhood, I am also the Director of Brown Play School, a local preschool located on Newman Avenue. We serve children ages 3-5 and use our outdoor space daily. On several occasions we have experience a very foul chemical odor which caused alarm for many of us including parents. I know that many promises will be made to keep things in control however, my experience is that this only works temporarily and violations will occur over time. These violations will be penalized by a fine, which is easily paid with no regard to neither the cause nor the ongoing problem. Unfortunately the fines collected will not help all of the residents, young and old who will be put in harms way by these actions.

It is imperative that this expansion be denied! Our neighborhood has always been one that was sought out by many who were looking to reside in an area that had many pluses. These include a good neighborhood school, close proximity to Providence, well kept homes and caring neighbors.

All of these benefits will no longer stand with a business such as TLA/Pond View in our back yard.

Please do whatever you can to put this to a stop. If you have any questions feel free to contact me at 438-7735.

Sincerely,

Claudine Taylor



**Brian Wagner- Attorney for TLA/Pond View**

Received 11/24/2010

**FILED BY ELECTRONIC MAIL**

[Walid.Ali@dem.ri.gov](mailto:Walid.Ali@dem.ri.gov)

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street  
Providence, RI 02908

Re: TLA-Pond View SWMF License Application  
Responsive Comments of TLA-Pond View, LLC

Dear Mr. Ali:

TLA-Pond View, LLC (“Pond View”) submits the following responsive comments in support of its application for a solid waste management facility license to operate a construction and demolition debris (“C&D”) facility with a maximum processing capacity of 1500 tons per day at One Dexter Road, East Providence, Rhode Island. These comments are presented in response to various issues and concerns raised during the public comment period on Pond View’s license application.

- I. **PUBLIC COMMENT:** Pond View’s application is incomplete and does not comply with the requirements of *R.I. Gen. Laws §23-18.9-9(a)* and the R.I. Supreme Court’s decision in *Lynch v. RIDEM, 994 A.2d 64 (2010)* because the application does not include certificates from the City of East Providence zoning office and the state planning council.

***Pond View’s Response:*** The Pond View application is complete; no certifications are required from either the City of East Providence or the state planning council for the expansion of an existing C&D recycling facility.

Both the City of East Providence and the R.I. Attorney General’s Office raised the issue of the municipal/state certification during the October 22, 2010 public hearing. However, a review of the applicable statutory language, the rules established by the Rhode Island State Planning Council and the Court’s decision in *Lynch v. RIDEM* confirm that the certification requirement **is not applicable** to resource recovery facilities like Pond View where no on-site disposal of solid waste occurs.

Notwithstanding the Supreme Court’s decision in *Lynch v. RIDEM*, R.I. Gen. Laws §23-18.9-9(a) does not treat all solid waste management facilities alike. Facilities that engage in the on-site disposal of solid waste are subject to more stringent requirements than are imposed on facilities that merely manage solid waste, such as Pond View’s recycling facility. There is no dispute that Pond View’s C&D processing facility is a regulated “solid waste management facility,” and that the expansion of that facility is subject to RIDEM review/approval pursuant to the first sentence of §23-18.9-9(a). However, as no solid waste is permanently disposed of at Pond View, the facility is **not** a “solid waste disposal facility” within the meaning of the second sentence of §23-18.9-9(a). The requirement to obtain the

municipal and state certification as referenced in §23-18.9-9(a) is **only** applicable to solid waste **disposal** facilities.

The fact that C&D processing facilities are not subject to the municipal/state certificate requirement is supported by the Rhode Island State Planning Council's rule on Solid Waste Facility Siting (Rule V), which expressly exempts resource recovery facilities involving only storage, sorting, composting, transfer, or other processing functions (including C&D processing facilities) from State Planning Council review because they do not dispose of any material on-site. In 1997 RIDEM expressly questioned the State Planning Council on this very issue and was unambiguously informed that the Solid Waste Facility Siting rule **does not** apply to C&D processing facilities. This express written interpretation of §23-18.9-9 by the Statewide Planning Council by rule and letter is required to be afforded great deference by the courts. *Whitehouse v. Davis*, 774 A.2d 816, 818 (R.I. 2001).

Even if Pond View was a disposal facility, the clear intent of these local and statewide certifications is to insure that the initial siting of a disposal facility complies with state and local zoning and planning regulations. Requiring such certifications for existing facilities makes little sense absent the expansion of the actual physical footprint of a disposal facility. Once a facility is sited and built with state and local approval, revisiting state and local planning requirements is an exercise in futility as the facility at that point has acquired a vested property right in the operation of its business that cannot be taken away absent a valid revocation of the license or an act of eminent domain.

The Court's decision in *Lynch v. RIDEM* does not alter the clear and unambiguous language of §23-18.9-9(a) as it applies to Pond View's application to expand its solid waste **management** facility. In fact, the discussion of §23-18.9-9(a) in the decision's *dicta*<sup>1</sup> is rendered ambiguous at best because the Court completely ignores the clear statutory distinction between a "solid waste **management** facility" and a "solid waste **disposal** facility," by repeatedly using the generic term "facility" rather than the specific terminology found in the Refuse Disposal Act. The result is a section of *dicta* that is too ambiguous to constitute a legitimate judicial interpretation of §23-18.9-9(a) let alone a finding that state/municipal certification is required prior to licensing the expansion of an existing solid waste **management** facility such as Pond View's facility in East Providence.

The fact that the Court's discussion of §23-18.9-9(a) fails to accurately dissect the pertinent statutory language is hardly surprising considering that the entire issue was tangential to the central question of whether the state's appeal of the 2003 license expansion was rendered moot by its failure to appeal the 2006 license renewal. The only point the Court was trying to make with its analysis of §23-18.9-9(a) was that the validity of the renewal license was dependant on the validity of the original license; it was simple background information generated as part of the Court's analysis of the mootness question. The Court's discussion of §23-18.9-9(a) is mere *dicta* that does not make up part of the Court's holding and has no binding, precedential effect.

Based on the above, it is clear that the Refuse Disposal Act **does not** impose a requirement on Pond View to seek certifications from either the City of East Providence or the State Planning Council. Even if there were any validity whatsoever to such an allegation, the claim would not be ripe for adjudication by the Superior Court until the City first exhausted its administrative remedies before RIDEM. Accordingly, it is my client's position that its application to expand its C&D processing facility is complete and ready for review by RIDEM.

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<sup>1</sup> '*Dicta*' is defined as "Opinions of a judge which do not embody the resolution or determination of the court. Expressions in court's opinion which go beyond the facts before the court and therefore are individual views of author of opinion and not binding in subsequent cases." *Black's Law Dictionary*, 5<sup>th</sup> ed., page 408.

- II. **PUBLIC COMMENT:** The licensing process should be suspended until the litigation over the 2003 expansion from 150 tons-per-day (“TPD”) to 500 TPD is complete.

***Pond View’s Response:*** The current (2009) application to expand the Pond View C&D processing license from 500 TPD to 1500 TPD is a new application for a new license that is wholly separate and distinct from Pond View’s 2003 application to expand its C&D processing operations from 150 to 500 TPD. As the current application is in no way dependant on any prior application, there is no reason for the pending licensing proceeding to be delayed while the litigation relative to the previous application is resolved; the two procedures can proceed independently of one another without impacting the other’s outcome. A brief statement of the history and present posture of the litigation over the 2003 expansion license is attached hereto as “Exhibit A.”

- III. **PUBLIC COMMENT:** General public comments relative to dust.

***Pond View’s Response:*** In response to comments by area residents received during the public hearing process, Pond View proposes add the following supplemental features above and beyond regulatory requirements to mitigate alleged fugitive dust issues:

- Subject to receiving required DEM and municipal approvals, Pond View will prepare a plan to add tall, evergreen screening vegetation (e.g. *arborvitae*) and/or increased wooden fence height to the downwind perimeter of the facility adjacent to Omega Pond to reduce wind speed and dust transport. Such modifications would also help to buffer noise, disperse odors and to screen the visibility of the facility. A landscape schematic will be provided to RIDEM for review and comment prior to planting.
- Pond View proposes to modify its wood grinder with the addition of a “tube chute enclosure” to the grinder discharge that will minimize dust by enclosing the ground wood as it drops the 8’-10’ from the discharge to the ground. This tube chute will include a flexible skirt to allow the base of the pile to expand as more ground wood is added to the top to minimize wind transport.
- Pond View agrees that wood chips will be picked up at least once every three (3) operating days to minimize dust from the storage piles.
- Pond View will develop a system so that it’s security cameras are placed and monitored to observe incoming and outgoing trucks to verify that covers are in place.

- IV. **PUBLIC COMMENT:** General public comments relative to odors.

***Pond View’s Response:*** In response to comments by area residents received during the public hearing process, Pond View proposes add the following supplemental features above and beyond regulatory requirements to mitigate alleged odor issues:

- Pond View will agree to remove screened “fines” from the site within fifteen (15) days due to the potential that such fines could contain gypsum that was not susceptible to removal during the sorting process. The 15-day limitation will minimize potential odors by being well within the known decay time required for gypsum to breakdown to the point that it releases hydrogen sulfide gas.

- If requested by DEM, Pond View will develop and implement a specific protocol for handling and storing gypsum, including a special protocol for managing gypsum in the event that odors are identified.
- See Pond View's response to Public Comment III, above. Pond View believes that its proposed addition of vegetative screening and fencing will also help reduce the transport of odors by reducing wind speed across the site.

V. **PUBLIC COMMENT:** General public comments relative to noise.

***Pond View's Response:*** In response to comments by area residents received during the public hearing process, Pond View proposes to conduct a new noise survey one year after license approval to demonstrate that any noise resulting from its expanded operations are in-line with the conclusions of its noise study. In the event that the new survey indicates that the facility is generating noise above regulatory limits, Pond View will prepare a noise reduction plan to address any problems.

VI. **PUBLIC COMMENT:** General public comments relative to traffic.

***Pond View's Response:*** The issue of traffic is a local issue regulated and enforced by the City. DEM has no regulatory jurisdiction over the flow of traffic on state or local roads. Furthermore, the Solid Waste Regulations contain no allowance for DEM to regulate the transport of solid waste when it is not located on a solid waste management facility. Accordingly, there is no legal authority to support the inclusion of traffic mitigation measures in the pending license. However, in response to comments by area residents received during the public hearing process, Pond View submits the following comments relative to alleged traffic issues:

- Pond View proposes to conduct a new traffic survey one year after license approval to confirm the accuracy of its original traffic survey.
- A new on/off ramp to U.S. Interstate 195 is being constructed that will reduce the need for trucks to use local roads. In the meantime, Pond View uses a defined truck route to help reduce traffic on congested local roads. A sign is posted onsite to reiterate which roads to avoid (e.g., Roger Williams). Pond View will issue a new notice to its vendors to remind them of the designated truck route. A copy of the onsite signage and vendor notice will be provided to DEM for inclusion in Pond View's files. If required by DEM, Pond View will develop and implement an internal plan to address persistent infractions of designated route requirements by drivers.

VII. **PUBLIC COMMENT:** General public comments relative to air pollution.

***Pond View's Response:*** With respect to comments received regarding pollutants that are assumed to be prevalent in the waste wood ground for resale as wood chips, Pond View states that the purchaser tests the wood chips that it receives from Pond View for metals (including lead) and asbestos to insure that it is not toxic and is safe to use. If requested by DEM, Pond View will provide a copy of its receiver contract and will ask the receiver to provide a description of the sampling protocol used to evaluate the wood chips.

Notwithstanding the lack of regulatory requirements or the fact that Pond View has never been found in violation of applicable air pollution standards, Pond View would agree to voluntarily

participate in an effort with other area businesses in the Dexter Road industrial area to study area air quality.

VIII. **PUBLIC COMMENT:** General public comments relative to storm water.

***Pond View's Response:*** With respect to public comments received regarding storm water issues, Pond View directs DEM to its responsive comments to the Louis Berger report submitted on behalf of the East Providence Waterfront District Commission, outlined below.

IX. **PUBLIC COMMENT:** Public comments relative to alleged historic exceedances of daily tonnage limits.

***Pond View's Response:*** Historic public allegations that Pond View may have violated the terms of its DEM license by accepting more C&D material than permitted are wholly unsupported by credible data. These allegations were made based on estimated tonnages calculated solely based on the number and size of trucks observed entering the Pond View facility. Such observational data is inadequate with which to form a reasonable opinion of the weight of the C&D material being delivered to the facility because it does not account for the volume or density of the C&D material in the truck. What if a truck was only half full? What if the truck was carrying wood as opposed to metal? What if the truck was carrying concrete, asphalt, bricks or tree stumps all of which are exempt from the definition of "solid waste" and, thus are unregulated and do not count towards the facility's maximum daily tonnage limitation? Such "back-of-the-envelope" calculations have no merit.

X. **PUBLIC COMMENT:** The facility is a "dump."

***Pond View's Response:*** No solid waste is disposed of at the Pond View facility. Pond View is a processing facility; C&D materials are delivered to Pond View, separated, sorted into recyclables and other useable materials and wastes requiring final disposal. All materials, be they recyclable or wastes are removed from the Pond View facility and shipped to appropriate reclamation or disposal facilities. Everything that comes in to Pond View leaves Pond View.

XI. **PUBLIC COMMENT:** Comments by the East Providence Waterfront District Commission, October 22, 2010.

***Pond View's Response:*** Comments offered by the East Providence Waterfront District ("WFDC") Commission during the October 22, 2010 public hearing largely focused on the impact of the WFDC's 2003 rezoning of the area wherein the Pond View facility is located. The WFDC contends that because of this rezoning, Pond View is prohibited from intensifying its pre-existing use without approval from the WFDC, notwithstanding the fact that no change in use or expansion of the facility footprint is proposed.

In 1998 Pond View applied for and received unanimous approval of a variance from the City of East Providence to operate a C&D recycling facility at the One Dexter Road location. (*See Exhibit B, attached hereto.*) The variance approved by the City places no limitations on Pond View's operations save for grinding, which is limited to 150 TPD during specific hours of operation (Mon.-Fri. 8AM-4PM and Sat. 8AM-Noon). No limitations were placed on the facility relative to its overall operating hours (except for grinding activities), the number of days per week that the facility could operate (except for grinding activities), or the amount (weight or volume) of

C&D that could be processed each day. Accordingly, Pond View's C&D recycling operations constitute a valid, grandfathered, preexisting use governed by the City's previous zoning ordinance and the relevant variance. The rezoning of the area by the WFDC does not and cannot strip Pond View of this vested property right absent an act of condemnation through the City's power of eminent domain and the payment of just compensation.

The WFDC's contention that an increase in processing of materials through the Pond View facility constitutes an expansion of a use for zoning purposes that requires approval by the WFDC is unsupported by law. This would be analogous to the WFDC telling Pond View's neighbor, Aspen Aerogel, that any increase in the production of its products would also require new zoning approvals. In each case the increase in production requires more raw materials to be delivered to the facilities, more processed materials to be shipped out of the facilities and may require longer operating hours to handle the increased production capacity. Although the WFDC may be authorized to regulate various types of uses within the waterfront district, nothing in the applicable ordinances authorizes the WFDC to regulate a business's production capacity within its approved use.

The WFDC's planning for the waterfront district clearly shows a desire to convert the waterfront from its heavy industrial past to a more industrial/professional/residential. This change in urban planning is typical of the current trend of gentrification of urban waterfronts (e.g. the Baltimore Inner Harbor) that moves away from low value industrial uses of our waterways to high value residential waterfront communities. While this may be a desirable planning goal, the WFDC cannot accelerate this transformation by attempting to use its zoning powers to strip existing users of their vested property rights.

- XII. **PUBLIC COMMENT:** Comments prepared by Clayton Carlisle of the Louis Berger Group on behalf of the East Providence Waterfront Commission.

***Pond View's Response:*** Pond View will address Mr. Carlisle's comments in the order presented:

Project Summary

1. *Site-Plan Clarification:* Pond View will gladly provide any site plans or surveys requested by DEM, stamped or unstamped, in order to clarify any ambiguities revealed through the public comment process. This is one of the primary functions of the public comment process.
2. *Volume of on-site storage of C&D:* Based on a review of the facility's compliance history, the size and placement of C&D piles has not been referenced as a regulatory concern or been the subject of any enforcement action since the operation of the facility was assumed by TLA. The Pond View expansion application clearly describes how all materials will be handled while on-site and how that material will be removed from the site within the requisite regulatory time frames. Absent a history of documented regulatory non-compliance and/or substantial evidence that future compliance is not possible, an application for a license or permit cannot be denied based on the mere possibility of future noncompliance.
3. *Sorting & Picking Bldg:* Only one building is located on the subject property and it is clearly shown on all site plans. Any clarifications to the site plans requested by DEM will be added.

4. *Gypsum processing*: It is Pond View's understanding that requirements regarding the storage, handling and processing of gypsum will be specified by DEM in any final license.

#### RIDEM SW Regulations I – General Requirements

1. *1.4.02 Water Withdrawal*: Section 7.2.03 of the Pond View license application provides a simple process flow table explaining how the facility proposes to use its permitted water allocation.
2. *1.4.02 Process Water*: The location of the UIC system is depicted on figure 2-A and design details of the Vortechs system are supplied in Appendix F.
3. *1.4.02 Stormwater Runoff*: Pursuant to the RIPDES Regulations, a "Discharge" is defined as the addition of any pollutant to waters of the state from any point source. There is no storm water discharge associated with industrial activity at the facility because the facility does not utilize any system or conveyance to collect, transport or discharge storm water to Omega Pond or any other water body. There is no point source "discharge" to Omega Pond from the facility. Water that sheet-flows across the property to Omega Pond is not a regulated stormwater "discharge" pursuant to RIPDES Rules 31(a)(ii) or 31(b)(15) governing storm water discharges associated with industrial activities. The only on-site water discharge system in operation at the Pond View facility is a fully licensed Underground Injection Control ("UIC") system, which infiltrates storm water into the ground. Pond View performs groundwater and surface water monitoring in compliance with approved monitoring plans.
4. *1.4.03 Fugitive Dust*: Dust monitoring is not a requirement of the Solid Waste Regulations except for facilities located in the Environmental Management District (e.g. Central Landfill) as defined by Solid Waste Regulation 1.14.00. Accordingly, DEM cannot impose mandatory monitoring for fugitive dust as part of a solid waste facility license. Furthermore, there is no data to support the commentator's assumption that increased facility input will increase alleged fugitive dust emissions especially considering the facility's plans to pave large portions of its facility. However, Pond View would be willing to consider a limited term program of voluntary dust monitoring in an effort to improve facility processes.
5. *1.4.03 Odors*: Pursuant to DEM Air Pollution Control Regulation 17.3, the only acceptable method for documenting objectionable odors is through observations by trained DEM staff. As of yet, DEM has been unable to confirm complaints regarding odors.
6. *1.5.05 Noise*: Pond View performed the requisite noise monitoring pursuant to the Solid Waste Regulations and determined that the facility operates within the applicable limits of the East Providence noise ordinance. DEM cannot mandate additional requirements above and beyond the scope of its promulgated regulations based on subjective individual perceptions of noise. The facility further notes that some noise complaints relate to federally mandated safety measures such as vehicle back up alarms and train whistles that the facility has no control over. Finally, the facility notes that no other C&D processing facility in the state is required to maintain ongoing noise monitoring programs and that imposing such a program on

this one facility would be discriminatory and would place the facility at a competitive disadvantage with other facilities in the state.

7. *1.5.06 P.E. Stamped Plans & Reports:* All plans and figures requiring a professional stamp will be stamped and resubmitted at DEM's request. Although Pond View believes that its site plans include all information required by regulation, the applicant gladly update plans to include any required information that has been found to be missing through the public comment process and will consider requests by DEM for additional information beyond that required by the regulations provided that it is not time or cost prohibitive to do so.
8. *1.5.07 Wood Grinding:* The facility accepts and intends to comply with the 150 TPD grinding limitation imposed by the terms of its zoning variance. Imposing a similar requirement in the facility's solid waste management license is redundant and unnecessary. There is no regulatory basis for DEM to prohibit other forms of grinding.
9. *1.7.02 Perimeter Fencing:* The Solid Waste Regulations do not mandate any specific requirement for wooden fencing; accordingly, DEM cannot mandate such a requirement through the facility license. Pond View has revised the relevant material in the application per the request of DEM and the Attorney General's Office. Pond View is agreeable to entering into voluntary discussions with DEM and/or the City regarding modifications to fence types and heights for the purpose of buffering noise and dust and containing debris. Pond View notes that the City has compelled it to remove such mitigation measures in the past due to fencing restrictions contained in the City zoning ordinance.
10. *1.7.02 Surveillance Cameras:* The installation of surveillance cameras was proposed by Pond View as part of its own, in-house security operations. The Solid Waste Regulations contain absolutely no requirement for the installation of surveillance cameras, let alone requirements for the number or location of such cameras. DEM has no regulatory standards whatsoever to use to determine the appropriateness of camera locations or coverage. In regard to the comments suggesting that Pond View be required to permit outside access to its security system, Pond View contends that: (i) state monitoring of private security systems is both unprecedented and smacks of "Big Brother;" and that (ii) allowing public access to such a system would undoubtedly result in significant security concerns for the facility as knowing the location and viewing angles of the cameras would allow people to evade the system.
11. *1.7.10 Transport Vehicle Covers:* DEM does not regulate rail or over-the-road transportation of solid waste. Coverage of these vehicles while in transit is governed by other state and federal regulatory bodies. Accordingly, DEM lacks the authority to mandate such requirements on carriers once they leave the Pond View facility. Nevertheless, Pond View would like to be informed of uncovered vehicles that are actively transporting materials to or from its facility for the purposes of implementing internal, administrative procedures to curtail such conduct. Pond View will also request that Providence & Worcester Railroad or the appropriate owners of railcars used at the Pond View facility to provide cover for the cars so that they can be covered as the cars are filled and await pick-up.



12. *1.7.10 Misting Systems:* Pond View believes that all required information regarding its on-site equipment was provided in Appendix F of its license application. However, if requested by DEM, Pond View will investigate whether additional technical specifications regarding the misting systems are available from the equipment manufacturer and provide such information to DEM.
13. *1.7.11 Perimeter Fencing-Litter Control:* See Pond View's response to Paragraph 9, above.
14. *1.7.15 Buffer Zone:* See comments on 7.2.05, below.
15. *1.7.16 Gypsum Gas Collection:* It is Pond View's understanding that requirements regarding the storage, handling and processing of gypsum will be specified by DEM in any final license.

#### RIDEM SW Regulation 7 – C&D Processing Facilities

1. *7.1.01 General Information:* Pond View anticipates that any license issued by DEM will clearly identify any limitations on Pond View's operations required by regulation.
2. *7.1.02 Intermittent Stream:* Pond View is unaware of any intermittent stream existing on its property since it began operations more than 10 years ago and suggests that the information contained in the City Assessor's Office is likely out-of-date. As there is no definition of "intermittent stream" or "surface watercourses" in the Solid Waste Regulations and there is no way to know what the designation in the Assessor's Office means, it is unclear whether this is a feature that is relevant to Pond View's license application or required to be shown by regulation. Nevertheless, if requested by DEM, Pond View will investigate the Assessor's records and include an appropriate designation on the Radius Plan as necessary to document current site conditions.
3. *7.1.02 Radius Plan-Professional Stamps:* As noted previously, Pond View will provide stamped copies of all reports, figures and plans requested by DEM.
4. *7.1.02 Flood Plain Mapping:* Pond View believes that the flood plain mapping provided meets the requirements of the Solid Waste Regulations. However, if requested by DEM, Pond View is willing to supplement its application with the FEMA maps.
5. *7.1.03 Orthophoto:* The orthophoto integrated into Pond View's site plan was included as a convenience to DEM in reviewing the application and is not a regulatory requirement. If requested by DEM, Pond View can submit another copy of the plan with the orthophoto background removed.
6. *7.1.03 Contours:* Contours will be provided if requested by DEM.
7. *7.1.03 Site Drainage:* See comments relative on 7.1.02, above, relative to the alleged intermittent stream. All required information relative to on-site drainage systems was provided in the application. Pond View will provide any supplemental information requested by DEM.

8. *7.1.03 Traffic Patterns & Paving:* All traffic patterns are indicated on the site plan with arrows. The orthophotos visually show paved and unpaved areas; however, if requested by DEM, Pond View will modify the plans to delineate pave surfaces.
9. *7.1.03 Buildings:* Pond View believes that its site plan complies with the requirements of the Solid Waste Regulations; however, Pond View will clarify any ambiguities on its site plans relative to its operating procedures that DEM deems to be relevant to its review of Pond View's application. Pond View notes that the pile representations contained on its site plans represent proposed operations under a 1,500 TPD license. Finally, with respect to this and other references to piles allegedly depicted on satellite photos, Pond View notes that no such photos were included with the Berger report so Pond View is unable to provide responsive comments to allegations relating to the size and location of various piles. However, Pond View will note that not all piles located on the facility are regulated solid waste. Materials such as clean fill, stone, concrete and others are not regulated by the Solid Waste Rules.
10. *7.1.03 Property Lines:* Pond View will provide a stamped copy of the Waterman Engineering plan at DEM's request.
11. *7.1.05 Operating Plan:* See operating plan comments.
12. *7.1.06 Closure Plan:* See closure plan comments.
13. *7.2.02 Storage:* Pond View has had no compliance violations relative to its management of stockpiles since TLA assumed operational control of the facility. The plans depict proposed operations, not current operations. The commentator's assumption that the proposed increase to 1,500 TPD of processing will require a proportional increase in storage space is mere speculation that fails to take into account various equipment upgrades and operational changes that will enable the facility to process waste more quickly. Pond View reiterates that the Berger report does not include copies of the satellite photos reference in its report that prevents Pond View from offering an appropriate response. Pond View also reiterates that some of the stockpiled materials located at the facility are not regulated solid waste.
14. *7.2.02 Recovery of Materials:* There is no regulatory requirement that specifies that C&D processing facilities must meet a certain threshold of recover efficiency to obtain an operating license. DEM requested that Pond View provide an approximation of the percentage of recyclable materials recovered through its operations. All hard numbers on through put are maintained at the facility and are available for review by DEM at its request. The comments offered regarding the facility's recovery efficiency rate are incomplete and fail to paint an accurate picture of Pond View's through put due to the lack of actual data comparing the specific tonnage received at Pond View to the actual tonnages shipped out of Pond View (both as recovered materials and waste). As a result, the comments presented are based wholly on speculation and assumption.
15. *7.2.02 Rail Transport:* The figure of 5,200 TPD is a theoretical number intended solely to represent available car capacity based on transit time. Even assuming that the commentator's calculation of a maximum rail transfer rate of 1,400 TPD (based

on switching limitations) is accurate, this figure is more than sufficient to demonstrate the facility's ability to process 1,500 TPD once recycling is factored in to the equation. If Pond View shipped 1,400 TPD of waste off site by rail, then it would mean that it was only achieving a 10% recycling rate, which is well below even the commentator's distorted estimates of the facility's recycling rate.

16. *7.2.02 Storage:* There is no regulatory limitation on the number of trips or types of trucks entering and leaving the facility. Although Pond View stands by the figures presented in its transportation survey, such a survey is not required to be included in an application for a license to operate a solid waste management facility. Contrary to the insinuation made by the comment, the transportation study does not suggest that truck traffic will decrease due to the larger trucks that will be used; it states that the traffic will not increase in direct proportion to the increase in the allowable processing capacity. There is no regulatory basis for DEM to require submission of the additional information per the suggestion of the commentator.
17. *7.2.03 Pavement Improvements:* The figures provided by Pond View with respect roadway dust suppression on Dexter Road is the best estimate that can be provided based on available data. Pond View can attempt to reevaluate these figures is requested by DEM. Pond View notes that some of the pavement improvements in question are on-site pavement improvements that will reduce muddy conditions created on-site due to current dust suppression efforts that will, in turn, reduce the amount of dirt tracked up Dexter Road in the first place.
18. *7.2.03 Stormwater Runoff:* See comment on 1.4.02, above.
19. *7.2.05 Buffer:* The existing approved buffer zone is based on natural features and is intended to separate C&D processing operations from Omega Pond. The approved buffer is neither dependant on nor relevant to artificial boundaries such as property lines. The buffer includes preexisting road spaces.
20. *7.2.05 Fencing:* See 1.7.02, above.
21. *7.2.05 Plantings:* A planting plan will be submitted if requested by DEM.

#### Appendix A – Existing Permits

1. The ownership of the facility has not changed since Freshwater Wetlands permit was issued. The original applicant for the permit was Ken Foley. Mr. Foley is still the owner of the property. TLA purchased the business and assumed operation of the Pond View facility, but it did not purchase the property.
2. Pond View will provide revised plans depicting the location of the hoses in question.
3. See Appendix A, Paragraph 1, above.

#### Appendix G – Closure Plan

The suggested changes will be made to the site plan drawing; however, the comment is really not applicable to the written plan addressing the process and procedures to be used in terminating operations and closing the facility.

#### Appendix H – Operating Plan

1. *7.1.05(a) Unloading & Separation:* The requested clarifications are irrelevant to the regulatory section in question which deals with “processing equipment” not operational areas within the facility. The picking pad is depicted on the plan, but not called out, this clarification can be added. The location of the bulk separation area can be depicted and called out as well.
2. *7.1.05(a) Metals Sorting:* The requested clarification is irrelevant to the regulatory section in question which deals with “processing equipment” not operational functions. Nevertheless, after tipping, on-site transfer of materials is performed by heavy equipment. Various storage areas, including wallboard can be provided at the request of DEM.
3. *7.1.05(a) Recycled Materials Storage:* The requested clarification is irrelevant to the regulatory section in question which deals with “processing equipment” not operational functions. Nevertheless, the requested call out can be added if requested by DEM.
4. *7.1.05(a) Equipment:* As submitted, the operating plan meets the requirements of the Solid Waste Regulations. If requested by DEM, Pond View will integrate its equipment list in Appendix F with its operating plan in Appendix H and clarify processing role played by each piece of equipment. Pond View notes that its variance from the City limits the facility to a 150 TPD grinding limit, but does not restrict the grinding to wood and that its current permit, No. 64, limits grinding to 150 TPD of C&D material
5. *7.105(c) Permit Limitations:* Pond View’s current permit does not limit grinding activities to wood. Grinding activities are limited to 150 TPD of “construction and demolition debris,” pursuant to paragraph 3 of the permit. This limitation is consistent with the limitation in variance granted by the City which limits the facility to 150 TPD of grinding without limitation to the material to be ground.
6. *7.1.05(f) Dust Control:* The dust control efforts are outlined in as much detail as is practicable. Dust control is something that must be performed on an as-needed basis in response to the vagaries of weather – heat, sun, humidity, precipitation, cloud cover, wind and many other variables dictate when dust suppression through the application of water is required. Creating an arbitrary schedule for watering could create as many dust problems as it solves during times where additional watering may be required. Pond View believes that the existing wood fence serves a secondary purpose as a wind break even though the Solid Waste Regulations do not include any requirement for a wind break. As previously noted in Section III, above, Pond View is willing to explore the use of vegetation and additional solid fencing (vertically & horizontally) as a wind break to mitigate dust concerns, provided it is able to obtain required state and local approvals.

7. *7.1.05(k) Disposal:* The issue of the management of out-of-state waste is beyond the scope of this section of the regulations. The responsibility for regulating the disposal of out of state waste at Central belongs to the RIRRC, not DEM's solid waste facility management program. Pond View states that all bulk solid waste from out of state sources is disposed of at out-of-state facilities. Processed screenings are accepted by Central as mandatory daily cover, which saves the Landfill substantial resources as opposed to having to purchase clean fill material.
8. *7.1.05(k) Final Disposal Quantities:* The closure plan is based upon 5585 tons of waste, total, remaining at the site (including all stockpiles, wastes & recyclables). A facility that accepts 9000 tons per month is capable of accepting this material.
9. *7.1.05(m) Fencing:* The entire facility is enclosed by fencing. The site plan has been or will be corrected regarding the wood fencing question. There is no regulatory requirement for the facility to be enclosed by a wooden fence.
10. *7.1.05(m) Security:* See 1.7.02, above.
11. *7.1.05(r) Wood:* This decision is left to DEM.
12. *7.1.05(u) Market Identification:* The definition of "solid waste" excludes concrete as well as brick and stone that are not contaminated. Also excluded are asphalt, Portland concrete cement and tree stumps.
13. *7.1.05(v) Process Water:* Specific information regarding the drainage system is contained in the Appendix and is on file with DEM's Office of Water Resources as part of Pond View's OWR application. However, if requested by DEM, Pond View will revise the site plan.
14. *7.1.05(x) Erosion:* The reference to "along Dexter Road" means that portion of the facility that abuts Dexter Road, not the road itself.

XIII. **PUBLIC COMMENT:** Comments prepared by Scott Rabideau of Natural Resource Services, Inc. on behalf of the City of East Providence and the East Providence Waterfront Commission.

***Pond View's Response:*** Pond View will address Mr. Rabideau's comments in the order presented:

1. *Alteration of Wetland:* Pond View will not be changing "the character of the wetland" via its proposed increase in through put at an existing facility. In preparing its application Pond View consulted with DEM on this issue and was expressly informed that a new or renewed permit is not required **unless** there was to be a change in the footprint of the facility or an increase in water usage. The characteristics of water flow will not be changed. Pond View further notes that the commentator's assumption that the terms "trash," "debris" and "solid waste" are interchangeable is mistaken as each term has a separate and distinct regulatory application. The C&D materials brought to the facility for processing are transitory in nature and do not remain on-site. The assumption that the increase in through put at the facility will lead to a proportional increase in stored materials is also flawed in that it fails to take into account the new equipment, processes and procedures that

will enable Pond View handle the additional materials without “tripling” stored materials.

2. There is no evidence of “pollutants” being discharged to Omega Pond as a result of non-point source sheet flow across the Pond View facility. A far more serious problem is presented by the City’s own storm water system that discharges directly to Omega Pond via various point sources. Regular water quality monitoring has not detected any increase in pollutants in Omega Pond.

Pursuant to the RIPDES Regulations, a "Discharge" is defined as the addition of any pollutant to waters of the state from any point source. There is no storm water discharge associated with industrial activity at the facility because the facility does not utilize any system or conveyance to collect, transport or discharge storm water to Omega Pond or any other water body. There is no point source “discharge” to Omega Pond from the facility. Water that sheet-flows across the property to Omega Pond is not a regulated stormwater “discharge” pursuant to RIPDES Rules 31(a)(ii) or 31(b)(15) governing storm water discharges associated with industrial activities. The only on-site water discharge system in operation at the Pond View facility is a fully licensed Underground Injection Control (“UIC”) system, which infiltrates storm water into the ground.

3. In 2003, Ken Foley made a good faith application for a wetlands permit relying on materials prepared, stamped and submit by a licensed professional engineer employed by a respected local consulting firm. The wetlands permit application sought permission to withdraw water from Omega Pond to support the operations of a business whose operations were unanimously approved by the East Providence Zoning Board of Review in 1998. DEM reviewed the application and supporting materials and approved the permit. Now, seven years after the issuance of that permit, the City of East Providence has decided that it would like to see the property put to a different use and is trying to use historic technical arguments to argue that the permit should not have been issued. The time for questioning the propriety of the issuance of this permit has long since passed.
4. There has been no change in ownership of the Pond View property to trigger the transfer of the wetland permit. TLA purchased Pond View’s business operations, but did not purchase the property itself. The property remains under the ownership of Ken Foley, who obtained the original wetlands permit.
5. Omega Pond is not a “historic anadromous fish breeding a rearing water body,” it is an industrial pond created by the damming of the Ten Mile River to serve heavy industries such as the former Ocean State Steel plant. Although Pond View certainly supports efforts to restore the fish run and improve the environmental quality of the Ten Mile River, describing Omega Pond as some pastorally pristine spawning ground is misleading. Pond View monitors water quality in Omega Pond in accordance with an approved plan. These monitoring results show no discernable trend indicating a degradation in water quality as a result of Pond View’s operations. Given recent closures of Omega Pond by the R.I. DOH due to algae, a far more serious threat to the health of the Pond is presented by nutrients discharged to the Pond by City storm water pipes and by fertilizers washed into the Pond from residential properties on the opposite side of the Pond.

As there is no proposal to increase water withdrawals from Omega Pond, the mere fact that Pond View has proposed to increase its processing capacity has no effect on oxygenation levels in Omega Pond. Accordingly there is no basis to support a new application for a wetlands permit. If permit holders were required to reapply every time someone decided that DEM failed to consider a pertinent issue then no permit holder could ever have confidence that a permit granted today would not be summarily revoked in the future.

XIV. **PUBLIC COMMENT:** Comments prepared by Eugenia S. Marks on behalf of the Audubon Society of Rhode Island.

***Pond View's Response:*** Pond View believes that most of Ms. Marks' comments have been thoroughly addressed through its responses above; however several specific issues will be addressed below:

1. If requested by DEM Pond View will develop and submit a protocol for the handling, storage and disposal of gypsum wall board.
2. Asbestos concerns are addressed at the origin of the C&D materials themselves. Asbestos removal is required by law prior to any demolition activities. Accordingly, it is highly unlikely that anything more than residual quantities of asbestos will arrive at the facility in C&D materials. If requested by DEM, Pond View will develop and submit a protocol for dealing with asbestos containing materials that have been improperly shipped to Pond View with C&D debris.
3. Pursuant to the RIPDES Regulations, a "Discharge" is defined as the addition of any pollutant to waters of the state from any point source. There is no storm water discharge associated with industrial activity at the facility because the facility does not utilize any system or conveyance to collect, transport or discharge storm water to Omega Pond or any other water body. There is no point source "discharge" to Omega Pond from the facility. Water that sheet-flows across the property to Omega Pond is not a regulated stormwater "discharge" pursuant to RIPDES Rules 31(a)(ii) or 31(b)(15) governing storm water discharges associated with industrial activities. The only on-site water discharge system in operation at the Pond View facility is a fully licensed Underground Injection Control ("UIC") system, which infiltrates storm water into the ground. Pond View performs groundwater and surface water monitoring in compliance with approved monitoring plans
4. Pond View's proposal to provide documentation to DEM of materials received and shipped as requested is reasonable. DEM's budget and staffing issues will not be cured by Pond View sending unnecessary paperwork to DEM that it does not have the time or necessity to review. If and when DEM has an interest in reviewing these records, they will be provided.
5. Daily records submittal to DEM and the level of record-keeping detail suggested by Audubon is well beyond the need of DEM's solid waste regulatory program and is wholly unnecessary. DEM does not regulate the details in question so there is no point to the information being submitted. While Audubon's comments suggest an interesting alternative management scheme, it is not the scheme currently used by DEM.

6. The “Google Earth Map” referenced in the comments is not provided. Pond View is unable to comment on the substance of this allegation. If requested by DEM, Pond View will develop and submit a protocol designed to avoid the encroachment of materials into the buffer as alleged by Audubon.
7. Periodic water sampling of Omega Pond is performed and has shown no negative trend in contaminants. Sampling of ice on Omega Pond would have little value as the Pond is located in an urban environment adjacent to numerous industrial activities and contaminants on the ice could come from a wide variety of sources other than Pond View.

Very truly yours,

Brian A. Wagner

Enc.

PDF: Jack Walsh, TLA-Pond View  
Kevin Bristow, Esq.  
Melody Alger, Esq.  
Kelly Cowan, PE  
Brian Dunn, PE



*Christopher Guzzi –Providence and Worcester Railroad*

Received 11/23/2010

Dear Mr. Ali:

The Providence & Worcester Railroad submits this letter in support of the application of TLA-Pond View to expand its solid waste management facility license to process construction and demolition (C&D) debris. Providence & Worcester has provided rail service to the TLA-Pond View facility for the past seven years to transport non-recyclable wastes to out-of-state disposal sites. During this time, TLA-Pond View's local management and Providence & Worcester have enjoyed an excellent working relationship. The waste that Providence & Worcester transports from the TLA-Pond View facility has to the best of our knowledge been properly classified and documented and has not been rejected by a receiving facility due to misrepresentation or contamination. Although increasing the volume of C&D material flowing through TLA-Pond View's facility will have certain obvious benefits to Providence & Worcester in terms of increased freight, the proposed increase in through-put will also have environmental benefits as well. TLA-Pond View's ready access to rail transport via the Dexter Road spur means that more C&D material can be removed from the facility in a cleaner, more reliable, more energy efficient and more economical manner than by overland trucking. TLA-Pond View's location allows for the efficient consolidation of C&D material from multiple sources at a single location, while its recycling operations remove materials from the waste stream reducing the weight and volume of the ultimate waste stream that requires off-site disposal. The condensed waste stream is then moved offsite by Providence & Worcester's trains that can pull more cargo farther on less fuel and with less emissions than other over the road shipping methods.

Accordingly, Providence & Worcester believes that TLA-Pond View is uniquely situated to provide an important resource conservation service in a clean and energy efficient manner and that allowing this expansion would enable TLA-Pond View to increase its efficiencies even further.

Sincerely,

Director of Business Development  
Providence and Worcester Railroad Company  
**PROVIDENCE AND WORCESTER RAILROAD COMPANY**  
75 HAMMOND STREET, WORCESTER, MA 01610 P.O. BOX 16551, WORCESTER, MA  
01601  
TELEPHONE (508) 755-4000

**Attachment C  
HARD COPY COMMENTS RECEIVED  
FOR THE LICENSING OF THE  
TLA/POND VIEW SOLID WASTE FACILITY APPLICATION**

Comment Period September 2, 2010- November 24, 2010

As of December 2, 2010

Attached are comments received by mail or in person. Comments are scanned in order of date received.

JACK REED  
RHODE ISLAND  
COMMITTEES  
APPROPRIATIONS  
ARMED SERVICES  
BANKING, HOUSING, AND URBAN AFFAIRS  
HEALTH, EDUCATION, LABOR, AND PENSIONS

## United States Senate

WASHINGTON, DC 20510-3903

October 1, 2010

Mr. W. Michael Sullivan, PhD  
Director  
Rhode Island Department of Environmental Management  
235 Promenade Street  
Providence, RI 02908-5767

Dear Mr. Sullivan:

I am writing to you on behalf of my constituent, Ms. Jo-Ann Durfee, who contacted my office regarding her concerns with TLA/Pond View's application for a license to triple its capacity.

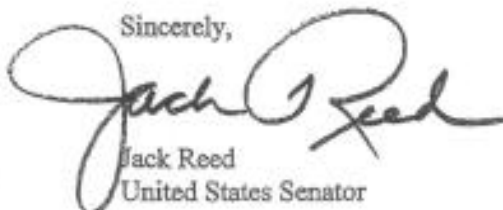
In addition, Ms. Durfee is requesting that DEM consider changing the time of the October 22nd public meeting from morning to evening so that residents are provided the opportunity to attend. Enclosed please find the information I have received from my constituent.

Pursuant to all applicable rules and regulations, I respectfully request your review of this matter and would appreciate any assistance that may be extended to Ms. Jo-Ann Durfee at this time. Should you have any questions or need additional information, please contact Wendy Del Carmen, of my staff at (401) 943-3100. Please direct your written response to my State Office in Cranston, Rhode Island.

Thank you in advance for your prompt assistance in this matter.

Warm regards.

Sincerely,

  
Jack Reed  
United States Senator

Washington, DC:

725 Hart Senate Office Building  
Washington, DC 20510-3903  
(202) 224-4642

Rhode Island:

1000 Chapel View Boulevard, Suite 290  
Cranston, RI 02920-3074  
(401) 943-3100

One Exchange Terrace, Room 408  
Providence, RI 02903-1773  
(401) 528-5200

1 (800) 294-4200

TDD Relay Rhode Island  
1 (800) 745-5555

<http://reed.senate.gov>

RECEIVED  
RIDE M  
OCT 06 2010  
Office of the Director



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
235 Promenade Street, Providence, RI 02908-5767 TDD 401-222-4462

October 21, 2010

The Honorable Jack Reed  
United States Senator  
201 Hillside Road  
Suite 200, Garden City  
Cranston, RI 02920-5602

**RE: TLA Pond View Application, One Dexter Road, East Providence**

Dear Senator Reed:

I am writing to you regarding your letter of October 1, 2010 to Director Sullivan regarding the above referenced site on Dexter Road in East Providence. The Department has recently conducted informational meetings, both here at the Department and in East Providence to allow area residents and other interested parties to get information about the site.

In the matter of the location of the public hearing, Director Sullivan recently met with local representatives about this issue. The Department cannot cancel the public hearing scheduled for October 22 in Providence without an unreasonable cost and delay. However, we have decided to suspend closure of the hearing until Monday, October 25 to allow area residents to make additional public comments that evening at the East Providence Public Library.

The Department will thoroughly review and respond to all comments, including those of Ms. Durfee, prior to issuing, modifying or denying a license. In this process, the Department has a dual responsibility both to protect environmental resources while ensuring the applicant is given a fair and objective review of his/her application. Above all, our review is based on sound science and strict adherence to applicable laws and regulations.

Should additional information be needed, please do not hesitate to contact me, or Mark Dennen at the Office of Waste Management directly at (401) 222-2797 ext. 7112.

Sincerely,



W. Michael Sullivan, PhD, Director

cc: Terrence Gray, RIDEM Assistant Director  
Wendy Del Carmen, Senator Reed's Office  
Leo Hellested, Chief, RIDEM OWM  
Laurie Grandchamp, RIDEM OWM  
Mark Dennen, RIDEM OWM  
Walid Ali, RIDEM OWM

Telephone (401) 222-2797 Fax (401) 222-3812

Mr. Mark M. Dennon  
RIDEM Office of Waste Mgmt.  
235 Promenade Street  
Providence, R.I. 02908

10/4/10

RECEIVED  
D.E.M. / O.W.M.

2010 OCT -6 P 1:47

Dear Mr. Dennon:

I reside at 73 Larchmere Drive in Rumford. Which is approximately 2/10's of a mile from Pond View facility. My wife and I are adamantly opposed to T-FA/Pond View tripling the size of their facility.

As it is now we are opposed to the noise pollution that exists daily from that location.

The dust <sup>and</sup> dirt particles in the air we find to be offensive and certainly <sup>detrimental</sup> to the health & well being of ourselves and those of family children & grandchildren who visit us frequently.

Quite frequently large trucks whose weights are unlawful to trespass on King Philip Road, do so despite the signs prohibiting them to do so and carry construction trash and debris <sup>to that location</sup>.

Unfortunately, we cannot attend the meeting on October 22nd but hope this letter, "Adamantly Opposed to this expansion," will go on record at this meeting.

Your cooperation in this matter is greatly appreciated.

Respectfully:

Maurice & Muriel Bessette

RECEIVED  
D.E.M. / O.W.M.

2010 OCT -7 P 1:42

Dear Mr. Shennon,

I am protesting the upcoming expansion of TLA/Pond View. The Omega Pond which Pond View borders, sits very close to my home. Please do not allow TLA/Pond View to corrupt our environmental and water system.

Respectfully,

Shelore A Dipples

**October 9, 2010**

RECEIVED  
D.E.M. / O.W.M.

2010 OCT 13 P 2:02

**To: Mark M. Dennon  
RIDEM/Office of Waste Mgmt.  
235 Promenade Street  
Providence, RI 02908**

**From: Art and Pat Anthony  
56 Kelley Avenue  
Rumford, RI 02906  
[ARTANDPAT@COX.NET](mailto:ARTANDPAT@COX.NET)**

**RE: TLA/Pond View Triple Capacity Request**

**Dear Mr. Dennon:**

**We strongly oppose any expansion of the Pond View Plant. This plant came in to East Providence as a wood chipping operation. They lied and we have fought for years to stop that Mini-Johnson landfill from starting up. We have over the years watched truck after truck sneak in at night from outside of R.I. and dump their demolition debris containing toxic materials on the grounds of the plant. The ground used is only feet away from the Omega Pond, this Pond is the site of the new series of Fish Ladders being build at this moment. The ice on this Pond during the winter is BROWN despite the owners assurance that there is no pollution from their operation. The daily fires have been bought under control now but are still a threat. Piling up more lead filled debris (and God only knows what other materials**

are included in this mixture) will cause toxic destruction in the future for this land and water. There are no controls on what is delivered to this plant and eventually the Omega will not support any fish life at all never mind the Herring.

There is also a noise problem. We do have a noise level ordinance and, at certain times, they violate it. But our complaints fall on deaf ears.

*EVERY DAY*

I would suggest a surprise visit by your department and a demand access to all areas to see what we know goes on with this operation.

Sincerely yours,

*Art & Pat Anthony*  
Art and Pat Anthony

RECEIVED  
D.E.M. / O.W.M.  
2000 OCT 13 P 2:02



Dear Mr. Dennon,

Years ago Pond View made a commitment that to get a permit from the city of East Providence, it would only process 500 tons per day.

Now, they want 1500 tons per day.

What will they want tomorrow?

I live on Larchmere Drive which is close to Pond View site. When I sit outside my yard I can hear the annoying machine noise all day.

I say **NO** to the increase of tonnage.

Charles Machado  
42 Larchmere Drive  
Rumford, RI 02916

RECEIVED  
D.E.M. / O.W.M.

2010 OCT 12 P 2:13

**BRIAN A. WAGNER** ATTORNEY AT LAW

---

LILY PADS PROFESSIONAL CENTER  
23 NORTH ROAD, SUITE A-32  
PEACE DALE, R.I. 02879

October 14, 2010

**By Electronic Mail and**  
**By Regular Mail**

Mark Dennen  
RIDEM, Office of Waste Management  
235 Promenade Street  
Providence, RI 02908

Re: TLA-Pond View SWMF License Application  
Public Hearing Extension

Dear Mr. Dennen:

I represent TLA-Pond View with respect to its pending application for a permit to operate a Solid Waste Management Facility (Construction and Demolition debris Processing Facility) at One Dexter Road in the City of East Providence, Rhode Island. Yesterday afternoon I received a copy of an e-mail notification that you sent to my client amending the advertised public notice for the public comment hearing scheduled for October 22, 2010. I am writing to note my serious concerns about potential procedural issues that could flow from this last minute modification to the time and place of the public comment hearing.

Although R.I. Gen. Laws § 23-18-9-9 does not provide a lot of detail regarding what the public notice must contain relative to where and when the public comment hearing will occur, I think that it is safe to assume that the contents of any such public notice are probably required to meet the basic requirements laid out in § 42-35-3(1):

"The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and of **the time when, the place where, and the manner in which** interested persons may present their views thereon." (*Emphasis added.*)

TELEPHONE: (401) 284-3441 • FACSIMILE: (401) 284-3443

E-MAIL: WAGNERLAW@NECOXMAIL.COM

RECEIVED  
D.E.H./O.W.M.  
2010 OCT 15 P 2:13

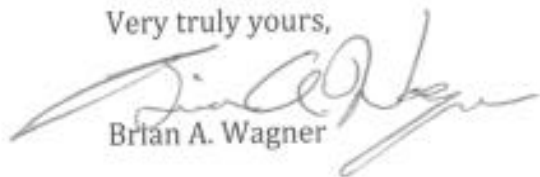
While my client understands that the Department's intent here is to open up the process and allow additional opportunity for public comment in the community, my client and myself are deeply concerned that this change to the hearing procedure, little more than one week prior to the hearing, could itself create a basis for a complaint about procedural irregularities in the public hearing process; specifically, that DEM failed to provide adequate advance notice of the time when and the place where the hearing is to occur. Given that opponents to this license have successfully waylaid this application based on alleged procedural abnormalities in the past, taking the matter all the way to the R.I. Supreme Court, I am genuinely worried that DEM's late modification of the time and location of the hearing could create toehold for another such claim. Even if the likelihood of success of such a claim is remote, many opponents to this license application would be satisfied with any colorable claim to support litigation that would further delay a final decision on my client's application. Knowing this, the risk of creating a challengeable, procedural by changing the hearing schedule at this late date is both unnecessary and unacceptable.

The original notice for public hearing and comment process issued by DEM satisfies the legal requirements of § 23-18.9-9 of the Refuse Disposal Act and is entirely consistent with the practices and procedures used by the Department for all other applications; the Department and TLA-Pond View have already conducted additional public workshops to answer questions about the licensing of this facility; and the public will have thirty (30) days after Friday, October 22, 2010 within which to submit written comments. Based on this, the benefit obtained by the public through one extra hearing day is not worth the risk of new procedural problems that could arise from the addition of the new times, dates and locations for the public comment hearing (even if done as an extension of the original advertised hearing).

Accordingly, TLA-Pond View respectfully requests that DEM reconsider its proposed extension and relocation of the public comment hearing.

Please include this letter as part of the public record in this matter and feel free to call if you have any questions.

Very truly yours,



Brian A. Wagner

Cc: Susan Forcier, Esq.  
RIDEM Office of Legal Services

RECEIVED  
D.E.M. / O.W.M.  
2010 OCT 15 P 2:13

RECEIVED  
D.E.M. / O.V.M.

2010 OCT 20 P 1:35

39 Plutcher Street  
Bunford, L.I. 02916  
October 19, 2010

Dear Tom:

I am writing to register my objections to the increase of Red View from 500 to 1500 tons per day of construction debris.

I have walked my dog in the vicinity of the Myron Harris school at 7 o'clock in the morning and heard this machinery. I am convinced the increase of tonnage will result in additional noise and pollution in our neighborhood. I do not think this pollution is a good idea for the neighborhood school children.

East Providence has been planning to develop the area at the end of Omega Road for several years. Red View is not an asset to any development plans because of the noise and pollution.

Barbara A. Magala

RECEIVED  
D.E.M. / O.W.H.

2010 OCT 21 P 2:31

October 18, 2010

Mark M Dennon  
RIDEM/Office of Waste Mgmt  
235 Promenade Street  
Providence, RI 02908

Hello Mr Dennon,

We are writing to you as residents of Rumford, RI living on Roger Williams Ave. It was recently brought to our attention that TLA/POND VIEW has applied for a permit to triple the business they do on Dexter Road, East Providence.

While we are not opposed to manufacturing or businesses in the area we are concerned about this for a number of reasons some of which we wanted to share with you at this time.

The first is that the amount of traffic currently on Roger Williams Ave is high and we are concerned that this increase in processing would lead to excessively higher truck traffic on our street. As we are on the corner with Wilson Street we see trucks coming and going on this street at all hours. If there are limits on the truck traffic this does not seem to currently be being adhered to by POND VIEW or its subsidiaries so we would be concerned that this would continue to increase and get worse if they increase in size. While there is a sidewalk on one side of Roger Williams there is a significant amount of foot traffic on both sides of the street which raises concerns of the potential for an accident occurring if the traffic were to continue to rise.

A second concern we have would be the increased pollution that this processing could cause. The impression that we have as I have not conducted or seen the results of studies conducted on the water and soil in the area is that the current plant puts out a significant amount of both air and water pollution. There have been occasions over the last year where we have noticed an odor in the neighborhood and the only explanation we are able to place on this is the plant. Similarly while we are not right on the pond we have also noticed what appears to be a browning of the water and in the winter the ice which again we would equate to pollution being passed from the plant to the air and water. Again as it does not appear to us as residents of the neighborhood that POND VIEW is performing their current functions in an environmentally friendly manner we are concerned that an increase in the plants production would also be met by a corresponding increase in the pollution they generate.

A third concern that we have is the speed and apparent lack of attention paid to notifying the residents that this was occurring. In this day when most people do not receive the newspaper on a regular basis I would expect the law to require the company to inform the residents of this request through mailings or other means such as a meeting in which the residents are able to attend and hear the concerns of others in the community is a concern. To not do this implies to me that they feel that they are not able to present a case to the community to gain their support for this increase so they or the government is attempting to limit this option in order to allow this to proceed over any concerns which could be raised. Since this method of emailing or sending letters is being used as the primary option since most residents will most likely not be able to attend the day time meeting in our opinion it limits the sharing of information amongst the residents as questions are asked and answered on an individual basis. As a result the residents are not fully informed as to the concerns or problems which other residents may be aware of and the answers to their questions are not available to all and the answers provided may be inconsistent.

Again while we are not anti-business and believe companies are able to pursue avenues of growth on their own since this path to growth requires a permit and impacts the public around them I would expect them to be open with us about their plans and take every opportunity to receive feedback and address concerns.

Thank you for this opportunity to voice our concerns to you. We look forward to hearing and taking part in further discussions on this matter.

Sincerely,



Christopher and Lauri Ontso  
79 Roger Williams Ave  
Rumford, RI  
02916

RECEIVED  
D.E.M. / O.M.H.  
2010 OCT 21 P 2:31



OVER 100 YEARS OF EDUCATION, CONSERVATION, & ADVOCACY

# Audubon Society of Rhode Island

October 21, 2010

Michael Sullivan, Director,  
RI DEM  
235 Promenade Street  
Providence, RI 02908

Re: TLA Pond View Solid Waste Application, Revised, September 9, 2009

Dear Director Sullivan:

I am familiar with this site from its pre-development days, from review of various permits and proposals around Omega Pond, and from monitoring an Osprey nest that has been built in the cell-phone tower on Dexter Road. I hold a masters degree in environmental studies and work on water quality issues. I have done graduate work in product design, and I accompanied my father on construction sites; so I am familiar with construction materials.

We find a number of concerns about this application and ask that no decision be made at this time until clarification of data be made. We furthermore question the protection of environment that seems to be less than the law allows.

### Clarifications needed:

1. We question how 1500 TPD of construction and demolition debris proposed in the application, an increase from 500 TPD, can occur without the increase of materials stored outside. How can materials be sorted into different components for recycling and shipping off-site without some storage of materials outside. Has there been a calculation of the interior space available to hold and move materials into constituents?
2. The application states that up to 7 rail cars will be coming in on spur line. The rail cars are said to hold 100T; non-recyclable materials are listed in table on page 16 as 5% - 10% of waste stream, which at maximum (10% x 1500 TPD) would be 150TPD. Will the plant always operate at 1500 TPD to fill cars at the rate of 1.5 cars per day? What if the rate of non-recyclables does not fill a car in 2 days? The percentage of the waste is based on volume. Not all materials weigh the same amount. How does this translate to weight to fill 100T rail car? A discussion of the relationship between weight, volume, and economic efficiency of moving rail cars should be provided.
3. Wall board which contains gypsum is listed as a non-recyclable material. Certain gypsum dusts, dependent on the age and manufacture of the product may produce dust that adversely impacts human health, as outlined in information from the National Institute of Environmental Health. Age of wallboard and other painted surfaces may contain lead paint whose dust would be of concern. How will wall board be handled in the bulk separation area (page 1 Operation Plan) to minimize dust? How will baling process minimize dust? Dust control as it is deposited into rail cars? The term "properly managed" in the Operation Plan needs greater definition.

4. How will assurance that no sprayed-on asbestos or other insulating materials are included in the metal beams or other materials slated for recycling? What is its fate of insulation integral to the materials?
5. How will dust from the dumping and compaction of wallboard as non-recyclable material into rail cars be controlled? Dust may not only affect nearby residences but also water in Omega Pond and associated wetlands. If off-loading waste can occur 24 hours per day under this permit, how will dust be controlled under off-loading situation? An impermeable fence of the height of the piles, up to 20 feet, should be required to minimize fugitive dust, and the current fence does not appear to encompass the spur rail where materials would be loaded into rail cars. The current chain link fence is inadequate for dust control.

#### Questions:

1. Permits: Why is no water quality certification permit required? Some run off to pond must occur if 20,000 gallons or even 5,000 gallons are withdrawn and then sprayed onto, incoming tractor trailers of debris, the piles and roads.
2. Why is no RIPDES permit required because the Google photograph clearly shows materials that are not under cover. SIC 4953 (Rubbish collection & disposal) or 4226 (special storage) seem likely categories.
3. What is the fate of the 1,000 GPD of water sprayed onto long-haul trailers for dust control in transfer of materials?
4. How will the air emissions of fuel to feed the proposed 08 mm BTU wood-fired heater be regulated to assure that lead-based paint on scrap wood from demolition is not burned and does not release lead through the smokestack? (Equipment Additions)

#### Comments:

1. The statement in section 7.2.02 of the permit application that "Each day TLA Pond View will record the amount of each material received, the amount of material shipped, and the daily total of all materials received and shipped" and provide these sheets to "RIDEM on request" provides insufficient protection because the budget and staff of DEM are inadequate to request and review these data on a timely basis.
2. The "mass balance" accounting of waste so that tonnage of each type of waste processed is accounted for to a total of permitted amount should be electronically submitted on a daily basis as a matter of public record. In the description of permits only 150TPD of wood is mentioned. With projected tonnage of each material, the permit would be easier to understand as to through-put, storage, vehicles entering and leaving the property. We understand that markets and volumes will vary. There should be a standard range, based on the environmentally safe capacity of the site, of each material to be handled that serves as a condition of this permit, if granted.
3. Google Earth Map, May 2010, (#1) shows a distance of 33 feet from pond edge to pile of debris on east side of property. Leachate from this pile upon spraying or from precipitation can run into pond. It would appear that this pile is within the 50-foot regulatory wetland boundary for a pond. I would respectfully disagree that this represents an insignificant alteration.
4. We ask for a review of the decision that a RIPDES permit is not required of this applicant. The Google photograph of May 1, 2010, clearly shows materials that are not



under cover on the ground, in rail cars, and in containers (#2). SIC 4953 (Rubbish collection & disposal) or 4226 (special storage) seem likely categories.

5. Given the fish restoration project with a fish ladder in construction connecting Omega Pond with the Seekonk river for the passage of anadromous fish, we ask that periodic water sampling be required of the applicant. The samples supporting the permit application were taken during the higher water volume flow of the annual hydrologic cycle. Samples should also be required for late August to early September for low flow conditions. Samples should also be required of any iced condition of Omega Pond to assess the impact of concentrations that may be deposited on the ice and create a spike in the water column when the ice melts.

Thank you for this opportunity to comment.

Eugenia A. Marks

Anadromous fish, which migrate from salt to freshwater to breed, use the fish ladders and the breeding habitat of Omega Pond and up stream in Ten Mile River. Entrainment of young fish could occur in withdrawal of water by Pond View from Omega Pond.

The Herring have been hand-netted for many years to preserve the anadromous migration & spawning.  
Esm

5093  
Scrap  
Waste  
material  
Category  
6  
not eligible  
for waiver  
Esm



Audubon Society  
of Rhode Island

Connecting People With Nature

TLA- Pond view (1)  
Re: refuse new license - 10-20-10

This new license will  
raise amount of pollution,  
noise, traffic and  
possible health issues  
in our neighborhood.

My property value has  
already plummeted.

We would buy a house  
across the pond with  
the smell of raw sewerage,  
increased noise, smoke,  
dirty house outside. Can't  
even enjoy my deck.

Grandson cannot play in  
play yard he is 5 yrs. old +  
says "Nana it smells like poop"  
Scenery in winter when  
the leaves fall off trees I  
see all the equipment  
BackHoes" etc. Can't open my  
windows I had to buy 2  
new air conditioners.

S

Ms. June N. Sullivan  
116 Roger Williams Ave  
Rumford, RI 02916

(2)  
The trucks backing up & the  
motors wake me at 6:30-7 P.M.  
Sometimes my house shakes.  
When they grind wood if the  
wind is blowing my way it  
gets in my eyes & I have to  
go in the house. I can't hang  
clothes on line as they have an  
odor!!! It is no fun living  
day in & day out in my house  
any more. I have been here for  
43 years & I am 70 years old.

I am supposed to be enjoy-  
ing my retirement.

Line directly across from the  
dump at 116 Roger Wms Ave.

My tapes didn't go down they  
went up - I am very angry.

I try & keep a nice yard & clean  
home sometimes it is impossible.

I am ashamed to have company  
and they say "I didn't know you  
lived across from a dump & what  
is all that noise". Thank you.  
Sincerely, Irene Sullivan

October 22, 2010

RECEIVED  
D.E.M. / O.W.M.

Waldi Ali  
RIDEM/Office of Waste Management  
235 Promenade Street, Suite 300  
Providence, RI 02908

2010 OCT 27 P 1:37

Dear Mr. Ali,

The past several weeks I have been door to door in the neighborhood making residents aware that TLA/Pond View submitted an application to Dem for a new license to triple its capacity. Not one resident was aware of this. I asked residents to sign a petition to try and stop DEM from granting TLA/PV a new license to triple the facility's capacity. Of the residents who were home at the time 144 signed this petition.

By going door to door I have listened to neighbors complaints regarding TLA/PV. Neighbors have complained about foul odor (rotten egg smell) dust that coats the inside of their homes when the windows are open. They cannot hang their clothes outside to dry because the smell gets into the clothes and dust covers them so they have to be rewashed. Try to save money by not using their clothes dryer and going green is just not working for them. Pollution, trains, train whistles (all hours of the day and night), and increased traffic were also complaints. Health issues are a major concern from TLA/PV with all neighbors. I was amazed to hear how some of the residents all seem to have a similar health problem, and this is not just one street of residents but several.

One Saturday I was on Kelly Ave. for 2 ½ hours because neighbors were inviting me in to listen to their complaints. Kelly Ave. is located off of Wilson Ave. Kelly Ave. also abuts Lowell Dr. a dead end street off of Roger Williams Ave. across from Omega Pond. Kelly Ave. is located high above the berm that TLA/PV has put up to block the dust, foul odor and noise a lot good that does for the neighborhood. Residents on Kelly Ave are subject to pollution, foul odor, and loud noise from TLA/PV. A major concern for the residents on Kelly Ave is that no one has taken into consideration that there is a playground where children play right on the other side of Lowell Dr. These children are subject to pollution, foul odor, airborne dust and possible health issues while playing out doors.

Residents have been told to write down the day, date and time of their complaints and who they spoke to. Because this is what DEM wants to hear from residents. Dem states that they get no complaints from residents. Residents have called in the past and their problem is never solved. And for one reason or another they feel when they do call to complain that it is not written down by the city hall or DEM. And if by chance a complaint is written down some how it always manages to get lost. It's no longer about writing down the day, date, time and who you spoke to because DEM and city hall are well aware of the neighborhood problems. It's now time to look at the big picture and see what this company TLA/PV is doing to our neighborhood. The children, grandchildren, families and the quality of life in our neighborhood no longer exist. Who will be held accountable for the health issues in our neighborhood, TLA/PV, or DEM? When will it all end?

Environmental Justice is a definition that fits our neighborhood. It is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. The EPA has this goal for all communities and persons across the nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision making process to have a healthy environment in which to live, learn and work. Environmental justice proponents generally view the environment as encompassing "where we live, work and play". And seek to redress inequitable distributions of environmental burdens (pollution, industrial facilities, crime, etc). Root causes of environmental injustices include the co-modification of land, water, energy and air. Unresponsive, unaccountable government policies and regulations and lack of resources and power in affected communities, residents of economically disadvantaged areas. Poor people having to suffer the effects of environmental damage caused by the greed of others. This definition describes our neighborhood.

On September 2<sup>nd</sup> Dem held an informational workshop regarding the application of a new license that TLA/PV is requesting. Yes only 2 neighborhood residents showed for this informational workshop. I was one of the 2 to appear at this informational workshop because not one other neighborhood resident knew about the informational workshop and the two that did appear only found out two days before by word of mouth. DEM thinks that everyone gets the newspaper and knows where to look for this information, or that every one owns a computer and can look it up on the internet. Very few people today get a newspaper, and there are more people than you think that do not own a computer. So this is why only 2 residents showed up on September 2<sup>nd</sup>. I do believe that it is our elected officials responsibility to notify all residents by mail regarding informational workshop and public hearing on serious issues regarding our neighborhood.

What needs to be made very clear with DEM is the fact that DEM schedules informational workshops and public hearings for their own convenience at 10:00AM. When all residents affected by TLA/PV are working at this time and it is a financial hardship for them to attend and express their concerns. At the Sept. 2<sup>nd</sup> informational workshop Terence J. Tierney, Special Asst Atty General asked that the October 22<sup>nd</sup> public hearing be moved to a time in the evening in East Providence when residents could attend. Attorney Robin L. Main with the law firm of Hinckley, Allen, Synder as well as Jean Boyle from the Planning Department with the City of East Providence also requested that the time and place be changed. DEM refused. DEM schedules workshops and hearings at 10:00 AM for their own convenience which only tells the public that they do not want to see a large turn out of neighborhood residents. Therefore it makes DEM's job easier to get things passed without opposition.

At the Sept. 2<sup>nd</sup> informational workshop Deb Nolan and I both complained of foul odor, dust, loud noise, increased traffic and at times the ground shakes from what ever heavy objects are being dropped at TLA/PV. Jack Walsh, VP of TLA.PV stated to Deb and I "how do you know it is not the other companies near us making the noise and causing the odor like Aspen Aerogel or the toilet company down the road meaning (Sandi-Kan).

I told Jack Walsh I have lived on Omega Way for 6 years now and Aspen Aerogel did not move in until 2006 so they are not the problem. He had no reply. I also informed Jack Walsh that when Ken Foley operated Pond View there was a problem with Ken operating his business early in the morning and waking me up. I thought I was being a good neighbor and gave him a courtesy call and told him he was operating his business before hours. Ken Foley replied "when did you move in, I told him 2004 to which he replied "well I was here before you, you should of known I was here and what kind of business I ran and never brought a house there, I have a business to run and I can operate anytime I want any day I want to". He hung up the phone. I guess this defines being a good neighbor to Ken Foley a very rude businessman.

I also attended the October 5<sup>th</sup> informational workshop at the East Providence Library. I mentioned that DEM announced the restoration project which involves the dams on the river: Omega Pond Dam, Hunts Mills Dam & Turner Reservoir Dam. This past spring DEM installed a new fish ladder and released fish into Omega Pond so residents could enjoy fishing. I brought up the fact that TLA/PV withdraws 1,000 gallons of water per day twice a day to water down dust on their property. By granting them a new license they will be withdrawing 20,000-30,000 gallons of water from Omega Pond for their business for free. So why would DEM spend all this money on the Dams with TLA/PV having hoses in the pond to withdraw water when small fish could get sucked up in the hose. Jack Walsh, VP of TLA/PV laughed and said "I would never eat anything out of that pond and have advised my employees not to either". I then told Mark Dennen from Dem who was present, that not once has anyone notified the general public not to eat the fish they catch in Omega Pond or warned them of the health risk if they do eat the fish. Mark Dennen from DEM replied "I will talk to the part of DEM that lets fish into the pond and tell them not to do that." So now every neighbor is asking what is going into Omega Pond from TLA/PV and what is it that DEM does not want the public to know. The Office of Water Resources the person in charge of water quality issues for 10 mile and Omega Pond is Brian Zalewsky. Mark Dennen stated in an email "that residents could talk to Brian Zalewsky about those water bodies regarding sediment sampling. That Mr. Zalewsky is not involved with the TLA/PV site so questions specific to that site and its permits monitoring should still be directed to Mr. Ali or Mark Dennen." Neighbors are wondering why a person who is in charge of water quality issues is not involved with the TLA/PV site. Which again comes back to the question what is Dem trying to hide from the public.

At this same meeting on October 5<sup>th</sup> Jack Walsh VP of TLA/PV stated "we are trying to be a good neighbor we could be working 24/7 but for now we are not". For now they are not operating 24/7 how about a few days, weeks or month from now, if he gets a new license to triple capacity then 24/7, 52 weeks a year will be forever and not just for now. Once again at the October 5<sup>th</sup> workshop foul odor, loud noise, pollution, increased traffic, starting business before hours, and train whistles at all hours of the day and night were all brought up again. Jack Walsh stated "the odor and noise could be coming from companies around us like Aspen Aerogel or Sani-Kan.

Again I reminded him that in 2006 Aspen Aerogel moved in and I have sat across from Sani-Kan's property neither of these companies is the cause of the noise or foul odor. It seems that being a good neighbor to Jack Walsh is to make life miserable for everyone including the companies around him. Jack Walsh does not want to take responsibility for his company's actions, it's easier for him to blame other companies near his.

Regarding the article on TLA/Pond View in the Providence Journal dated October 22, 2010 this morning. Where Jack Walsh stated "the beds of the trucks coming to unload around 70 a day have to be covered or they aren't allowed in". I find this statement to be inaccurate because on Monday, September 20, 2010 I parked my car on the corner of King Phillip Road and Dexter Road watching trucks enter TLA/Pond View. At 1:55 PM on September 20<sup>th</sup> Dorrence Recycling MA Plate 79132 container full, no cover entering TLA/Pond View. On Monday, September 27<sup>th</sup> a truck coming down Roger Williams Ave. with the name A. Viera on it container full no cover. And the latest being this past Monday, October 18<sup>th</sup> @ 1:43 PM RI Plate 26132 full with the name on the truck PONDVIEW no cover.

Jack Walsh also stated in this mornings paper "You're going to hear the traffic and you'll hear our (processing & grinding) faintly in the back ground". I also find this statement inaccurate. Because at TLA/Pond View they all wear face mask and ear plugs. I cannot open my windows or patio door because of the loud noise, even with the windows closed you can still hear the machinery. The tv volume has to be turned up high just to hear it.

Again residents complaints are ignored, so why should they keep complaining when their complaints only get lost for one reason or another by DEM or city hall.

Who do the residents hold accountable for health issues, the city for letting TLA/Pond View in, DEM for granting them a license and the State for not protecting its residents who pay taxes. This could make for one large law suite.

This company should be relocated to the Port of Providence, or Quonset Point where there is rail service and they can expand 20 times and hire many people.

Walid Ali  
Office of Waste Management  
Rhode Island Department of Environmental Management  
235 Promenade Street  
Providence, RI 02908

**Re: Citizens' Petition in Opposition to TLA-Pond View's Application for a 1,500 ton per day Solid Waste License**

Dear Mr. Ali:

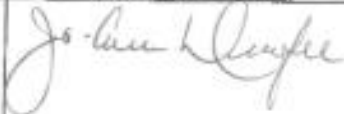
As property owners neighboring the TLA-Pond View facility East Providence, we submit this petition opposing TLA-Pond View's January 13, 2009 application to DEM for a license to triple the Facility's capacity from five-hundred (500) tons per day to one-thousand, five-hundred (1,500) tons per day. Pursuant to R.I. Gen. Laws § 23-18.9-9(a)(4), we request that the DEM consider this petition a written comment and add it to the public record for the hearing that the DEM is holding on this matter.

Operating at its present five-hundred (500) ton-per-day capacity, the Facility already poses several concerns to the undersigned, not the least of which is the environmental threat posed by such a large-scale construction and demolition ("C&D") facility located only yards from Omega Pond. The Facility subjects the area residents to offensive sights, sounds and odors, and we object to TLA-Pond View's request to expand at the expense of its neighbors' property values.

TLA-Pond View has applied to *triple* the Facility's capacity, which would undoubtedly raise the amount of pollution, noise, and traffic that comes from its property. It would need more eighteen-wheelers to haul-in material, more equipment to process that material, and more rail cars to transport processed material offsite by train.

The undersigned object to TLA-Pond View's application to increase its processing capacity limit to one-thousand, five-hundred tons (1,500) per day. We request that the RIDEM deny TLA-Pond View's application, and prevent the Facility from further burdening its neighbors with the additional obtrusive sights, sounds, and smells that would necessarily follow such an expansion.

Sincerely,

	SIGNATURE	NAME	ADDRESS	PHONE NUMBER
1.		Jo Ann Durfee	14 OMEGA WAY Rumford, RI	438-2506




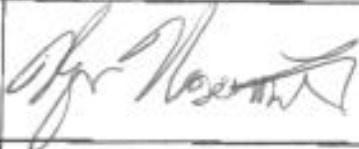

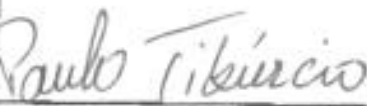



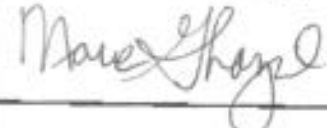
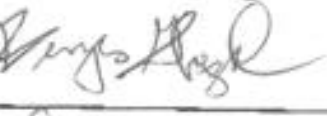


**Citizens' Petition in Opposition to  
TLA-Pond View's Application for a 1,500 ton per day Solid Waste License**

2.	Debra Alden	Debra Alden	50 Dalton St Rumford RI	401-438-7261 401-578-4829
3.	Jane Sullivan	JANE SULLIVAN	116 Roger Wms. Ave Rumford	401-434- 2443
4.	Stephen Duf	STEPHEN DURFEE	14 OMEGA WAY RUMFORD	401-438- 2506
5.	Rita Grof	RITA GROF	96 Roger Williams Ave	401 434 4217
6.	Betsy Hedden	Betsy Hedden	108 Roger Williams Av	438- 0785
7.	Mark Hedden	MARK HEDDEN	108 Roger Williams Ave	338-4100
8.	Marianne Allen	Marianne Allen	15 Omega Way	401-419-6795
9.	Maria P. Ribeiro	MARIA RIBEIRO	124 Roger Williams	401-744-2854
10.	Jose Ribeiro	JOSE RIBEIRO	124 Roger Williams	401-744-2853
11.	Nancy Brent	Nancy Brent	125 Roger Williams Ave	401-434-0745
12.	Gubansal	GK Barsal	125 Roger Williams Ave	401-434-0745

**Citizens' Petition in Opposition to  
TLA-Pond View's Application for a 1,500 ton per day Solid Waste License**

13.	CORLISS Blanchard	CORLISS Blanchard	119 Roger Williams Ave.	NOI 434 1314
14.	E. Conrad Counts	E. A. Counts	112 Roger Williams Ave	438 2654
15.	Brigitte S. Yattaw	Brigitte Yattaw	101 Roger Williams Ave Rumford	699- 7389
16.	Sharon Marques	Sharon Marques	99 Roger Williams Ave	
17.	Eusebio Marques	Eusebio Marques	99 Roger Williams Ave	
18.	Anibal Raposo	Anibal Raposo	19 Lowell Drive	935- 8673
19.	Shei Borge	Shei Borge	85 Roger Williams Ave	508-667 9754
20.	Sharon Marques	Sharon Marques	61 DeLyon St.	
21.	Paul Yattaw	103-105 Roger Williams Rumford	Paul Yattaw	699 6469
22.	Eusebio Marques	Eusebio Marques	61 DeLyon St.	
23.	Howard Dorley	Howard Dorley	91 Roger Williams Ave	401-484- 0551

**Citizens' Petition in Opposition to  
TLA-Pond View's Application for a 1,500 ton per day Solid Waste License**

24			29 Roger Williams Ave	401-303-8493
25		ROGER NASCIMBENO	75 Roger Williams Ave	502-400-6704
26		WAYNE F. GAGE	49 Roger Wms Ave	(401) 438-2730
27		PAULO TIBORCID	52 ROGER WILLIAMS AVE	401-434-6659
28		BEATRIZ Tiborcio	52 ROGER WILLIAMS AVE Rumford RI	401-434-6659
29		Cheryl Sabera	46 Roger Wms Ave. Rumford, RI	401-434-6786
30		Devon Plouff	131 Roger Williams Ave Rumford RT	401-663-0922
31		MARIE Ghosal	30 Algonquin Rd	401-434-7081
32		GEORGE G. GHOSAL	30 Algonquin Rd	401-316-7081
33		Ann L. Capineri	6 Sutcliffe Circle	401-438-4649
34		MARK SILVA	10 Sutcliffe Circle	401-226-2224

**Citizens' Petition in Opposition to  
TLA-Pond View's Application for a 1,500 ton per day Solid Waste License**

35	Raymond Loney	RAYMOND LONEY KEELESPT	55 Sutcliffe CIR	434 7258
36	Beth White	Beth White	2 Sutcliffe Circle	434 0749
37	Cheryl Greaves	Cheryl Greaves	60 ALGONQUIN ROAD	228- 3332
38	Steven Greaves	Steven Greaves	60 ALGONQUIN ROAD	228- 3332
39	Rachel A. Duboué	Rachel Duboué	54 Algonquin Road	438- 6984
40	Colais Loven	Colais Loven	53 Algonquin Rd	434-2349
41	Ken DelleFemine	Ken DelleFemine	61 ALGONQUIN Rd	438-9056
42	Donna DelleFemine	Donna DelleFemine	61 Algonquin Rd	438-9056
43	Patricia O. Beaupre	Patricia Beaupre	71 Algonquin Rd.	434- 2940
44	Patricia O. Blenkiron	Patricia Blenkiron	84 Algonquin Road	401-301- 1593
45	Brian Perry	Brian PERRY	88 Algonquin Rd	401-438-5598

**Citizens' Petition in Opposition to  
TLA-Pond View's Application for a 1,500 ton per day Solid Waste License**

46	Nancy Moore	Nancy Moore	80 Algonquin Road	401-438-0376
47	Bd J	HENRY TRAPP	90 ALGONQUIN ROAD	401-431-1994
48	Kathie Frattoni	KATHIE FRATTONI	114 Algonquin Road	401-435-0570
49	Kate Fitterberg	Kate Fitterberg	15 Algonquin Rd.	401-474-0870
50		Jane Fittly	15 Algonquin Rd	401-441-1099
51	Charlene Fontana	Charlene Fontana	16 Algonquin Road	401-438-4848
52		STEPHEN WITHERELL	32 Roger Williams Ave	401-215-0920
53	Kendall Witherell	Kendall Witherell	32 Roger Williams Ave	(401) 215-0921
54	Linda Legge	Linda Legge	40 Roger Williams Ave	860-575-3949
55	Karen Selley	Karen Selley	42 Roger Williams Ave	401-301-4665
56	AL Pallotta	AL Pallotta	42 Roger Williams Ave	401-438-4048

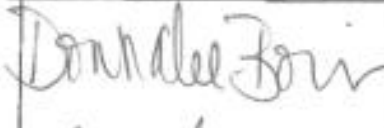

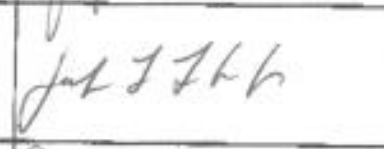
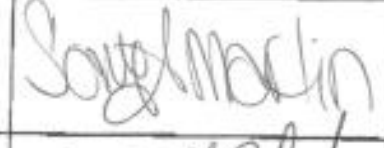



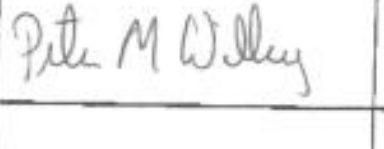
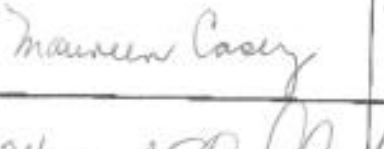

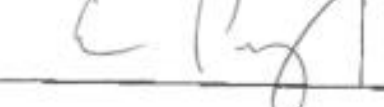
**Citizens' Petition in Opposition to  
TLA-Pond View's Application for a 1,500 ton per day Solid Waste License**

57	<i>Joe Almeida</i>	Joe Almeida	120 Roger Williams	(401) 438-1432
58	<i>Anthony DiLullo</i>	Anthony DiLullo	126 Robert Williams	401 996-7474
59	JOSEPH COLIN	Joseph C.	16 OMEGA WAY	(401) 431-4048
60	<i>Arnold McConrad</i>	Arnold McConrad	128 Roger Wms. Ave.	(401) 368-7630
61	<i>Doris P. Stenski</i>	DORIS P. STENSKI	50 Larchmere Drive	
62	<i>Dianna Machado</i>	DIANNA MACHADO	42 LARCH MERE. DR	(401) 434-2494
63	<i>Charles Machado</i>	CHARLES MACHADO	42 LARCH MERE DR	(401) 434-2494
64	<i>Antonio Medeiros</i>	ANTONIO MEDEIROS	18 LARCHMERE Run GR	438-1864
65	LORI A MEDEIROS	LORI A. MEDEIROS	18 LARCHMERE DR.	" " "
66	<i>Marilyn J Cellenne</i>	Marilyn J Cellenne	14 Larchmere Dr	434-8669
67	<i>Tony Ormandie</i>	Tony Ormandie	15 OMEGA WAY	529-8669

**Citizens' Petition in Opposition to  
TLA-Pond View's Application for a 1,500 ton per day Solid Waste License**

68	Charles Swanski	CHARLES SWANSKI	15 WILSON AVE RUMFORD 02916	401-258-3437
69	Kristen Travers	Kristen Travers 11 Hokmitch	Rumford RI 02916	508-264-7533
70	Tracy O'Connell	51 Dalton St.	Rumford RI 02916	401-270-6473 401-595-0543
71	Patricia Abrams	51 Dalton St.	Rumford RI 02916	401-270-6473
72	Rachel Praszek	49 DALTON ST. Rachel Praszek	RUMFORD RI 02916	401-434-5401
73	Kathleen Nolan	Kathleen Nolan	42 Dalton Rumford 02916	434-4868
74	James Nolan	James Nolan	11	11
75	Dennis Santos	DENNIS DAS SANTOS	70 LARCHMERE DR. RUMFORD	438-0595 639-3058
76	S. Dos Santos	Shannon Dossantos	70 Larchmere Rumford	11
77	Maurice Besette	MAURICE BESSETTE	73 LARCHMERE RUMFORD	401-935-3234
78	Richelle Y. Pierce	Richelle Y. Pierce	46 Larchmere Dr. Rumford	401-434-9791

**Citizens' Petition in Opposition to  
TLA-Pond View's Application for a 1,500 ton per day Solid Waste License**








79		DONALCE BOISSEAU	37 Larchmere Dr. Rumford RI 02916	228-8096
80		JEFFREY BOISSEAU	37 LARCHMERE RUMFORD RI 02916	228-8096
81		Joseph Fortin Jr	34 Larchmere Rumford RI 02916	401 524 2989
82		SONYA MARTIN	25 Larchmere Dr. Rumford	345- 0760
83		Gregory M. REBELO	22 Larchmere Dr RUMFORD	387- 4071
84		Valerie J Costa	21 Larchmere Dr Rumford, RI	434- 2718
85		HOWARD MAIGNANO	10 LARCHMERE RUMFORD RI	434 8048
86		PETER WILLEY	146 KING PHILIP RD Rumford, RI	529-4619
87		MAUREEN CASEY	5 LOWELL DR RUMFORD RI	438-8262
88		MARGARET EC DOOLEY	74 Roger Williams Ave Rumford, RI 02916	434-9121
89		E.L. PERRY	76 Roger Williams	508 208 4586



**Citizens' Petition in Opposition to  
TLA-Pond View's Application for a 1,500 ton per day Solid Waste License**

90	<i>Amy O'Neill</i>	Amy O'Neill	9 Dalton Rumford, RI 02916	401-639- 3259
91	<i>Claudine J. Taylor</i>	Claudine Taylor	28 Dalton St Rumford RI	401-438-7735
92	<i>Michael Stevenson</i>	Michael Stevenson	32 Dalton St Rumford RI	401-781-2215
93	<i>Thomas Houle</i>	Thomas Houle	33 Dalton St Rumford RI	401-434-1870
94	<i>Melara Sipples</i>	Delores Sipples	55 Dalton St Rumford	(401) 330-7750
95	<i>Amy E. Lopez</i>	Amy E. Lopez	37 Washburn Ave Rumford, RI 02916	(401) 438-4929
96	<i>Pepe Piedax</i>	Pepe Piedax	33 Washburn Ave Rumford RI 02916	401-744-1571
97	<del><i>Antonio Ramos</i></del>	<del>Antonio Ramos</del>	<del>12 HOLMITH CT RUMFORD RI</del>	
98	<i>George Cluley</i>	George Cluley	6 Wilson Ave Rumford	401-434-8152
99	<i>Rosemary Cluley</i>	Rosemary Cluley	6 Wilson Ave Rumford	401-434-8152
100	<i>Ellen Clark</i>	Ellen Clark	91 Algonquin Rumford, RI	401-434-6576

**Citizens' Petition in Opposition to  
TLA-Pond View's Application for a 1,500 ton per day Solid Waste License**

101	Michael Wilcox	Michael Clark	91 Algonquin Rumford, RI	401-434- 6576
102		Christa Tripp	90 Algonquin Rumford RI	401-431-1994
103	Sherry Royall	Sherry Royall	74 Algonquin Rumford	401-435-3128
104	Michelle Rogers	Michelle Rogers	11 Sutcliffe Circle Rumford	401-438-2377
105		Donald Rogers	11 Sutcliffe Circle Rumford	401-438-2377
106		Shawn Campbell	44 Algonquin Road Rumford	401-438-4246
107	Lee Pacheco	LEE PACHECO	115 Algonquin Road Rumford	401-435-3049
108		FREDERICK PENDER	57 Roger Williams Ave	401-837-8015
109		SUSAN STANIONAS	65 Roger Williams Ave	(401) 438-8558
110		John F STANIONAS	"	"
111		ALYCE C. Arden	147 King Ph. 14 <sup>RD</sup> Rumford, RI 02916	478-4904

**Citizens' Petition in Opposition to  
TLA-Pond View's Application for a 1,500 ton per day Solid Waste License**

112	James Rose	James Rose	93 Wilson Ave	
113	Kristen Rose	Kris Rose	93 Wilson Ave 434-5581	
114	Jodi A Cabral	Jodi Cabral	42 Kelley Ave Rumford	
115	Pat Anthony	PAT ANTHONY	56 KELLEY AVE RUMFORD	434-2309
116	Art Anthony	ART ANTHONY	56 KELLEY AVE RUMFORD	434-2309
117	Joan Shea	JOAN SHEA	54 DALTON ST RUMFORD	434-8635
118	John Shea	JOHN SHEA	54 DALTON ST RUMFORD	434-8635
119	Steve Sabourin	STEVE SABOURIN	27 DALTON RUMFORD	<del>438</del> 438-9764
120	Colleen Sabourin	Colleen Sabourin	↓	↓
121	Mara Olink	Mara Olink	58 Dalton st	434-3101
122	Carissa Olink	Carissa Olink	↓	↓

**Citizens' Petition in Opposition to  
TLA-Pond View's Application for a 1,500 ton per day Solid Waste License**

123	<i>Arthur Olink</i>	Arthur Olink	58 DALTON ST	
124	<i>Barbara Thomson</i>	Barbara Thomson	32 Washburn Ave Rumford	438-3301
125	<i>John Thomson</i>	John Thomson	37 Washburn Ave Rumford	438-3301
126	<i>Jacob Thomson</i>	Jacob Thomson	32 Washburn Avenue Rumford, RI	438-3301
127	<i>Manuel Lopes</i>	Manuel Lopes	37 WASHINGTON AVENUE Rumford RI	401 438-4929
128	<i>Amy E. Lopes</i>	Amy LOPES	37 WASHINGTON AVE. Rumford RI	438-4929
129	<i>Barbara Westgate</i>	BARBARA WESTGATE	20 TARTACHER RUMFORD, RI. 02916	438-2346
130	<i>Stephanie A. Vinhateiro</i>	Stephanie A. Vinhateiro	20 Berwick Place Rumford 02916	434-9418
131	<i>Tracy K Gagnon</i>	Tracy K Gagnon	60 Kelley Ave Rumford RI 02916	401.258.1617
132	<i>Robyn M Gagnon</i>	Robyn M Gagnon	60 Kelley Ave Rumford RI 02916	401.533.4201
133	<i>Patricia Smith</i>	PATRICIA SMITH	61 KELLEY AVE RUMFORD, RI	438-7325

**Citizens' Petition in Opposition to  
TLA-Pond View's Application for a 1,500 ton per day Solid Waste License**

134	Peter MacDougall	Peter MacDougall	61 Kellogg Ave Rumford RI	401-438-7325
135	Ana Cavalheiro	ANA CAVALHEIRO	70 Kellogg Rumford RI	401 743 2506
136	Margaret Jones	MARGARET JONES	57 Kellogg Ave Rumford RI 02916	401-434-8513
137	Fred Jones	FRED JONES	57 Kellogg Ave Rumford RI	401-434-8513
138	Christie Dugan	Christie Dugan	41 Kellogg Ave Rumford RI	434-8659
139	Robert F. Clarke	Robert F. Clarke	1371 Paul Ave Rumford RI	434-7626
140	Nicole Quigley	Nicole Quigley	37 Kellogg Ave Rumford	265-7961
141	Mary Cabral	Mary Cabral	29 Kellogg Ave Rumford	434-5940
142	Keith R Cabral	Keith R Cabral	29 Kellogg Ave Rumford	434-5940
143	David Bieder	David Bieder	31 Kellogg Ave	434-6494
144	Debra DiLuigi	Debra DiLuigi	126 Roger Williams Ave.	490-0789

Rec'd 10/25/2000 at Henry

**Mr. and Mrs. Mark Hedden**  
108 Roger Williams Ave  
Rumford R.I. 02916  
Phone: 401-438-0785  
Email: tennis@cox.net

**Questions / concerns regarding Pond View/TLA operation and expansion.**

I feel that the responsibility for our communities' health and environmental health is and should be our governments own Department of Environmental Management. That responsibility, we as property owners and residence expect, has come into question. Has and is DEM been acting in the best interest of the community of Rumford?  
**Have all of the following regulations and guidelines been followed?**

**Cited from DEM's Regulations for Landfills # DEM OWM -SW04-01**

- 1.6.03 (2) changes regarding changes in operation (150 tons example)**
- 1.5.05 Zoning**
- 1.5.06 (b) addressing impacts of activities of operation.**
- 1.5.09 (a) groundwater testing (by who?)**
- 1.4.03 Air quality and monitoring beyond the confines of their property line.**
  - (c) Odors violations**
- 1.4.04 (a) The storage of materials (piles of product at their property line.**
- 1.6.08 Inspections fire ordinances etc.**
  - (d) any reports citing deficiencies**
- 1.7.10 Dust Control is inadequate**
- 1.7.11 Control of Litter Measures taken to what level ?**
- 1.04.02 On site monitoring plans**
- 1.04 (3) Radius Plans its watershed responsibility and community within 1/2 mile.**

Our concerns are air quality, noise pollution, offensive odors, dust and fibrous pollutants, and traffic from operations associated with the operation of this facility. Of these concerns, DEM has said they are only concerned with air and water impacts. Of these two concerns, DEM said they currently do not monitor air, dust, odor, or particulates. They, as an environmental monitoring agency, they rely on TLA/Pond View to monitor groundwater and water runoff issues that effect Omega Pond and Ten Mile River. So in summation, DEM does not have on-site monitors for air quality and are not involved with any monitoring of air, odor, or water run off. They do not address issues of how debris arrives or how it is transported to the facility. There is no testing of toxins in rollaways. TLA/Pond View claims no responsibility for the exact contents of the rollaways saying it's the responsibility of the construction companies. The company that sends the rollaways to TLA/ Pond View is required to monitor their contents and transport these covered. There are too many witnesses to the obvious fact that many are rollaways are not covered and only research into the chemical make up of particulates will disclose the health hazards inflicted to nearby residences.

A side note, since 1998, every home, but one, boarding my property has had an elderly person die. That is involving four homes totaling six senior citizens. I would like to know what a plume-to-mortality study would show.

I am a nationally ranked tennis player and tennis professional. No history of smoking or health problems. Prior to 1998, I had no 0 cases of sinus infections, bronchitis or pneumonia. After 1998 I have had to be treated 22 times for bronchitis or sinusitis and 2 times for pneumonia at East Providence Medical Center. This does not include two times during the last year and one mild case of pneumonia in 2009, which were treated by a Barrington physician.

If this is a result of just 150 tons per day, what do you think 1500 tons will accomplish? My taxes are over \$4,000 per year is this for the privilege of living next to TLA/ Pond View?

Tell me if this is a quality of life expected and granted by the Constitution?

Tell me why DEM has not monitored any environmental issue concerning TLA/Pond View as a Department as outlined by the state regulations?

Tell me that 3 times the truck dumpster traffic will not have a serious impact on our environment.

Please email me any information pertinent to the above statutes any tonnages.

Please email me why The City of East Providence laws and legislations mean nothing to these hearings?

1.4.03 Air:

- (a) Open Burning: Open burning of any type at a solid waste management facility or composting facility, whether licensed or unlicensed, shall be prohibited.
- (b) Air Standards: A solid waste management facility or composting facility, whether licensed or unlicensed, shall not violate the following:
  - (1) State implementation plans approved or promulgated pursuant to Chapter 23-23, 1956 RIGL, as is or as amended; the rules and regulations adopted to implement such Chapter, and any applicable provisions of the Clean Air Act, 42 U.S.C. 7410, as are or as amended.
  - (2) The State Air Pollution Control Act, and the rules and regulations promulgated thereunder.



- (c) Odors: A solid waste management facility or composting facility, whether licensed or unlicensed, shall not emit or cause to be emitted into the atmosphere any air contaminant or combination of air contaminants which creates an objectionable odor beyond the property line of said facility. Odor evaluations shall be conducted by Department personnel to determine if an odor is objectionable by taking into account its nature, concentration, location, duration, and source.

1.4.04 Low Level Radioactive Waste: The disposal of low level radioactive waste at a composting facility or solid waste management facility is prohibited. All low level radioactive waste must be managed in accordance with Rhode Island's Radioactive Waste Policy, 22 December 1989, and any subsequent amendments certified by the Governor of the State of Rhode Island.

1.4.05 Facilities Prohibited from Operating: Facilities that meet any of the following characteristics shall be prohibited from operating in the State of Rhode Island, and shall be subject to any and all enforcement actions under the authority of the 1956 Rhode Island General Laws, Chapters 23-18.9 (1989 Reenactment), 23-19 (1979 Reenactment) and 42-17.1 (1977 Reenactment), as are or as amended.



- (a) Facilities that accept or store co-mingled recyclable materials, including wood waste and construction and demolition debris, without obtaining a license, registration, or approval from the Department.
- (b) Facilities that accumulate material speculatively and/or facilities that accept or store co-mingled recyclable materials and operate outside the confines of a closed structure without obtaining a license, registration, or approval from the Department.



- (b) A statement signed by the facility owner or operator responsible for the preparation and submittal of the application, plan, report, or document certifying, to the best of their knowledge, that the submittal is a complete and accurate representation, and that it includes all known facts required therein.
- (c) If the owner of the real property is different from the operator of the facility, then the owner must certify that he allows the operation, and is the guarantor of proper closure of the facility.



1.5.05 Zoning: Granting of a license, license renewal, registration or permission for an equipment addition shall in no way affect the applicant's responsibility to meet all zoning and other local ordinances, nor the applicant's responsibility to obtain any local permits, except as provided by Rhode Island General Laws.

1.5.06 General Plan Requirements:

(a) All required plans and reports shall be stamped by a professional engineer, land surveyor, or landscape architect as appropriate and in accordance with each professional's discipline, as required by Rhode Island General Law 5-51-1.



(b) At the time of application, the applicant shall submit for approval all operating, engineering, and other plans required by these rules. Said plans shall comprehensively identify all activities at the facility(s), and address impacts of activities on regulated operations.

1.5.07 Need: Application for a solid waste management facility license shall meet the criteria established by R.I.G.L. Section 23-18.9-8.1. All public projects shall meet the criteria for need established in Section 23-19-4(b), and the Director shall require no further demonstration of need. Private facilities shall meet all relevant criteria established by regulation to protect human health and the environment, and the Director shall require no further demonstration of need.

1.5.08 Equipment Addition: Plans as required by the Department must be submitted prior to the addition of any equipment to an existing facility.

1.5.09 Groundwater Quality Certification: In order to determine compliance with groundwater classification, groundwater quality certification in accordance with and pursuant to Section 17 of the Rules and Regulations for Groundwater Quality is required for the issuance of a solid waste disposal facility license.

- (a) Groundwater quality certification review shall be by the Department's Groundwater Section in accordance with and pursuant to Section 17.02 of the Rules and Regulations for Groundwater Quality, as is or as amended.


withdrawal of any approval or license is lawful unless the agency sent notice by mail to the licensee or possessor of an approval of the facts or conduct or violation which warrants the action, and the permittee or possessor of a license is given an opportunity at hearing to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of approval or license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.


1.6.08 Inspections:

- (a) The Department shall make or cause to be made such inspections, take such tests and specimens and to make such investigations as it deems necessary.
- (b) The Department or other designated authorized personnel shall conduct inspections and shall have the right to enter without prior notice to inspect any solid waste management facility or composting facility for which an application has been received or for which a license or registration has been issued. Any application shall constitute permission for or willingness to comply with inspections, tests and investigations by the Director or his agents.
- (c) The Department shall be afforded reasonable opportunity by the applicant, licensee or registrant to view the facility, examine records (including any and all on-site or off-site locations where records are kept), and obtain such information as may be required for the inspection, testing and investigation. Refusal to permit reasonable inspections, tests and investigations shall constitute valid grounds for denial, revocation or suspension of a license; denial, revocation or suspension of a registration; and/or issuance of a Notice of Violation with Administrative Penalty.
- (d) The inspector may leave a copy of the inspection report at the facility and such report shall constitute notice of any deficiencies. Such deficiencies as are noted in the inspection report may be used as the basis of a notice of violation and may be taken into account in any license or registration renewal proceeding, in any request for new areas and/or services, and in any equipment addition request.
- (e) All solid waste management facilities and composting facilities shall maintain records and report to the Department, as required, relative to the amounts of materials received and recycled.

1.6.09 Inspection Reports and Correction of Deficiencies: Every composting facility or solid waste management facility shall be given prompt notice by the Department of deficiencies reported as a result of an inspection, test or investigation. Such notification may be made by regular mail -- postage prepaid from the Director to the person or facility inspected,

1.7.09 Endangered Species: No facility or practice shall cause or contribute to the taking of any endangered or threatened species pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq., and/or the regulations adopted to implement such Act, as is or was amended. The facility or practice shall not cause or contribute to the destruction or adverse modification of the critical habitat of endangered or threatened species.

 1.7.10 Dust Control: The operator must take suitable measures at all times to control dust at every composting facility or solid waste management facility, access roads to the facility and all other areas related to the facility's operation. This may be accomplished by spraying small amounts of water over the dust producing area and/or by the application of suitable chemicals or paving materials on access roads.

 1.7.11 Control of Litter: Measures must be taken to eliminate the scattering of refuse. The operator shall provide for routine maintenance and general cleanliness of all areas related to the facility's operation.

1.7.12 Safety Provisions:

- (a) General: Composting facilities and solid waste management facilities shall be designed, operated and maintained in such a manner as to protect the health and safety of users of the facility and personnel associated with the operation of the facility, and persons in close proximity to the facility.
- (b) Bird Hazard shall mean an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.
- (c) Composting facilities and solid waste management facilities shall be designed, operated, and maintained so as not to pose a bird hazard to aircraft.

1.7.13 Operating and Engineering Plans: A facility shall be operated in conformity with its approved operating and engineering plans. Variances from such plans shall be permitted only after prior written approval from the Director.

1.7.14 Closure Procedure:

- (a) All composting facilities and solid waste management facilities must notify the Department at least three (3) months prior to the anticipated date that closure operations are to begin.
- (b) The facility must implement the approved closure plan.


- (7) Modifications: Any modifications of plans shall be submitted in writing to the Department and shall require written approval from the Department prior to implementation. The Department also reserves its right to require plan modification by the facility or person as deemed necessary.
- (c) Offsite Monitoring:
- (1) Any facility subject to the offsite monitoring requirement shall develop a monitoring plan within thirty (30) days of notification by the Department. Offsite monitoring plans must be implemented within thirty (30) days of Department approval.
- (2) Offsite monitoring plans shall be implemented by the facility(s) or persons until notified otherwise in writing by the Department. Termination of offsite monitoring shall only be authorized after demonstration to the satisfaction of the Department that all impacts and adverse effects identified in the evaluation of the onsite data have been corrected.
- (d) Evaluation: Data collected under the onsite and offsite ambient air and water monitoring plans shall be evaluated by both the Department and HEALTH. HEALTH shall provide a written evaluation of these data to the host community(s), the facility(s), any oversight council or organization that focuses on the Environmental Management District, and any members of the public who request said evaluation.



#### 1.14.02 Onsite Monitoring Plan Requirements:

- (a) General Requirements: All monitoring plans shall address air, surface water, and groundwater quality concerns at each facility or solid waste management activity. In addition all monitoring plans shall include a site plan and a radius plan with the information required herein, in addition to information required in accordance with the Solid Waste Regulations for that type of facility or activity.
- (1) All monitoring plans shall include detailed sampling and analysis criteria for both water and air monitoring. Said plans shall include, but not be limited to, a list of parameters to be monitored, sampling frequency, analytical methods including detection limits, and sampling locations.
- (2) Site Plans: In addition to the site plan requirements in the Solid Waste Regulations relating to the type of operation or activity, all site plans shall show the topography of the facility or activity location and the locations of all activities and all operations conducted onsite. The site plan shall include the location of onsite buildings, paved areas, areas used for outdoor storage and/or disposal, and the location of all existing and/or

proposed control measures used to reduce pollutants.

- 
- (3) Radius Plans: In addition to the radius plan requirements in the Solid Waste Regulations relating to the type of operation, all radius plans shall show the topography within one mile of the facility or activity location as illustrated in the appropriate US Geological Survey Topographic Map, 7.5 minute series, and the location of all activities and operations conducted onsite. The radius plan shall also show the location of any waterbodies, including wetlands, located both onsite and offsite within a radius of one-half mile of the site, and the location of residential and commercial areas within a one mile radius of the perimeter of the site.
- (4) Monitoring Reports: Monitoring reports for each air or water sampling event shall be submitted by the facility or person to the Department within 45 days of the monitoring event unless directed otherwise by the Department. The facility or person shall notify the Department by telephone within 24 hours of receipt of the data if results warrant immediate action, and follow up in writing within seven (7) days of receipt of the data by the facility or person.
- (A) Four (4) copies of the monitoring report shall be submitted to the Department in a hard copy report format that includes a detailed discussion of the sampling event, analytical results, and evaluation of data results.
- (B) Reports of water data shall include maps clearly indicating sampling locations, location and nature of site activities during the sampling period, and any other pertinent information.
- (C) The discussion of water data results shall incorporate and evaluate information from all groundwater and surface water sampling conducted at the site, including sampling required by other program or regulations, so as to produce a comprehensive assessment of the potential contribution of pollutants from the facility or activity.
- (D) Reports of air data shall include maps clearly indicating sampling locations, and shall include information about meteorological conditions and locations and nature of site activities during the sampling period, and any other pertinent information.
- (E) The facility or person shall submit reports upon request to the Department, in an electronic format to be determined by the Department.



City of East Providence  
RHODE ISLAND  
434-2311

DEPT. OF PUBLIC WORKS  
ZONING OFFICER

IE zone  
150 ton

August 27, 1998

6-6

Mr. Kenneth Foley  
Pond View Recycling  
1 Dexter Road  
East Providence, RI 02916

Dear Mr. Foley,

The question of the operation of the recycling plant is allowed to be operated around the clock provided that the Noise Ordinance is not violated.

This office is not aware of any problems associated with your type of operations and we have not received any complaints regarding the noise ordinance.

If you have any questions regarding this matter please contact me at 435-7720.

Sincerely,

*Gary A. Butterworth*

Gary A. Butterworth  
Zoning Officer

Dumpster  
Drop off  
hours -

GAB:kh(dexter rd.1)

CC: Albert W. Quattrucci, Building Official

\* THIS WAS AT LESS THAN 150 TONS/DAY.

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### East Providence ammonia facility faces EPA fine

5:01 PM Tue, Oct 05, 2010 | [Permalink](#)

Donita Naylor [✉](#) [Email](#)



EAST PROVIDENCE, R.I. -- A nationwide ammonia-distribution company with a facility in East Providence faces a \$149,080 penalty from the U.S. Environmental Protection Agency for deficiencies in its emergency planning.

The New England EPA office said Tanner Industries, based in Pennsylvania, staffs its East Providence facility only when ammonia is being transferred.

The complaint said Tanner didn't adequately plan for leaks that occur when the facility isn't staffed. It said the company relies mostly on emergency responders and didn't consider using sensors to detect ammonia leaks or conditions that might lead to leaks. Also, Tanner's emergency response program did not ensure that the public would receive adequate notice if the toxic and corrosive chemical anhydrous ammonia escapes.

Anhydrous ammonia can cause burns to skin, eyes, and lungs serious enough to cause permanent blindness, lung disease or death, the EPA said.

David B. Binder, Tanner's director of quality and regulatory affairs, said the company has operated the East Providence facility safely since 1971 and has submitted risk management plans to the EPA, which he said were approved in 1999, 2004 and 2009.

"We are continuously working on making our facility safe and better prepared," Binder said. He said the company had "already begun installing outdoor sensors at the facility prior to the EPA penalty action.

"We will continue to actively work and cooperate with EPA," he said.

The facility is about a tenth of a mile from a residential neighborhood, and even closer to other public businesses.

[Learn more about enforcing Clean Air Act requirements in New England](#)

[✉](#) [b](#) [f](#) [t](#) [+](#) More

### Leave a comment

Please be civil. Vicious comments, personal attacks and profanity won't be published. Name and email are required; email address will not publish.

Name:

October 25<sup>th</sup>, 2010

I am asking that the TLA/Pond view license be denied. I moved to this neighborhood recently in hopes of raising a family in a quiet, and clean neighborhood. I feel the allowing of this license will cause more pollution, thus leading to health issues. The amount of extra traffic will also add to pollutants, and noise in the neighborhood. Please keep our homes safe, and deny this license. Thank you.

  
Jennie Lydon  
100 Wilson Avenue  
Rumford, RI 02916

RECEIVED  
D.E.M. / O.W.M.  
2010 OCT 27 P 1:36



## RIDEM HEARING ON TLA-PONDVIEW EXPANSION

- Introduction
  - Name: Richard Brown
  - 332 Pleasant St. East Providence, RI 02916
  
  - 35 years experience in municipal government
  - City Manager for over four years for the City of East Providence.
  - City Manager: New London, CT 1992-2004
  - City Manager: Petersburg, VA 1984-1992
  
  - MPA: University of Tennessee 1975
  - BA: University of Virginia 1974
  
- East Providence is dedicated to supporting business.
  - City officials and elected officials spearheaded the development of the East Providence Waterfront Commission in the early 2000's.
  - As you heard from Jeanne Boyle, the city's Planning Director, the Waterfront Commission is a separate and distinct legal entity from the City.
  - The Waterfront District encourages mixed use development.
  - This mixed use development contains aspects of residential development, as well as the development of light industry, including high tech, that will provide the City, as well as the State, with a strong and vibrant tax base now and into the future.
  - City has recently approved a Tax Increment Financing plan that will allow for a mixed use development in the waterfront district. That development will exceed \$167 million (townhouses, condos, commercial).
  
- The City opposes the dramatic expansion of TLA-Pond View to triple its existing, disputed size.
  
- Mayor Larisa has spoken as to why the process should not be allowed to continue.

- Deputy Mayor Cusack presented a resolution from the city council opposing the expansion of TLA-Pond View.
- Various experts have testified as to the concerns with the application and the negative implications of the proposed expansion.
- Neighbors have testified as to how TLA-Pond View has had a negative impact on their quality of life.
  - The City has received numerous complaints concerning nuisances caused by TLA-Pond View, including odor and noise. Any further intensification of TLA-Pond View is not compatible with surrounding area.
  - City and Waterfront Commission's traffic expert has commented to you on the tremendous increase in truck traffic if TLA-PondView were allowed to increase to 1500 tons per day and the increased burden on already choked City roads.
  - Neighbors have commented on odors and noise.
  - You will also hear from the East Providence Police Chief on concerns with these issues.
- If RIDEM were to grant TLA-PondView's 1500 ton per day license, which the City implores RIDEM not to do, RIDEM must put strict conditions on the license to minimize, to the greatest degree possible, TLA-PondView's impacts on the City and its residents, including:
  - Requirements to protect Omega Pond and other important wetlands and natural resources in the area. You will hear more about this from the City's and Waterfront Commission's wetlands biologist.
  - Dust monitoring and dust mitigation measures.
  - Noise monitoring and noise mitigation measures.
  - Require TLA-PondView to prove that it has valid easement rights to withdraw water from Omega Pond, which is an issue with its disputed wetlands permit as you will also hear from the City and Waterfront Commission's wetlands expert.
  - In spite of the above, the city has concerns with RIDEM's ability or desire to regulate the activities at TLA-Pond View.
- Again, the City opposes the dramatic expansion of TLA-PondView and demands that RIDEM deny Pond View's application.

- The City thanks the Rhode Island Attorney General's office, Conservation Law Foundation, the Audubon Society, and Save the Bay for voicing their opposition and providing public comment against TLA-PondView's expansion.
- RIDEM should not put blinders on to the substantive comments and opposition to the TLA-Pond View facility that these organizations, as well as the City itself and the Waterfront Commission, make against the TLA-PondView expansion. **Please deny the application.**

October 25, 2010

Dear Mr. Dennen,

My name is John Arrighi, and I am a resident of 157 Bourne Avenue in Rumford. I was unable to attend the meeting on October 25<sup>th</sup>. However, I still wanted to let my concerns be heard. I am against the TLA/Pond View expansion. I am concerned about the value of my home, as well as noise pollution. Thank you for your time, and I hope that you will consider rejecting the TLA/Pond View expansion.

Sincerely,

John Arrighi

RECEIVED  
D.E.M./D.V.M.  
2010 OCT 28 P 1:42

J. Arrighi  
157 Bourne Ave  
Rumford, R.I. 02916  
PROVIDENCE RI 029  
OCT 2010 PM 3 L



Mark M. Dennen  
RIBEM/office of Waste Mgmt  
235 Promenade Street  
Prov. R.I. 02908

02908+5767



RECEIVED  
D.E.M. / O.W.M.

2010 OCT 28 P 1:45

October 27, 2010

Mr. Waldi Ali  
**RIDEM / Office of Waste Management**  
State of Rhode Island  
235 Promenade Street, Suite 300  
Providence, RI 02908

Dear Mr. Ali:

I initiate this correspondence to register my objections to TLA / Pond View receiving a new license permitting expansion of their current operation located in the Rumford section of East Providence. It is my understanding that RIDEM is poised to grant this expansion regardless of the economical and social stigma associated with having an odorous and unsightly trash operation in a residential neighborhood.

Because of state government interference and in-action, as it pertains to quality of life issues, the residents of Rumford have had to remain vigilant over the years to prevent a Newbay type fiasco. In recent years, significant development and investment have rejuvenated run down areas throughout Rumford, yet select state agencies persist in destroying this positive growth. Am I to understand RIDEM refuses to acknowledge the ecological rights of the majority over the excesses of corporate greed?

Please revisit your decision to grant an expanded capacity license to TLA / Pond View and assist the residents of Rumford in maintaining a healthy residential lifestyle.

Sincerely,



Robert G. Clark  
30 Berwick Place  
Rumford, RI 02916  
401-438-2243  
[Kinsale0353@verizon.net](mailto:Kinsale0353@verizon.net)

Cc: Senator Jack Reed  
Senator Shelton Whitehouse

October 29, 2010

RECEIVED  
D.E.M. / O.W.M.

Waldi Ali  
RIDEM/Office of Waste Mgmt  
235 Promenade Street, Suite 300  
Providence, RI 02908

2010 NOV -1 P 1:47

Hello Waldi Ali,

We are writing to you as residents of Rumford, RI living on Roger Williams Ave. It was recently brought to our attention that TLA/POND VIEW has applied for a permit to triple the business they do on Dexter Road, East Providence. We attended the public meeting on Monday, October 26<sup>th</sup>, 2010 to voice our opinion and strong opposition to this expansion.

While we are not opposed to manufacturing or businesses in the area we are concerned about this specific request for this specific type of business for a number of reasons.

The first is that the amount of traffic currently on Roger Williams Avenue is already quite high and we are concerned that this increase in processing would lead to excessively higher truck traffic on our street and throughout our neighborhood. As we are on the corner with Wilson Avenue we see trucks coming and going on our street at all hours. We were told that there are currently limits on the truck traffic, in terms of truck size and hours of operation, however this DOES NOT seem to currently be being adhered to by POND VIEW or its subsidiaries so we are VERY concerned that this would continue to increase and get worse if POND VIEW is allowed to increase in size. While there is a sidewalk on one side of Roger Williams there is a significant amount of foot traffic on both sides of the street, and on the side without a sidewalk, residents walk along the outside of the curb. This raises concerns of the potential for an accident occurring if the traffic were to continue to rise. Rumford is a residential neighborhood with speed limits posted at 25 miles per hour. The neighborhood is full of families with young children and walkers and runners, and is a wonderful place to live. POND VIEW is not a good neighbor now, and again we are VERY concerned that they could be an even worse neighbor in the future.

We are also concerned by the size and volume of these trucks as the homes on Roger Williams and Wilson avenues sit close to the street, and these roads were not made to handle such traffic. When the trucks thunder through our area the windows and sometimes even our house shakes. When we purchased the house close to six years ago, the truck traffic was significantly less, so again it seems that restrictions are not being adhered to, or enforced. Again, if the procedures to correct these issues are not being adhered to now, imagine what will happen if the plant is allowed to TRIPLE in size.

A second concern we have would be the increased pollution that this processing may cause. The impression that we have as we have not conducted independent tests or seen the results of studies conducted on the water and soil in the area, is that the current plant puts out a significant amount of both air and water pollution. We see the results

of this in films of brown dust that coat our cars and the sides of our home, and when the windows are open, in the significant amount of brownish red dust that accumulates on the inside window sills and then spills into our home.

There have also been numerous occasions over the last year where we have noticed a gaseous odor in the neighborhood and the only explanation we are able to place on this is the plant. Similarly while we are not right on the pond (we are across the street) we have also noticed what appears to be a browning of the water in Spring, Summer and Fall, and in the Winter the ice turns a brownish hue, which again we would equate to pollution being passed from the plant to the air and water. To date we have not seen an EPA, or other government report which indicates that this pollution has been analyzed or otherwise evaluated to conclude that it is not harmful to the residents of Rumford and East Providence. If the DEM has conducted studies then we feel it is the duty of the city to make residents aware of its findings, and we would appreciate this information being shared with us and our neighbors. If studies have not been performed then we do not see how the DEM can allow an increase in plant processing without knowing the current numbers, and expect to triple capacity and have no concrete numbers to back up why they believe it to be safe. This is irresponsible and not something as tax payers and residents of the area that we believe to be right or ethical. The health and well being of a city's residents should be of utmost importance.

As it does not appear to us as residents of the neighborhood that POND VIEW is performing their current functions in an environmentally friendly manner we are concerned that an increase in the plant's production would also be met by a corresponding increase in the pollution they generate which we believe is not only negatively impacting our lives but all of the lives of the residents in our area.

A third concern that we have is the speed and apparent lack of attention paid to notifying the residents that this increase was possibly occurring. In this day when most people do not receive the newspaper on a regular basis I would expect the law to require the company to inform the residents of this request through mailings, phone calls, emails or other means which would then allow the residents to voice their concerns and to hear the concerns of others in the community. This is very disturbing to us. To not do this or to have to be forced to do this implies to us that DEM and TLA/POND VIEW feel that they are NOT able to present a viable case to the community to gain their support for this increase, so they chose to limit the opportunity for concerns to be raised at all. This is hardly the act of a good neighbor or a company looking to do "the right thing." It also makes us ask ourselves, what else are they hiding? Is Rumford going to be another Woburn, MA?

We believe that Monday's meeting being moved from early morning to the evening when more residents would be able to attend was promising. However, from what we have been able to surmise, it was not the DEM or TLA/POND VIEW who made this decision independently. It was our State Senator, Daniel DaPonte from District 14, East Providence / Pawtucket who sent us a letter to let us know that a more amenable meeting time had been scheduled. We received NOTHING from the DEM or TLA/ POND VIEW.

RECEIVED  
D.E.M. / O.W.M.

We also received information prior to the meeting from concerned residents who had to do their own independent research to find out what was happening in our own backyard, and who were out spreading the word. Again, NOTHING from the DEM or TLA/POND VIEW. At the meeting there was a significant amount of residents, including ourselves, and all of us voiced our concerns about not only the expansion of TLA/POND VIEW, but also the current status quo, which shows a lack of environmental responsibility on the part of the company / plant.

Additionally, we wanted to mention that at the meeting NO feedback was provided by ANY representative of POND VIEW or the City of East Providence to address the concerns raised by the residents. The residents were also not able to ask questions, or were we provided with ANY literature on the particulars of the proposed plan.

Again while we are not anti-business and believe companies should be able to pursue avenues of growth on their own, we believe that this is the WRONG business to currently exist in a residential neighborhood, and that it should by no means be expanded to make the problems worse.

To be clear we are STRONGLY opposed to the expansion of the POND VIEW facility.

Thank you for this opportunity to voice our concerns to you. We look forward to hearing from you.

Sincerely,

*Christopher and Lauri Ontso*

Christopher and Lauri Ontso  
79 Roger Williams Ave  
Rumford, RI 02916

RECEIVED  
D.E.M. / D.W.M.  
2008 NOV - 1 P 1:47



Laurie Grandchamp  
Supervising Engineer  
Department Office of Waste Management\  
235 Promenade Street  
Providence, RI 02908

RECEIVED  
D.E.M. / O.W.M.

2010 NOV -1 P 1:46

Dear Laurie,

My wife and I are writing to you to oppose the expansion of Pond View/TLA, Rumford at Dexter Road. After hearing several neighbors concerns we ask you to consider the following:

1. That the hours of operation start no earlier than 7AM.
2. That the dust emitted at present be analyzed for content.
3. That a minimum unscheduled monitor/check ups occur to assure compliance.

Loud noises before 7AM do not a good neighbor make.

Unknown content of dust cause great anxiety.

Lack of regular monitoring encourages neighbors to question the departments ability to advocate for its citizens.

Thank you for your consideration of these concerns. We look forward to your reply.

Sincerely,



Raymond E. Anderson  
32 Algonquin Road  
Rumford, RI 02916



Paula F. Anderson

Paulo Tiburcio  
52 Roger Williams Ave.  
Rumford, R.I. 02916  
401-434-6659

RECEIVED  
D.E.M. / O.M.M.

10-28-2010

2010 NOV -3 P 1:55

To whom it may concern:

Recently, TLA Pond View Recycling, Inc in East Providence has been trying to expand its state permit to handle 1,500 tons of demolition material and other construction waste. That's three times the 500 ton limit that it is approved to take in now.

We live on Roger Williams Avenue, directly across the Omega Pond from Pond View. And we're not only concerned with Pond View being a public nuisance, but we're also concerned with the health and safety of our family, neighbors and our environment.

We have lived in East Providence for over 30 years. Since the late 80's our family has worked in Rumford at the Phillipsdale complex, watching East Providence clean up after polluters like Ocean State Steel.

East Providence has done well at times cleaning up the city. An example of this would be the recently implemented law requiring homeowners to take out their recyclables or their trash wouldn't be picked up. On the other hand, Pond View has been an ongoing problem for years, that's rarely been dealt with. Besides a whole neighborhoods testimony to noise, foul smells, air pollution, etc., DEM can agree the rain water alone from Pond View washing into the pond, is certainly enough to contaminate the pond water. I was prohibited by DEM to build a soffit on the roof of my home because the excess rain water would run into the pond. The natural, rain water. Also during the construction of our home DEM denied the construction of a 10'X15' sun deck because of wetland regulations. Are we seriously even considering this extension of operation? When the hard working taxpayers are penalized for not recycling, and big companies are allowed to pollute the neighborhood, then even the most uninformed person can see there's a problem. Its a classic case of who pays more taxes.

On a more personal experience, I have seen various materials floating on Omega Pond, from plastic wrapping paper, to bottles, tennis balls and much more. The past few winters we have noticed a yellowish layer of dust settling on the pond, only noticeable once the pond freezes. The wildlife hasn't been the same, and seems like there are less fish and birds. Strong, gas like smells have been strong and more frequent. Also, I do construction, I have dumped in Pond View. And just because Pond View's Attorney Kevin Bristow says they only process wood and metal doesn't mean its true. When you pull up to dump, no person is there to monitor your waste. So the truth is, anyone could be dumping anything. Even DEM agrees the overall operation is improperly cited and is a

commercial use in a residential setting. And what's worse is that neither DEM nor TLA Pond View assume responsibility for monitoring the air quality.

Why then did the tax payers pay for a park like Freedom Green on the corner of Broadway and Center St.? To make Rumford a nicer place and to enjoy recreation. How contradicting would it be to allow 1,500 tons of waste daily into our city?

And just because DEM hasn't found any violations doesn't mean it doesn't exist. Are we waiting for when its too late? Would we rather clean up a mess then to prevent it? We didn't shut down pollution giants like Ocean State Steel to be replaced by Pond View. Regardless of what company used to produce there, or what other companies around are doing, something needs to be done before Rumford is known for its foul smell and disturbance.

Thank you for your time, I would appreciate any support for our community.

Sincerely,

Paulo Tiburcio

RECEIVED  
D.E.M. / O.M.I.

2009 NOV -3 P 1:55

Attached are two web-pages regarding the Pond View situation, for a better understanding.

October 30, 2010

RECEIVED  
D.E.M. / O.W.M.

Kyle M. Travers  
11 Holsmith Court  
Rumford, RI 02916  
401-741-7442

2010 NOV -3 P 2:02

Waldi Ali  
RIDEM/Office of Waste Management  
235 Promenade Street, Suite 300  
Providence, RI

RE: Expansion of TLA/Pond View

Dear Sir:

I am contacting you to express my strong opposition to the proposed expansion of the TLA/Pond View facility located on Dexter Road in East Providence. I am located a few homes up the street from Roger Williams Avenue off of Wilson Avenue.

Let me first express my disappointment in the lack of oversight that DEM has exhibited for a facility of this type. My understanding is that this facility operates mainly as a construction debris processing plant. Construction debris naturally contains extremely harmful materials such as lead, asbestos, oil based contaminants, etc. I find it preposterous that given this facilities close proximity to our neighborhoods, schools, and water that DEM has not once, in the existence of this facility, tested the effects on the Omega Pond and the surrounding community of the particulates created by this operation. Given this country's movement towards a greener, cleaner climate, it is almost laughable that there have been no lab tests on these possible environmental contaminants. The argument that the operators of this facility stand behind of a clean track record, given the lack of oversight and testing, does not hold water. I urge you to correct your lack of oversight and testing at the very least.

Furthermore, beyond the environmental concerns, this operation has proven to be a detriment to the quality of life in its surrounding neighborhoods. Located just a couple hundred feet from Roger Williams Avenue and on the corner of Holsmith Court and Wilson Ave, which also serves as a through street, I can attest to the severe traffic and noise caused by the very large trucks carrying debris to this facility. This is especially evident due to the weight limit restrictions on North Broadway in front of the Agawam Club.

In closing, the fact the DEM is even considering this motion of expansion of TLA/Pond View without first correcting its complete lack of oversight and testing, is a shameful

waste of the taxpayer's dollars and an embarrassment to the office of the Department of Environmental Management. Test the construction debris, test the water, test the air, and test the dust particulates in the residential neighborhoods. This technology is present for this specific reason.

Please consider these concerns before one of the nice, highly valued communities in East Providence is further affected by the expansion of this facility.

Thank you in anticipation of your consideration and feel free to contact me should you so require or wish.

Sincerely,



Kyle M. Travers  
Resident of Rumford, RI

RECEIVED  
D.E.M./O.M.M.  
2010 NOV -3 P 2:02

RECEIVED  
D.E.M. / O.W.M.

2010 NOV -3 P 2:04

81 Catlin Avenue  
Rumford, RI 02916

11/1/2010

Waldi Ali  
RIDEM/Office of Waste Management  
235 Promenade St., Suite 300  
Providence, RI 02908

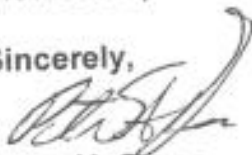
Dear Mr. Ali:

I write to ask that you stop DEM from granting a new License to TLA/ Pond View.

Their plan to expand their facility in our residential neighborhood. Not a good idea for the health of my family!

Please stop them!

Sincerely,



Peter H. Gross

RECEIVED  
D.E.M. / O.W.M.

2010 NOV -3 P 2:00

Frances M. Gross  
87 Don Avenue  
Rumford, RI 02916

Waldi Ali  
RIDEM / office of waste management  
235 Promenade St.  
Providence, RI 02908

Sir:

I strongly oppose the expansion of TLA/Pondview.  
This is a lovely area and a great neighborhood.  
I do not want Rumford to be known as Dumpford.

Sincerely

Frances M. Gross

October 30, 2010

Tuesday, November 2, 2010

RECEIVED  
D.E.M. / O.W.M.

2010 NOV -3 P 1:51

Walid Ali  
DEM's Office of Waste Management  
235 Promenade St.  
Providence RI 02908

Dear Mr. Ali,

I am writing with regard to the proposed expansion of the TLA/Pond View processing facility at its Dexter Road site in East Providence. I am aware they are seeking a license to operate a construction and demolition debris processing facility which would triple the amount of debris, from 500 tons to 1500 tons, which they can process per day.

As a resident of Rumford, RI, living right off Roger Williams Avenue. I would like to voice my **strong opposition** to this expansion and request for license by TLA/Pond View. My concerns are as follows:

- Impact on the environment to include, leakage and potential run off into the Omega Pond off Roger Williams Ave.
- Odors and smells in this area as a result of increased processing
- Increased traffic on Roger Williams Ave. which is already very heavily traveled by trucks and this will potentially triple truck travel. Currently trucks often will wake up residents in this area as early as 5:30am or 6:00am.
- Increased noise
- Expansion of sea gull population as they are drawn to such a site seeking food.
- I am very concerned about an increase in dust and waste particles in the air. I have already noticed a worsening of allergies since having moved to this area.
- Concern for health related to the above (toxins, air borne waste particles)
- Decreased property values in an area that has been already heavily hit with depreciation of said values.

Please note my concerns and opposition to this expansion when reviewing licensing approval decision making.

If you need any additional specific information feel free to contact me.

Sincerely,



Thomas Fronczak  
23 Wood Hollow Ln  
Rumford RI 02916



Mr. Walid Ali  
RIDEM/Office of Waste Management  
235 Promenade Street, Suite 300  
Providence, RI 02908

RECEIVED  
D.E.M. / O.W.M.

2010 NOV -4 P 1:40

November 2, 2010

Dear Mr. Ali,

I am a concerned resident of Rumford and a mother of two young children ages 5 and 2 and I am writing because I strongly oppose the expansion of TLA/Pond View. I am disgusted that our residential neighborhood could become the site of Rhode Island's second largest C & D facility. My children and my neighbor's children do not deserve the airborne dust, foul odor, noise and traffic that the recycling of 1500 tons of waste will cause.

Please put yourself in our shoes and give our neighborhood residents the quality of life that we deserve. We moved here four years ago, from a major metropolitan area in the western part of the United States, to escape the pollution of the city and the poor air quality. I am pleading with you to not turn Rumford into the same kind of environment we escaped four years ago. My children beg you to please spare them from possible health problems, noise, and pollution.

Thank you for your consideration in this matter.

Sincerely,

  
Kathleen McGuigan

Dear Waldi Ali,

Hello my name is Connie Ackroyd. I am a resident of Rumford, Rhode Island and have lived on Chaffee Street for quiet sometime. A neighbor informed me that the TLA/Pond View Recycling might be getting a grant for a expansion. If DEM grants this expansion there will be more noise and traffic. There will be three times the amount of trucks on the road. This new license would increase the amount of recycling and in return this will make our neighborhoods have a bad smell and there will be more airborne dust. I oppose this expansion because i don't want to live in a neighborhood where the air smells bad and can possible cause health problems. I want my family to be healthy and we do not need to add more air pollution. Having DEM grant a new license our property taxes will increase and our property values will go down. Would you want to pay more in taxes and live near a dump? If a person wanted to move the would have to say your house is near a recycling center. I strongly oppose the expansion of TLA/Pond View Recycling because there will be more noise, traffic, air pollution, bad smells, and our taxes will raise. Thank you for taking the time to read this letter. I hope you can help our neighborhood and help DEM not grant the expansion. Thank you again and have a great day.

Sincerely,



Connie Ackroyd



2010 NOV -8 P 2:48

RECEIVED  
D.E.M. / D.W.M.

Connie M. Ackroyd  
Independent Sales Director

Rumford, RI 02916

Contact: (401) 835-1327

E-Mail: [connieackroyd@marykay.com](mailto:connieackroyd@marykay.com)

Web: [www.marykay.com/connieackroyd](http://www.marykay.com/connieackroyd)

MARY KAY

9 Linden Ave.  
Rumford, RI 02916

Mr. Waldi Ali  
RIDEM/Office of Waste Management  
235 Promenade Street, Suite 300  
Providence, RI 02908

November 2, 2010

Dear Mr. Ali,

We are writing to express our absolute and categorical opposition to any expansion whatsoever of the TLA/ Pond View facility. It is completely inappropriate even to have such a facility so close to residential neighborhoods, let alone to expand it. We want to bring up our young children in a safe and quiet environment, and the proposed expansion will seriously compromise the quality of life in Rumford. We will be will be sharing our strong views on this matter with all of our elected representatives.

NO EXPANSION AT POND VIEW!!

Sincerely,



Dr. Nina Markov &  
Dr. Arthur Riss

2010 NOV -8 P 2:52

RECEIVED  
D.E.M./O.W.M.

NOVEMBER 8, 2010

WALDI ALI RIDEM/OFFICE OF WASTE MANAGEMENT

235 PROMENADE STREET, SUITE 300

PROVIDENCE, RI., 02908

RECEIVED  
D.E.M. / O.W.M.

2010 NOV 12 P 2:44

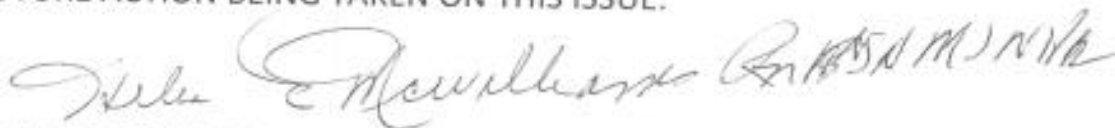
DEAR MR. WALDI ALI:

THIS IS TO INFORM YOU THAT I AM 100% OPPOSED TO THE DEM GRANTING TLA/POND VIEW A NEW LICENSE FOR INCREASE IN THE SIZE OF DUMPING.

I HAVE LIVED AT 6 NEVADA AVENUE, RUMFORD, RI. FOR 35 YEARS AND I AM UPSET THAT I WAS NOT MAILED A LETTER TO ATTEND THE HEARING ON SUCH AN ISSUE THAT WILL MOST DEFINITELY IMPOSE A NEGATIVE ENVIRONMENTAL EFFECT ON ALL THAT LIVE IN THIS AREA. I

AS A VOTER AND RESIDENT OF THIS AREA I WOULD LIKE TO BE INFORMED REGARDING ANY FUTURE ACTION BEING TAKEN ON THIS ISSUE.

SINCERELY,



HELEN E. MCWILLIAMS, RN, BSN, MS, NHA

CC: SENATOR JACK REED & SENATOR SHELDON WHITEHOUSE

6 Nevada Ave  
Rumford RI 02916

RECEIVED  
D.E.H. / O.S.M.

2010 NOV 12 P 12:50

54 Dalton St

Rumford R.I. 02916

10-11-10

Dear Mr. Dennen:

I am against the expanding of  
Poak View. I am an asthmatic and lots  
times I have a problem with breathing. The noise  
and foul smell from Poak View sets me off  
with an asthmatic attack.

If you can do anything to stop the expansion it  
would be highly appreciated.

Sincerely  
John E. Shea

50 Dalton St  
Rumford RI  
02916

PROVIDENCE RI 02902

NOV 12 2010

Mr Mark M Dennen  
R.I.D. E.M. / office of Waste Mgmt.  
235 Prunard St  
Providence RI  
02908

Waldi Ali  
RIDEM/Office of Waste Management  
235 Promenade St.  
Prov., RI 02908

RECEIVED  
D.E.M. / O.W.M.

2010 NOV 15 P 1:46

Dear Mr. Ali:

I spoke at the public meeting at Weaver Library on Oct. 25, 2010. My focus at that time was the limited access of local roads to this facility. My concern about the impact of the truck traffic on local roads in terms of public safety was subsequently addressed by Chief Tavares of the EPPD.

After listening carefully to all of the remarks made at this meeting, it became eminently clear to me that there is no actual record of the specific nature of the particulates and odors emanating from this facility. In the absence of any accurate scientific data of these emissions, it is imperative that the DEM reject the application of TLA/Pond View to triple its current capacity. It is the responsibility of all levels of government, in this case the State, to protect the residents of this part of East Providence from the multiple threats posed by this ill-sited facility. An approval of this application by DEM would be a violation of public trust.

I respectfully urge the DEM to reject this application.

Sincerely,



Gerald E. Cousineau  
98 Catlin Ave.  
Rumford, RI 02916

Cc: Sen. Jack Reed  
Sen. Sheldon Whitehouse  
Sen. Daniel Da Ponte

TO WHOM IT MAY CONCERN:

RECEIVED  
D.E.M. / O.V.I.

2010 NOV 15 P 1:54

I HAVE LIVED IN EAST BEN. MY WHOLE LIFE,  
I'M 82 YEARS OLD. I WORKED ON DENTAL RD. FOR  
YEARS AND RAISED A FAMILY FROM THAT INCOME.

IT IS A HEAVY INDUSTRIAL AREA AND A  
BUSINESS LIKE POND VIEW BELONGS THERE. I  
WALK AROUND THAT AREA EVERYDAY AND NEVER  
HAD A PROBLEM WITH SMELL OR DUST. WE NEED  
TO RECYCLE AND KEEP OUR WASTE FROM THE LANDFILLS.  
THIS COMPANY IS PROVIDING JOBS AND I SUPPORT  
THEIR EXPANSION.

NOW THAT THE ELECTION IS OVER  
NO ONE HAS MENTIONED IT. I UNDERSTAND  
THE NEW TOWN COUNCIL IS PRO BUSINESS AND  
WILL WORK WITH POND VIEW.

THANKS

John King

RUMFORD TOWER

November 13, 2010

Attn: Walid Ali,

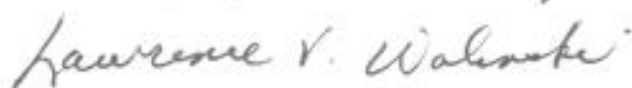
I strongly oppose DEM granting TLA/Pond View a new license to expand their tonage for the following reasons:

Increased truck traffic.

My property values will go down and my home would be worth very little because of TLA/Pond View being located in my neighborhood. This information would have to be disclosed if I should sell my home.

Pollution, foul odor, and airborne dust which all could be the cause of possible health problems in my neighborhood.

A Concern Neighbor,



Lawrence Walinski

13 Victoria Ave.

Rumford, RI 02916

RECEIVED  
D.E.M./O/M/M  
2010 NOV 16 P 1:56

CC: Senator Daniel Da Ponte  
Senator Sheldon Whitehouse  
Senator Jack Reed



November 13, 2010

Attn: Walid Ali,

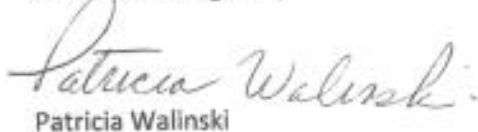
I strongly oppose DEM granting TLA/Pond View a new license to expand their tonage for the following reasons:

Increased truck traffic.

My property values will go down and my home would be worth very little because of TLA/Pond View being located in my neighborhood. This information would have to be disclosed if I should sell my home.

Pollution, foul odor, and airborne dust which all could be the cause of possible health problems in my neighborhood.

A Concern Neighbor,

  
Patricia Walinski

13 Victoria Ave.

Rumford, RI 02916

RECEIVED  
D.E.M. / OWM/11  
2010 NOV 16 P 1:55

CC: Senator Daniel Da Ponte  
Senator Sheldon Whitehouse  
Senator Jack Reed

November 9, 2010

RECEIVED  
D.E.M. / O.M.I.

To Whom it concerns, 2010 NOV 16 P 1:54

This letter is in regards to the recent S&H Pond view recycling site. It has come to our attention that this recycling plant is considering increasing their tonnage to 1500 tons a day.

The neighborhood of Ramford is asking our state elected officials to reconsider issuing a license to this facility. There should be a pending issue and the C.P.A. should be investigating any health issues this could create to our neighborhood.

Please consider the danger this new license would cause and help our community stop this travesty from happening. Thank you for your time.

Sincerely,

Mrs. W.M. McTally

50 Don Ave

Ramford, Pa

02914

Walid Ali  
RIDEM/Office of Waste Management  
235 Promenade Street  
Providence, R.I. 02908  
Email: [Walid.ali@dem.ri.gov](mailto:Walid.ali@dem.ri.gov)

\*RECEIVED\*

NOV 17 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

I would like to voice my objections to the granting of a license to triple the recycling capacity of TLA/Pond View. This company has been recycling construction and demolition debris for over 10 years. The original license was for 150 tons per day and upgraded in 1998 to 500 tons per day where it is now. The amount of noise, dust in the air, foul odors and water pollution have gone on long enough.

During the winter when Omega Pond freezes, it turns brown from the dust generated by the recycling process. It also coats the houses, cars and anything else that is left outside. In the summer our windows remain closed to try and keep the dust and foul odors out of our homes.

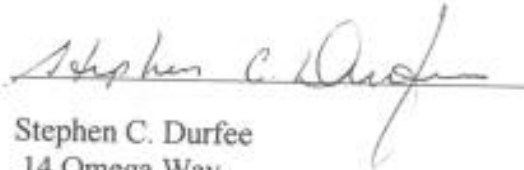
Due to the weight restriction on North Broadway there has been an increase of truck traffic on Roger Williams Ave. a residential neighborhood. The trucks that use Roger Williams Ave are sometimes uncovered spilling debris and leaving a cloud of dust behind as they drive down the street. If TLA/Pond View is allowed to triple its capacity the truck traffic will triple also. In response to an article in this morning's Providence Journal, I would like to mention that on Monday 10/18/10 at 1:43 P.M. a red Pond View truck RI registration 26132 was driving on Roger Williams Ave going in the direction of TLA/Pond View with an uncovered container with debris sticking out of the top above the sides.

I would also like to know why one part of DEM is building fish ladders, to restore the fish in Omega Pond and another section of DEM is thinking of allowing TLA/Pond View to triple the amount of runoff and other pollutants into a pond that is trying to be restored. I guess this is why people have little or no faith in state government to do the right thing for the citizens of the state, when one state agency can not communicate what is happening within itself. I find it very discouraging that DEM is spending tax dollars to make improvements and at the same time allowing TLA/Pond View to pollute this same body of water.

The former Ocean State Steel site has been remediated at a cost of over 2 million dollars. Our Senators and Representatives worked hard to try and make this a viable site for future development. Goe Nova has plans to build houses, apartments, condos, and commercial retail businesses on this site. Hopefully when the economy turns around this development will begin. Imagine trying to sell property that is near a major c&d site. I do not believe this is what the developers and the City of East Providence had in mind when they made the decision to develop this site and have a c&d operation within 1000 ft. TLA is also a waste management company. How long will it be before they are back looking to turn this site into a transfer station. When I brought this up at the public

meeting the representatives from DEM told me that they do not know what this company has in mind for the future. Maybe DEM should pay attention to what is going on now so we do not have to visit this again in the future

I can only hope that DEM will look at how the entire area is impacted by granting this increase in tonnage and remember that the people that live in the neighborhoods adjacent to PLA/Pond View have a right to live in clean, unpolluted areas also. It has always been my understanding that the Department of Environmental Management was responsible for keeping the environment clean and healthy for all to live and work.



Stephen C. Durfee  
14 Omega Way  
East Providence, R.I. 02916  
401-438-2506

cc: Senator Sheldon Whitehouse  
Senator Jack Reed  
Senator Daniel Da Ponte

\*RECEIVED\*

NOV 17 2010

R.I.D.E.W.  
OFFICE OF WASTE MANAGEMENT



**THE Louis Berger Group, INC.**

295 Promenade Street Providence, Rhode Island 02908  
Tel 401 521 5980 Fax 401 331 8956 [www.louisberger.com](http://www.louisberger.com)

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November 17, 2010

Mr. Walid Ali, Office of Waste Management  
Rhode Island Department of Environmental Management  
235 Promenade Street  
Providence, RI 02908-5767

Dear Mr. Ali,

RE: Public Comments - TLA Pond View Facility Submitted on Behalf of the East Providence Waterfront Commission and the City of East Providence  
Solid Waste Permit Application, September 2009

Please find attached my comments regarding the TLA Pond View Permit Application for licensing to operate a Construction and Demolition Debris Processing Facility at 1 Dexter Road, East Providence, RI.

Based upon my review of the application, as well as information provided at the Public Information Workshop and comments made at the Public Hearing, RIDEM should not grant TLA Pond View a permit to expand the facility to 1,500 tons per day. I also recommend that RIDEM increases their oversight at this facility, regardless of the approval or rejection of the permit application, based upon the present operational status of the facility and the impact it has upon the neighboring residential community.

Sincerely,

Clayton Carlisle, P.E.  
Senior Environmental Engineer

cc: Robin Main, Hinckley Allen Snyder  
Jeanne Boyle, East Providence Waterfront Commission  
Richard Brown, City Manager, City of East Providence  
Terrence D. Gray, Assistant Director for Air, Waste and Compliance, RIDEM

w/ attachments

## COMMENTS:

### Summary

These comments are submitted on behalf of the East Providence Waterfront Commission and the City of East Providence and are based upon review of the Solid Waste Permit Application for TLA-Pond View Recycling, Inc. ("TLA Pond View") dated September 16, 2009, submitted to RIDEM Office of Waste Management (OWM) for approval to increase the existing construction and demolition (C&D) debris operations from the existing 500 tons per day (TPD) permit to 1,500 tons per day. TLA Pond View initially submitted its original permit application on January 13, 2009. Based upon RIDEM comments, the original application was revised and resubmitted to RIDEM OWM in September 2009.

The comments follow the format presented in the permit application, which is Project Summary, RIDEM SW Regulations 1 – General Requirements, RIDEM SW Regulations 7 – Facilities That Process Construction and Demolition Debris, Figures and Appendices. The text written in italics is taken directly from the application. Recommendations are provided in bold at the end of each comment.

By submitting these comments, the City and Waterfront Commission in no way waive their rights to challenge RIDEM's actions with this application, including but not limited to, the issuance of a permit, and the City and Waterfront Commission reserve their rights to appeal the issuance of any permit to TLA Pond View to the Rhode Island Administrative Adjudication Division and Rhode Island courts.

### Project Summary

1. Applicant states that *the site is bordered by Omega Pond to the north and east*. The site is not bordered by Omega Pond to the north and east. It is bordered by property owned by the City of East Providence, which is identified on the Site Layout Plan. It is the city property that borders the pond rather than the facility property. The survey information, required by RIDEM regulations, that is presented on the drawings does not clearly indicate the property boundaries. **The submittal should include a clear stamped copy of the property survey performed by Waterman Engineering.**
2. Applicant states that *no increase in the amount of C&D stored onsite is requested*. The amount of material presently allowed to be stored on site is limited by RIDEM SWR 7.1.01 (f), which requires that 75% of the material received by the facility is processed and removed from the site within six weeks of receipt on a continuous basis, and that in no case, stores material on-site for over three months. The most significant limiting factor to proper storage is the pile height (20') and length (50') requirements and the fifty foot minimum separation between piles for emergency vehicle access. The actual quantity presently stored at the site from off-site observations of the facility is not stated, but satellite photos indicate that material stockpiles have been created which are significantly larger than those shown on the site plan. Distance requirements for stockpile separation and distances to buildings are clearly being violated. The original site plan submitted was revised to eliminate the estimated volume of each pile, with some of the pile locations moved also. A table showing estimated volumetric calculations for temporary stock piles is included in Appendix H – Operating Plan. This leads to the question – how much material is presently stored on site? It would seem to be a very large quantity because the view of the site from adjacent properties and satellite photos

indicate the stockpiles are both wider and taller than proposed in the Appendix H table. **Despite RIDEM stockpile height requirements, the applicant does not appear to be able to stay within these limits operating under the present incoming C&D debris quantities and tripling the incoming C&D material will only exacerbate the situation. No provisions are provided to demonstrate compliance under increased C&D volumes.**

3. Recyclables processing refers to *removing large items from concrete pick pad and sending them to the picking and sorting building.* This building is not identified on the Site Layout Plan. **The picking and sorting building should be identified in the Site Layout Plan.**
4. Recyclables processing does not refer to processing steps for gypsum wallboard. **The steps related to the processing and separation of gypsum wallboard (i.e. where the material is separated, how long it is kept at the facility before being shipped out, where it is sent, etc.) should be presented within the Recyclables Processing summary.**

#### **RIDEM SW Regulations 1 – General Requirements**

1. **(1.4.02 Water)** *TLA Pond View withdraws up to 20,000 gpd of water from Omega Pond, primarily for dust control. Recent site improvements and improved operating/housekeeping practices will allow TLA Pond View to operate within its current permit limits.* It is not clear how tripling the incoming C&D tonnage will not cause the facility to increase its water consumption above the permitted limit (30,000 gpd) in order to provide sufficient dust control. **The recent site improvements and improved operating/housekeeping practices should be identified and used to demonstrate how additional water will not be necessary to determine if this statement has merit.**
2. **(1.4.02 Water)** *TLA Pond View collects process water from the C&D grinder dust control system and directs the discharge to a Vortechs 2000 collection system.* **There is no indication on the Site Plan Layout of how this system is utilized and the manner in which process and runoff water is directed to the system**
3. **(1.4.02 Water)** *Stormwater runoff from the site travels via sheet flow to Omega Pond or puddles and infiltrates into the soil or vegetated areas. An industrial stormwater permit is not required for this site because TLA Pond View is not a regulated activity, or industrial activity with a listed SIC code, per Rule 31(a) of the RIPDES regulations (verified per letter from Ron Gagnon dated December 5, 2008).* We disagree with the RIDEM interpretation and state that SIC Code 5093, Scrap and Waste Materials is applicable to this activity. The stormwater runoff flow is characterized as sheet flow to Omega Pond, which means it travels across a heavily traveled 5+ acre daily work site of a C&D processing facility. The runoff then travels into the "buffer zone", which is essentially a paved roadway where runoff containers, etc. have been known to be stored, before finally reaching the City owned property and Omega Pond itself. There may also be point source runoff flow from the stockpiles and along the corner of the earthen berm heading towards Omega Pond, as seen from aerial photos. **This site should be required to obtain a RIPDES permit. RIDEM should not allow the applicant a "pass" on the requirement to obtain such a key environmental approval as a RIPDES industrial stormwater permit simply on the basis of difficulty in determining the best SIC code to utilize. The pathway for stormwater runoff also supports the conclusion that a RIPDES permit must be required.**

4. **(1.4.03 Air)** *ACPR-5 TLA Pond View will not cause fugitive dust in violation of standards.* Information indicates that fugitive dust from the facility operations is a continual concern to residents on the north and northeast side of Omega Pond. It is highly likely that tripling the facility input will increase the amount of fugitive dust generated by the facility operations, yet the applicant does not identify any additional provisions for controlling fugitive dust. **More stringent dust control restrictions should be placed on the facility by RIDEM. Regardless of whether a permit is issued, RIDEM should require that off-site dust be monitored and tested, with a dust monitoring program submitted for RIDEM's approval and mitigating measures be implemented as necessary. RIDEM should also require that the dust monitoring program provide monthly reports which are made available to the public.**
5. **(1.4.03 Air)** *ACPR-17 TLA Pond View will not emit objectionable odors beyond the property limit line.* Similar to the fugitive dust issue, local residents have indicated that objectionable odors from the facility is a significant concern to residents near the facility. RIDEM has performed some odor complaint investigations, but were not able to detect the offending odors. Again, tripling the facility daily input may likely increase the frequency and possibly the strength of odors generated by the facility operations, yet the applicant does not identify any additional provisions for controlling odors. **In the event that RIDEM issues TLA Pond View the 1,500 TPD permit, which the City and Waterfront Commission state must not be done, off-site monitoring of odors should be a permit condition requirement placed on the facility by RIDEM.**
6. **(1.5.05 Zoning)** *TLA Pond View conducted a noise study for the proposed future operations. The study concluded that predicted sound levels will be in compliance with both the 60—dBA residential daytime and 50-dBA residential nighttime limits in the East Providence Noise Ordinance.* Based upon input from the facility neighbors, noise is indeed an issue at this facility. Noises caused by C&D processing machinery such as the wood grinder, along with truck traffic and roll-off containers being dropped onto the ground, are extremely loud and disruptive to the surrounding area. **In the event that RIDEM issues TLA Pond View the 1,500 TPD permit, which the City and Waterfront Commission state must not be done, RIDEM should require that a noise monitoring program be submitted for RIDEM's approval and mitigating measures be implemented as necessary. RIDEM should also require that the noise monitoring program provide monthly reports which are made available to the public.**
7. **(1.5.06 General Plan Requirements)** RIDEM requires all plans and reports to be stamped by a professional engineer and the property survey stamped by a registered land surveyor. RIDEM requires the plans shall comprehensively identify all activities at the facility and address impacts of activities on regulated operations. The application and the plans, in particular, do not comprehensively identify all activities at the facility and address impacts of activities on regulated operations. **The plans are not stamped, although the application has been stamped. The site plans still lack information that would be useful in evaluating the site activities and operation. The property survey should be stamped and included in the permit application.**
8. **(1.5.07 Need)** *Because the market has not shown an increased demand for the wood chips, it is not beneficial for TLA Pond View to increase wood grinding operations. Therefore, TLA Pond View is not requesting an increase in grinding capacity above the*



*current limit of 150 TPD.* This statement reiterates that the facility grinds only wood waste and that the maximum desired and maximum permitted amount is 150 tpd. No other material is required for the grinding operations. **In the event that RIDEM issues TLA Pond View the 1500 TPD permit, which the City and Waterfront Commission state must not be done, RIDEM should state clearly as a permit condition that only wood grinding is allowed at the facility and that wood grinding is limited to 150 tons per day.**

9. **(1.7.02 Access)** *The entire facility is fully enclosed with a ten-foot wooden perimeter fence.* This statement is not true as there is not a ten-foot tall wood fence around the perimeter of the property. The fence limits are not clearly indicated on the Site Plan Layout. **Regardless of whether the permit is issued, the ten-foot tall wooden perimeter fence should be installed throughout the remainder of the property by the applicant and the Site Plan should be revised to show the location of this perimeter fence. It is also understood that RIDEM recently allowed additional revisions of TLA Pond View's submittal with regards to eliminating the description of the perimeter fence as being ten-foot tall and constructed from wood. RIDEM is urged to reject this late revision as the document of record which is being reviewed and commented upon by all parties does not contain these revisions.**
10. **(1.7.02 Access)** *Prior to increase in C&D throughput, TLA Pond view will install surveillance cameras throughout the site. These cameras will be linked to a web-based monitoring system to allow 24-hour remote viewing of the site.* **In the event that RIDEM issues TLA Pond View the 1,500 TPD permit, which the City and Waterfront Commission state must not be done, the surveillance camera locations and camera views should be submitted to RIDEM for final approval prior to installation. RIDEM should be allowed web access to the monitoring system for remote viewing of the site to support OWM inspection monitoring. RIDEM should provide the same web access to the monitoring system for the public to view using a web-based link on the RIDEM OWM web site.**
11. **(1.7.10 Dust Control)** *C&D transport vehicles are covered to control wind-blown material during transport on public roadways.* It is not clear from this statement if rail cars are covered. Railcars cross public roadways within the State of Rhode Island and railcars carrying materials processed from this facility should be required to be covered. Wind-blown material and dust issues are frequently identified as an important concern to the surrounding neighbors. **Regardless of whether the permit is issued, RIDEM should require that all railcars transporting material from the facility be covered. As a matter of clarification, all vehicles carrying C&D debris, whether incoming or outgoing, should be required by RIDEM to be covered to control wind-blown material during transport.**
12. **(1.7.10 Dust Control)** *A factory-installed misting system controls dust generated during the grinding process.* This system should be described in more detail to sufficiently identify the amounts of water added during grinding to control dust and the collection system utilized to control runoff from the process. **Because fugitive dust is one of the most frequent residential complaints, all efforts related to dust control should be identified and elaborated upon within the application. The application should state clearly which piece of equipment utilizes the factory-installed misting system. The manufacturer's data sheets and operational recommendations for the misting system should be submitted for approval.**

13. **(1.7.11 Control of Litter)** *A ten-foot tall wood perimeter fence restricts wind-blown materials from straying offsite.* This statement is not true as there is not a ten-foot tall wood fence around the perimeter of the property. The fence limits are not clearly indicated on the Site Plan Layout. **The ten-foot tall wood perimeter fence should be installed throughout the property by the applicant to support the control of litter claim and the Site Plan should be revised accordingly.** As stated previously, it is understood that RIDEM recently allowed additional revisions of TLA Pond View's submittal with regards to eliminating the description of the perimeter fence as being ten-foot tall and constructed from wood. RIDEM is urged to reject this late revision as the document of record which is being reviewed and commented upon by all parties does not contain these revisions. Furthermore, it is questionable how effective the existing fence is based upon review of photos showing litter found near the facility along the edge of Omega Pond. More manpower is needed for off-site litter control of debris emanating from the facility. A litter control program should be submitted to RIDEM for review and implementation.
14. **(1.7.15 Buffer Zone)** *TLA Pond View is not proposing to increase the site boundaries and will maintain its existing RIDEM-approved buffer zone to mitigate nuisance impacts. Information regarding the facility buffer zone is provided in Section 7.2.05. See comments on 7.2.05.*
15. **(1.7.16 Active Gas Collection System)** *Any gypsum received at the site will be placed in containers and sent to a recycler, typically via truck. Information regarding the collection and storage of gypsum wallboard should be provided, including location and type of storage containers. If gypsum does end up in the processing line, what are the steps that are taken to remove it from the sorting line without the material breaking apart into fine dust particles. If information indicates that steps to remove gypsum from the sorting line are inadequate, then RIDEM must add requirements for H<sub>2</sub>S gas monitoring program along the site perimeter, with monitoring results provided to the public on a monthly basis.*

#### **RIDEM SW Regulations 7 – Facilities That Process Construction and Demolition Debris**

1. **(7.1.01 General Information)** *TLA Pond View currently operates under solid waste license No. 64 to accept 500 TPD of C&D materials and grind 150 TPD of wood. The facility presently operates under a permit which states that the facility shall receive no more than 500 TPD of C&D and shall grind no more than 150 TPD of C&D. In the event that RIDEM issues TLA Pond View the 1,500 TPD permit, which the City and Waterfront Commission state must not be done, for clarity, the license should be specific as to the amount of C&D materials being accepted and the amount and type of material being ground up.*
2. **(7.1.02 Radius Plan (Figure 1))** *Water supplies (well, etc.), surface water courses, extent of 100 year floodplain included in Radius Plan. City assessor's map indicates an intermittent stream crossing the property, which is not shown. This should be addressed. Radius Plan should be revised to show intermittent stream.*
3. **(7.1.02 Radius Plan (Figure 1))** *Site boundaries are certified by a Registered Land Surveyor in the State of Rhode Island. Property lines are presented on the drawing, but are not legible and do not meet acceptable standards. As stated previously, the Existing*

- Conditions plan stamped by Waterman Engineering should be included in the drawing set.**
4. **(7.1.02 Radius Plan (Figure 1))** *Flood plain mapping provided from Flood Insurance Rate Map, No. 445398 0001C and No. 445398 003C dated June 1, 1983. Inundation maps dated March 2009 have been prepared by FEMA and the Site Plan submission should be revised to include the March 2009 FEMA mapping.*
  5. **(7.1.03 Site Plan (Figure 2))** *Site Plan Figure 2-A and Figure 2-B are included in the revised submittal. Principal differences between the two figures are that pile locations and traffic arrows are shown in Figure 2-A, while Figure 2-B showing utility locations, spot elevations, wetlands flagging, etc. The orthophoto background on the site plans make the whole plan very hard to read. A separate Site Plan and site photograph with suitable labeling on both should be included as part of the permit application.*
  6. **(7.1.03 Site Plan (Figure 2))** *Existing and proposed contours are included in the Site Plan. Two foot contours are not provided on the Site Plan. Regulations require plan to display existing and proposed contours at two (2) foot intervals or less. The Site Plan submission should be revised to include proposed contours, including the existing berms.*
  7. **(7.1.03 Site Plan (Figure 2))** *Surface water, wells (not applicable), site drainage facilities, groundwater monitoring wells, freshwater wetlands are included in Site Plan. City assessor's map indicates an intermittent stream crossing the property, which is not shown. This should be addressed. The site drainage utilities are identified by the site survey taken December 2008, which indicates significant neglect of routine maintenance of drainage catch basins. Out of 11 drainage manholes or catch basins identified, five are reported as filled. This results in an incomplete drainage system survey. The site drainage facility is approximately located, but no piping or grinder runoff water collections systems are identified for connecting to the infiltration system. The submission should be revised to include the location of the intermittent stream and location of groundwater piping and collection systems discussed in the operating plan. Additional site survey should be conducted to accurately identify the site drainage utilities and facilities.*
  8. **(7.1.03 Site Plan (Figure 2))** *Roads, fences, gates and onsite traffic patterns are included in the Site Plan. No roads or paved areas are shown on the site plan. Traffic patterns are not clearly indicated. The Site Plan submission should be revised to include the location of pavement and typical traffic patterns should be identified to better understand the facility operations.*
  9. **(7.1.03 Site Plan (Figure 2))** *Buildings, utilities, unloading areas, processing and storage areas, and weighing stations are included in the Site Plan. Buildings are identified but do not correspond to the Operating Plan descriptions. See Berger comments to Appendix H Operating Plan. The stockpiles indicated in the original permit application plans are significantly smaller than observed in a site visit and through satellite photo review. The Site Plan submission should be revised to properly identify buildings and areas, with descriptions and labeling matching the Operating Plan.*
  10. **(7.1.03 Site Plan (Figure 2))** *Site boundaries certified by a Registered Land Surveyor in the State of Rhode Island. Property lines are presented on the drawing, but do not meet*

acceptable standards. **The Existing Conditions plan stamped by Waterman Engineering should be included in the drawing set.**

11. **(7.1.05 Operating Plan)** *TLA Pond View has updated the existing Operating Plan to address the proposed increase in C&D capacity. A copy of the Operating Plan is provided in Appendix H. See comments on Operating Plan.*
12. **(7.1.06 Closure Plan)** *TLA Pond View has updated the site's existing Closure Plan to address the proposed increase in C&D capacity. A copy of the Operating Plan is provided in Appendix G. See comments on Closure Plan.*
13. **(7.2.02 Storage)** *As shown on the Site Plan, there is adequate space at the site to allow for at least fifty feet of separation between stockpiles, buildings, and other structures. Stockpiles will not exceed twenty feet in height and fifty feet in width (or diameter as appropriate), and will not be compact or covered with soil or other materials. The Operating Plan indicates the list of stockpiles, volumetric quantities and calculation details. However, review of satellite photos taken in the past five years, including as recent as Google Earth, May 2010, clearly indicate that the fifty feet of separation requirement is not being followed between all material stockpiles. The proposed tripling of incoming C&D material to 1,500 TPD will require tremendous amount of stockpile management and operational diligence to follow the RIDEM permit requirements. **RIDEM should recognize this operational difficulty and increase the inspection schedule to enforce the storage and stockpile separation requirements as well as all other RIDEM permit conditions.***
14. **(7.2.02 Storage)** *TLA Pond View recovers 85-90% of incoming materials. Although it is difficult to exactly determine the correct tonnage amounts, the recovery rate for this facility does not correspond to material reports from RIRRC. For example, from 7/1/09 to 5/26/10, RIRRC received 32,530 tons of commercial waste, solid waste soils, alternate cover/ process C&D screenings, and alternate cover/ non hazardous processed soils from TLA Pond View. See RIRRC Customer/Material Reports for TLA Pond View for FY08, FY09 and FY10 attached.*

If TLA Pond View received 500 TPD every day during this time period, then approximately 143,000 tons of C&D waste was received at the facility using a six day work week. The actual incoming tonnage is likely lower. This calculation indicates that the facility produces 23% non-recyclable material, which does not take into account any C&D screenings sent by rail to out-of-state landfills. In other words, the recovery rate using the stated assumptions is 77% of incoming materials.

However, according to the Providence Journal article (10/22/10), it was reported that the facility handles a daily average of 325 to 350 tons of waste from Rhode Island and other nearby states. It was also reported that the facility no longer operates on Saturdays because the company recognizes people are home on the weekends. If TLA Pond View received 350 TPD every day during the same 7/1/09 to 5/26/10 time period, then approximately 83,500 tons of C&D waste was received at the facility using a five day work week. This calculation indicates that the facility produces 39% non-recyclable materials, which does not take into account any C&D screenings sent by rail to out-of-state landfills. Using the revised assumption, the facility recovers only 61% of the incoming materials, at best.

The application includes a table identifying the approximate percentages of incoming material and recycling rates. The table does not adequately identify the amount and percentages anticipated of incoming material and does not appear to accurately state the percent of incoming material that will be recycled/recovered. **RIDEM should recognize the variation in recycling rates stated by the applicant versus actual recycling achieved and require the applicant to submit records summarizing the projected throughput of this facility to better understand its operations.**

15. **(7.2.02 Storage)** *TLA's Pond View's maximum wait time for a rail car is one day. The average transit time per car is 2.5 trips per month. Therefore, TLA Pond View could transfer over 5,200 TPD (650 rail cars x 100 tons maximum/rail car x 2.5 trips/month x 1 months/31 days).* This reasoning is incorrect. The facility cannot transfer over 5,200 TPD no matter how many rail cars are available. The application indicates in the bullet item above this calculation that the facility *can make two switches per day removing all available rail cars per switch (a total of 1,400 tons of material per day based on seven rail cars).* The limiting factor is the number of rail cars which can be loaded and switched each day. **The applicant should revise the statement to properly reflect the amount of material which can be removed from the site daily by rail.**
16. **(7.2.02 Storage)** *Under the current operating conditions, roll-off trucks make up more than 80 percent of the number of trucks entering and leaving the site. It is anticipated that, under the proposed 1,500 TPD operation, a larger percentage of the number of trucks coming to the site will be long haul 18-wheel track (sic) trailers rather than the smaller roll-off trucks. This will minimize traffic flow and dust generation. The percentage of tractor trailer trucks may be greater under the larger facility capacity, but the traffic flow will not be reduced. Instead, it will increase significantly. The amount of incoming C&D is proposed to triple. The implication that having a greater percentage of 18-wheel tractor trailers will minimize traffic flow and dust generation is misleading. Even with more tractor trailer trucks contributing more of the incoming material, the traffic is still going to increase significantly. Elsewhere in the application (7.2.03 Wastewater and Leachate), it is noted that 2.9 times more trucks may be used in the future, but by switching to more frequent use of larger capacity trailers, only two times more trucks will be required. The applicant should identify and project the number of trips for each truck type. The projected amount and type of truck traffic related to shipping materials from the facility should also be identified and its impact on traffic flow added to this information.*
17. **(7.2.03 Wastewater and Leachate)** *According to the Table, roadway dust suppression will drop from the estimated current amount of 5,000 gpd to 2,000 gpd, due to substantial pavement improvements. The pavement improvements made on Dexter Road would not seem to make this type of impact (60% reduction) on reducing dust on the property and would be even less likely when the amount of tonnage coming into the facility is tripled and the number of trucks driving within the facility increased by two or three times the present amount. Roadway dust suppression should be re-evaluated and calculations re-submitted.*
18. **(7.2.03 Wastewater and Leachate)** *Stormwater runoff from the site travels via sheet flow, or puddles and infiltrates into the soil or vegetated areas. An industrial stormwater permit is not required for this site because TLA Pond View is not a regulated activity or industrial activity with a listed SIC code. We do not agree with the RIPDES interpretation, as stated previously. Stormwater from this site should be addressed*

**particularly as it located within 50 feet of Omega Pond and the pond is a component of recent environmental improvements to be constructed on the local freshwater river system.**



19. **(7.2.05 Buffer)** *TLA Pond View will maintain its existing RIDEM-approved buffer zone to mitigate nuisance impacts. There is a fifty-foot wide restricted activity area located along Omega Pond. No processing, storage or vehicular traffic is allowed in this area (except for emergency and maintenance vehicles). The fifty foot wide restricted area should be within property boundaries, not within property not owned by TLA Pond View. Review of satellite photos taken in the past five years, including as recent as Google Earth, May 2010, show that this buffer area has been continually used for storage of containers, stockpiles and other items. This restricted activity area should be identified properly on a revised Site Plan. RIDEM should enforce the usage restrictions within this zone.*
20. **(7.2.05 Buffer)** *There is a ten-foot high wooden fence surrounding the entire perimeter of the property. As indicated previously, this statement does not appear to be accurate based upon site visit observations. The ten-foot tall wood perimeter fence should be installed throughout the property by the applicant and the Site Plan should be revised accordingly. A review of the additional revisions of TLA Pond View's submittal with regards to eliminating the description of the perimeter fence do not include this reference, which calls into question the description of the perimeter fence, in terms of material, height and location. The application is inconsistent when addressing these types of issues.*
21. **(7.2.05 Buffer)** *TLA Pond View also plans to add shrubbery to the earthen berm to further increase the buffer to surrounding areas. A description of the planting plan should be submitted to RIDEM for review and approval. The planting plan submitted by TLA Pond View and approved by RIDEM should be a required permit condition.*

#### Appendix A – Existing Permits Issued to TLA Pond View

##### RIDEM Freshwater Wetlands – Insignificant Alternation Permit

1. The permit was issued September 9, 2003 and expires four years from Date of Issue. It allows for the withdrawal of up to 30,000 gallons per day of water, six days per week, from Omega Pond. It is stated in the Wetlands permit that *the permit is valid for the original applicant only and is not transferable to another person unless the new owner completes and submits an Application for Permit Transfer in accordance with Rule 9.08.* It is not clear if the new owner submitted for a permit transfer. According to information provided at the Public Information Workshop, the property Owner and original holder of the Wetlands Permit, Kenneth Foley, intends to continue on as holder of the Wetlands permit. However, Mr. Foley identifies himself as a TLA-Pond View consultant and does not act in the official capacity as Owner of the C&D facility license. This is not acceptable. **A new permit application for a Freshwater Wetlands permit should be made by the new facility owner, with updated permit conditions related to the proposed facility operations.**
2. The permit states that *the terminus of the intake hose must not extend more than 50 feet in any direction from either of the two areas noted by DEM on the site plan as "limits of disturbance per RIDEM".* It is not clear if the hose extended to Omega Pond from TLA Pond View crosses over property not owned by TLA Pond View and/or if the facility has permission or an easement for access to Omega Pond. **The terms related to usage of**

**non-TLA Pond View property should be included in this Appendix for RIDEM to properly evaluate the water suppression program. The location of the hose, the hose intake and water truck connection should be shown on the revised Site Plan.**

3. Per Woodard & Curran memo dated January 7, 2009, RIDEM stated that *if there are no changes related to the water withdrawal operation or wetland buffer and the facility continues to comply with the current permit conditions with no additional wetland impacts, a permit extension or revision is not necessary. TLA Pond View may continue to operate in accordance with the existing permit. The project may require changes based upon review comments provided to RIDEM which will affect the existing wetlands permit.*

#### Appendix G – Closure Plan

1. **(7.1.06(b) – Legal Boundaries)** Applicant states that *the site is bordered by Omega Pond to the north and east. Site is not bordered by Omega Pond to the north and east. It is bordered by property owned by the City of East Providence, which is identified on the Site Layout Plan. The city property borders the pond. This statement should be revised and should reflect the Site Plan revisions described previously.*

#### Appendix H – Operating Plan

1. **(7.1.05(a) Description of the overall operation and function of all processing equipment to be used)** The document identifies the *Truck Unloading and Bulk Separation Area*. This is not identified on the site plan. The site plan identifies the Truck Unloading (tipping area), but does not specifically identify the Bulk Separation Area or the location and size of the concrete picking pad. **The Site Plan should be revised to properly reflect the statements in the Operating Plan.**
2. **(7.1.05(a) Description of the overall operation and function of all processing equipment to be used)** The document states that *metals are moved directly inside for sorting*. This is not identified on the site plan. The document also states that *materials with no financial recovery value (e.g. cardboard and plastics) are temporarily stored inside the building prior and then baled in one of two vertical balers*. It is not clear if this is the where gypsum wallboard is stored. The Site Plan identifies the Office Building and the Equipment Storage and Bailing Area. **The Site Plan should be revised to properly reflect the statements in the Operating Plan.**
3. **(7.1.05(a) Description of the overall operation and function of all processing equipment to be used)** The document states that *recyclable metals are stored in the TLA Pond View building*. This is not shown on the site plan. **The Site Plan should be revised to properly reflect the statements in the Operating Plan.**
4. **(7.1.05(a) Description of the overall operation and function of all processing equipment to be used)** The document describes the operations into six basic steps: *1) Delivery, 2) Truck Unloading, 3) Inspection/Initial Screening, 4) Fine Processing, 5) Picking Line and 6) Temporary Storage for Processed Materials*. The equipment specified in Appendix F includes the Erin Fingerscreener 165T and Erin Starscreener 300A, which are assumed to be used in the initial screening and fine processing steps. The Terex Simplicity 5060 DH wood grinder is used to grind wood, which is limited to 150 TPD. It is not clear what step the Komputech Terminator 5000 or 6000 shredder will be used for. This shredder is typically used to pulverize and grind C&D material into smaller sizes. As identified in the permit application, grinding of C&D is limited to

wood waste at this facility. The separating of C&D materials is understood to be performed by the screeners and picking line. **The Operating Plan should be revised to indicate the equipment, both new and existing, to be used in each processing step and what its function will be. RIDEM should be aware if equipment is proposed that will contribute to or increase the dust generated by the facility.**

5. **(7.1.05(c) Operating and Design Capabilities)** *TLA Pond View's current solid waste license limits C&D processing to 500 TPD and wood grinding to 150 TPD. The existing facility license states that the facility shall receive no more than 500 TPD of C&D and shall grind no more than 150 TPD of C&D. In the event that RIDEM issues TLA Pond View the 1,500 TPD permit, which the City and Waterfront Commission state must not be done, for clarity, RIDEM should be more specific as to what is being ground up and under what applicable limitations, i.e. only grinding of wood shall be performed at the facility and that shall be limited to 150 TPD.*
6. **(7.1.05(f) Dust Control Program)** *TLA Pond View will minimize nuisance conditions from fugitive dust. C&D transport vehicles are covered to control wind-blown material during transport on public roadways. TLA Pond View maintains a 3,000 gallon water truck to apply water to exposed gravel areas. The ten-foot tall wooden perimeter fence restricts wind-blow materials from straying offsite. Debris that collects in this area is removed regularly. A factory-installed misting system controls dust generated during the grinding process. The measures identified do not appear to be sufficient to control fugitive dust, according to nearby residents. Dust is found on Omega Pond and at the residences in the Phillipsdale section on the north side of Omega Pond. The water truck has also been referenced as a 1,000 gallon size in the Public Information Workshop. The applicant needs to make an effort to have consistent statements throughout the permit application documents and public presentations, particularly on this issue as dust control is one of the most significant impacts to quality of life in the surrounding neighborhoods. The frequency of watering for dust control on roadways and stockpiles should be stated clearly. The method of watering down stockpiles should be clearly indicated. Again, a review of the additional revisions of TLA Pond View's submittal with regards to eliminating the description of the perimeter fence do not include this reference, which calls into question the description of the perimeter fence, in terms of material, height and location. The application is inconsistent when addressing these types of issues. And finally, if the ten-foot tall wooden perimeter fence does exist, how effective is it in providing dust control and prevent off-property dust migration from nearby twenty feet high stockpiles? If the perimeter fence is chain link, the fence does absolutely nothing to prevent dust migration.*
7. **(7.1.05(k) Final Disposal Quantities and Arrangements for Non-Recyclables and Processing Residue)** *The final destination (delivered to) locations for C&D Normal Operation are Allied Waste Niagara Falls Landfill for out-of state C&D and RIRRC Central Landfill for in-state C&D and alternate cover. If the difference between out-of state C&D and in-state C&D is the location of the source generating the material, it is not clear how TLA Pond View is able to differentiate the source of the C&D during the processing steps in order to maintain two types of C&D. This component of the Operating Plan is not clear and should be addressed in more detail.*
8. **(7.1.05(k) Final Disposal Quantities and Arrangements for Non-Recyclables and Processing Residue)** *The application does not identify the quantities of each material,*



- which is required by RIDEM 7.1.05(k). Also, this table does not include names and quantities for concrete, brick and stone end users. Allied Waste agreement provided in revised submittal accepts up to 9,000 tons per month, which may not be sufficient for possible closure scenarios for a 1,500 TPD facility. **The table should be revised and resubmitted.**
9. **(7.1.05(m) Provisions for Limited Access)** *The entire facility is fully enclosed with ten-foot wooden perimeter fence. As noted previously, this statement is inaccurate and the facility should install the remainder of the wooden perimeter fence so that the facility is fully enclosed with the ten-foot perimeter fence referenced throughout the permit application. Again, a review of the additional revisions of TLA Pond View's submittal with regards to eliminating the description of the perimeter fence do not include this reference, which calls into question the description of the perimeter fence, in terms of material, height and location. The application is inconsistent when addressing these types of issues.*
  10. **(7.1.05(m) Provisions for Limited Access)** *Prior to increase in C&D throughput, TLA Pond view will install surveillance cameras throughout the site. These cameras will be linked to a web-based monitoring system to allow 24-hour remote viewing of the site. The surveillance camera locations and camera views should be submitted to RIDEM for final approval prior to installation. As indicated previously, RIDEM should be allowed web access to the monitoring system for remote viewing of the site to support OWM inspection monitoring. This should be identified in a revised Operating Plan.*
  11. **(7.1.05(r) Methods Describing How Adulterated Wood Waste Will Be Identified and Separated from the Waste Stream Being Processed, Such That It Will Not Be Recycled and Re-used with Unadulterated Wood Waste)** *Although employees are trained to distinguish between unadulterated and treated wood, TLA Pond View supplies out-of-state end users with a combined adulterated/unadulterated wood chip for use as fuel. The implication here is that TLA Pond View does not separate adulterated wood waste because wood waste is combined and shipped to out-of-state end users. Regardless of whether the permit issued, in light of the apparent mingling of wood wastes at the facility, RIDEM should make a permit condition stating that TLA Pond View is prohibited from selling processed wood waste in the State of Rhode Island, unless the Operating Plan is modified and approved by RIDEM.*
  12. **(7.1.05(u) Identification of Proposed Markets and Names and Addresses of Destination for "Recyclable Materials" and "Recyclables")** *TLA Pond View's market includes fuel burning (wood chips), scrap yards and recyclers (metals), landscapers (concrete, brick and stone), and landfills (processed fines). Names and addresses of end users are listed in 7.1.05(k). The table in 7.1.05(k) does not include names and addresses for concrete, brick and stone end users. **The table should be revised and resubmitted.***
  13. **(7.1.05(v) Identification of Provisions or Methods of Solid Waste and Leachate Containment)** *Process water is collected daily to restrict the transport of leachate of liquid process wastes and directed to the existing RIDEM-approved surface water collection system. The system has an oil/water separator and leaching area for control of runoff/leachate from the temporary Daily Process Residual Storage Area and is discussed in greater detail in Appendix F of the 2009 solid waste application. There is no piping network or swale system indicated on the site plan. The site plan does not*

indicate the location of the temporary Daily Process Residual Storage Area. **A revised Site Plan should be submitted to reflect the locations of the piping network, swale system and location of the temporary Daily Process Residual Storage Area described in this section.**

14. **(7.1.05(x) Erosion/Sedimentation Control Plan)** *The recent pavement improvements are expected to result in significantly less erosion along Dexter Road and less sediment runoff throughout the site due to the increased ease of maintenance.* It is not clear how pavement improvements on Dexter Road will result in less sediment runoff throughout the site thus improving erosion and sediment controls on the TLA Pond View property. **The basis for these statements should be factually supported through additional submittal of documentation.**

**ATTACHMENT 1**

**RIRRC Customer/Material Reports for TLA Pond View  
FY08, FY09 and FY10**

**Customer / Material Report**

Transactions from 07/01/2007 through 06/30/2008

Inbound and Outbound Tickets

Third Party and Intercompany Customers

Recycle and Disposal Waste

Waste Summary

Customer: TLA 443081

Waste: All

	Yards	Units	Tons	Estimated Tons	Tax Amt 1	Tax Amt 2	Amount
<b>TLA 443081 - TLA - PROVIDENCE, LLC</b>							
118 - COMMERCIAL WASTE - K <i>136 tickets and 136 transactions</i>	0.00	0.00	1,968.05	0.00	\$408.00	\$0.00	\$110,618.80
370 - C&D RECOVERMAT <i>13 tickets and 13 transactions</i>	0.00	0.00	257.83	0.00	\$39.00	\$0.00	\$11,254.63
<b>TLA 443081 - TLA - PROVIDENCE, LLC</b> <i>149 tickets and 149 transactions</i>	0.00	0.00	2,225.88	0.00	\$447.00	\$0.00	\$121,873.43
<b>Report Grand Totals</b>	0.00	0.00	2,225.88	0.00	\$447.00	\$0.00	\$121,873.43
<i>149 tickets and 149 transactions</i>							

**Customer / Material Report**

Transactions from 07/01/2008 through 06/30/2009  
Inbound and Outbound Tickets  
Third Party and Intercompany Customers  
Recycle and Disposal Waste  
Waste Summary

Customer: TLA 443081  
Waste: All

	Yards	Units	Tons	Estimated Tons	Tax Amt 1	Tax Amt 2	Amount
<b>TLA 443081 - TLA - PROVIDENCE, LLC</b>							
118 - COMMERCIAL WASTE - K <i>39 tickets and 39 transactions</i>	0.00	0.00	589.15	0.00	\$111.00	\$0.00	\$37,274.62
328 - MATTRESSES, BOX SPRINGS <i>3 tickets and 3 transactions</i>	0.00	9.00	0.00	0.25	\$0.00	\$0.00	\$345.00
353 - ALT. CVR.- PROCESSED C&D SCREENING <i>424 tickets and 424 transactions</i>	0.00	0.00	9,787.72	0.00	\$0.00	\$0.00	\$146,834.45
513 - SWMC LOAD/No Charge <i>1 ticket and 1 transaction</i>	0.00	0.00	22.75	0.00	\$0.00	\$0.00	\$0.00
801 - COMM. RECYC. IN - NEWS <i>3 tickets and 5 transactions</i>	0.00	0.00	89.94	0.00	\$0.00	\$0.00	\$0.00
<b>TLA 443081 - TLA - PROVIDENCE, LLC</b> <i>469 tickets and 472 transactions</i>	0.00	9.00	10,489.56	0.25	\$111.00	\$0.00	\$184,454.07
<b>Report Grand Totals</b> <i>469 tickets and 472 transactions</i>	0.00	9.00	10,489.56	0.25	\$111.00	\$0.00	\$184,454.07

TO Mark M. Dennen

RIDEM/Office of waste management  
235 Promenade St.  
Providence, RI 02908

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D.E.M. / O.W.M.

2010 NOV 19 P 1:48

Dear mark Iam sending you this letter to let you know that I oppose the license to expand TLA/POND VIEW.

It already bothers me a lot with their actual capacity, I can not even imagine what it will be like if you grant them the permit to triple their capacity of operations.

I live at 16 Omega Way Rumford RI 02916, and my house is facing the pond and Pond View is at the other side of the pond.

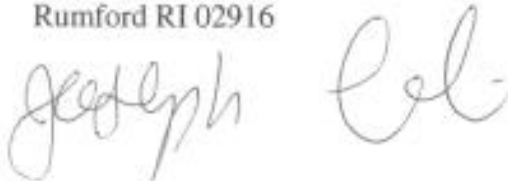
Avery day at 6:00am We wake up because of the noise from the machines and equipment from Pond View so that is not very nice, the noise of the trucks going to Pond View on Roger Williams we have to deal with that noise too then Iam concern with the safety of my Children who have to walk on Roger William to go to school, a little later in the day the smell coming from there is so bad that some times if we are outside we have to go back inside and close windows and doors so we feel like prisoners in our own hose.

Now me and one of my daughters have respiratory problems that we did not have before, my house gets so dirty that I have to power wash it at least two times per year normally should be done every four years .

I tried to sell the house to get out of this problem but the offers that I got was so low that I was going to loose a lot of money so I don't have a choice but to stay here, so please in the name of my family and me do not grant the permit to PondView and if is possible make them move to another place where there is no population.

Thank you very much.

Joseph Colin  
16 Omega Way  
Rumford RI 02916



RECEIVED  
D.E.M. / O.W.M.

2010 NOV 19 P 1:51 November 17th, 2010

Waldi Ali  
RIDEM/Office of Waste Management  
235 Promenade St, Suite 300  
Providence, RI 02908

Senator Daniel DaPonte  
Room 211 State House  
Providence, RI 02903

Senator Jack Reed  
1000 Chapel View Blvd. Suite 290  
Cranston, RI 029230-3074

Senator Sheldon Whitehouse  
170 Westminister Street, Ste 1100  
Providence, RI 02903

RE: TLA EXPANSION / RUMFORD, RI

Dear Sir/Madam:

I am writing this letter to you opposing the TLA Expansion in Rumford R.I. as well as any further operational business. The concerns of Health to our neighborhood weigh strong on my mind as there are small children (family members) at play all up and down Roger Williams Avenue, in the sunshine, the snow and the rain and they are constantly exposed to several different toxins that embody the air that we breathe. It is becoming very clear to me as to why at the age of 42 years old I am experiencing different noises in my chest as I lay down from a hard day at work and constant sinus issues. It is happening to everyone it is sad.

Speaking of work, my work day consists on an average of 9-11 hours managing a law firm in downtown Providence, then off to the gym for an hour to try and keep some what healthy, then home to my husband to cook dinner and after clean up I have put in 15 hours and then suddenly I wake to

my house shaking due to big trucks speeding by, the sounds of crashing and banging and beeping at 6am, actually 4:58 am on Nov 16<sup>th</sup> imagine if they are to expand we will be up around the clock. I am due into the office at 9am not 7am you do the math. The same goes for the weekend, how lucky am I ?

Would you like to come to our home for a cookout? The smells of different gases in the air, instead of the juices from the steak. I pay taxes in Rumford not Johnston, my question will this ever end ? My concerns are great and **my list is long**, I hope this cry of help gets into the right hands. Maybe a meeting with Judge Fortunato, to re-visit his ruling. I hope someone has the same level of sympathy and compassion for my community as I do.

Respectfully

*Mr. + Mrs Paul Yattaw*

Paul & Brigitte Yattaw

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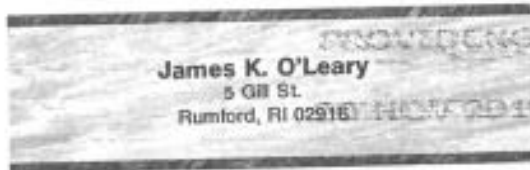
To whom it may concern,

I'm writing to you, to object to the expansion of PLA/Pond View in Rumford. Through the pollution, and noise, it is lowering the property value of this area, Thank you for your attention in this matter.

James O'Leary

2000 NOV 22 P 1:51

PROVIDENCE  
02916  
NOV 22 2000



Rd DEM/Office of Waste Mgt.  
235 Promenade St. Suite 300

Al Pallotta  
42 Roger Williams Ave  
Rumford, RI 02916  
November 18, 2010

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D.E.M. / O.W.M.

2010 NOV 22 P 1:56

Walid Ali  
DEM  
RIDEM/Office of Waste Management  
235 Promenade Street, Suite 300  
Providence, RI 02908

Dear Mr. Ali,

My name is Al Pallotta. I reside at 42 Roger Williams Ave., in East Providence, RI. I'm writing to inform you of my Opposition to the expansion of Pond View in our city. The reasons are very clear.

1. On a nice day I'm unable to keep my windows open because of a caustic smell in the house.
2. There is fine dust that accumulates throughout the whole house. Sometimes it is green, yellow, or a combination of both that is visible shortly after cleaning the house.
3. This residue also appears on my car as well and must be washed at least twice a week.
4. My family and friends complain of particles catching in their eyes when we have cookouts caused from blowing debris. It's difficult to even cut the grass when the wind blows across Pond View.
5. I have had a sinus infection for the last 2 years that doesn't respond well to antibiotics that I believe has been caused by the Caustic particles in the air from Pond View.
6. Another thing is the Loud Noise that comes from that facility that everybody complains about.
7. In addition, there are residents that live a few miles from Pond View that when the wind is blowing steadily can smell the Caustic odor.

The solution to this problem would be that The Pond View Facility be relocated to Quonset or to the Port of Providence. It will not be near residential areas and they will have the capability for expansion and added employees.

I believe it is in the best interest of all the Residents in East Providence that this expansion would be dangerous and hazardous to all of us and they should not be allowed to TRIPLE IN SIZE.

Sincerely,

*Al Pallotta*

Al Pallotta  
East Providence Resident

Cc: Senator Daniel Da Ponte, Senator Jack Reed, and Senator Sheldon Whitehouse

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2008 NOV 22 P 1:56

Copy

42 Larchmere Drive  
Rumford, RI 02916

RIDEM/Office of Waste Mgmt.  
235 Promenade Street, Suite 300  
Providence, RI 02908

Attn: Walid Ali

Years ago Pond View made a commitment that to get a permit from the City of East Providence, it would only process 500 tons per day.

Now, they want 1500 tons per day.

What will they want tomorrow?

I live on Larchmere Drive which is close to Pond View. When my windows are open or when I am outside in my yard, I can hear and smell the annoying pollution.

I say NO to the increase tonnage.

Sincerely yours,

Dianna Machado

*Dianna Machado*

2010 NOV 22 P 1:51

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D.E.M. / O.M.M.

November 18, 2010

2010 NOV 22 P 1:57

Dear Mr. Ali,

My name is Marsha Nussdorf and I live at 182 Bourne Ave., Rumford, R.I. I am writing to express my opposition to the TLA Pondview application request to be licensed to process recycling at an increased rate of 1500 tons per day.

I moved here in 2002. I'll never forget my initial thought that was "this place looks like a park". And the bonus was that there were big plans for the parcel down the street on the Seekonk River. There were exciting artist renderings of what it would look like. A lovely community with upscale homes, shops, and lantern lined walks along the riverfront was something to be anticipated. Ocean State Steel was razed and the soil was remediated. Everything was moving along and then the economy began its decline. I still had hopes that, eventually, the economy would recover and things would get back on track.

I no longer see that vision. If TLA Pondview wins approval for the tripling of their daily approved tonnage no community will ever be built a half mile away. Who would ever buy those homes or frequent the waterfront? Dreams of increased property values have been dashed.

My neighbors who live on or closer to Omega Pond certainly have many more direct concerns and valid complaints but I will leave them to speak for themselves. I will say this about my own experience. I have always wondered why my windowsills are so dirty all the time. Why my screens are dirty and when it rains through them my windows are filthy. I have developed a chronic cough over the past couple of years and am currently waiting to see a pulmonary physician to determine its origin.

I live only a few houses from Roger Williams Avenue which is already too heavily traveled and in poor condition. Additional trucks coming down that road will continue to pour dirt into the air as they pass and add unnecessary stress to a weak roadway.

Lastly, I do not wish to see the charm of historic Rumford further tarnished with a reputation of having a growing facility such as this in our midst. It should have never been zoned into a residential area in 1998 but it is unconscionable to continue to pass additional increases to further exacerbate the problem.

Once again, I am 100% opposed to this application for increase.

Respectfully,

  
Marsha Nussdorf

Cc: Senator Daniel Da Ponte, Senator Jack Reed, Senator Sheldon Whitehouse

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D.E.M. / O.V.M.

5 Lowell Drive  
Rumford, RI 02916  
November 20, 2010

2010 NOV 22 P 2:00

Mr. Walid Ali  
RI Department of Environmental Management  
235 Promenade Street  
Providence, RI 02908

Dear Mr. Ali,

I want to once again oppose the TIA/Pond View request for a new permit requesting an increase in tonnage to 1,500 tons a day that they can accept at the Dexter Road facility. I want to also oppose the construction and demolition debris facility in this residential neighborhood.

The residents of this neighborhood are subject to noise, dust, increased traffic, poor air quality as well as health problems associated with air-borne contaminants that find its way around this facility. It is an open air work environment and no protection is given to what flies into the air.

Please take into consideration that we have a right to enjoy our homes and neighborhood without the threat of environmental problems to our health.

Thank you for your attention to this matter,

Very truly yours,

*Maureen Casey*

Ms. Maureen Casey  
mcaseymx@verizon.net  
(401) 438-8262

cc: Senator Sheldon Whitehouse  
170 Westminister Street  
Providence, RI 02903

Senator Jack Reed  
1000 Chapel View Blvd., Suite 290  
Cranston, RI 02920-3074

Senator Daniel Da Ponte  
Room 211 State House  
Providence, RI 02903



## Natural Resource Services, Inc.

November 9, 2010

DEM, Office of Waste Management  
235 Promenade Street  
Providence, RI 02908  
Attn: Walid Ali

2010 NOV 22 P 1:59

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D.E.M. / OWM

RE: Public Comments for City of East Providence and East Providence Waterfront  
Commission  
Pond View/TLA Solid Waste Management  
Facility License

Natural Resource Services, Inc. (NRS) has been retained by the City of East Providence and the East Providence Waterfront Commission to review the Solid Waste Permit Application for the 1500 TPD license for the existing construction and demolition debris facility submitted on January 13, 2009 (revised September 16, 2009) by Woodard & Curran on behalf of TLA Pond View. The following are a list of comments that NRS wants submitted into the public record and used as part of the department's review criteria.

### DEM Solid Waste Regulation No. 1 – General Requirements

1) Section 1.4.02 of the applicant's submission addresses the specific question of permits issued. On page 3 of the application package the issue of a DEM freshwater wetland permit is addressed as follows:

"Freshwater Wetlands insignificant Alteration Permit No. 03-0225 for 30,000 gallons per day (gpd) water withdrawal – TLA Pond View withdraws up to 20,000 gpd of water from Omega Pond, primarily for dust control, and is not proposing to increase usage over the permitted allowance. Recent site improvements and improved operating/housekeeping practices will allow TLA Pond View to operate within its current permit limits. Per RIDEM, no renewal or extension of this permit is required."

The application cites a telephone conversation with Mr. Martin Wencek, DEM Permitting Supervisor, as the basis for the claim that no permit renewal is required.

However, the application is silent as to whether or not a new freshwater wetland permit is required for the proposed increase in the volume of construction debris to be

(Letter to DEM, page 2)

processed at the site. The applicant only addressed the fact that no additional water withdrawals will be required from Omega Pond.

Freshwater wetlands are protected by the DEM under the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (June 2009). Rule 4.00 defines an alteration to a freshwater wetland as follows:

“Alter (and alteration): To change (act of changing) the character of a freshwater wetland as a result of activities *within or outside* (emphasis added) of the wetland. Such activities include but are not limited to the following: excavating; draining; filling; *placing trash* (emphasis added), garbage, sewage, road runoff, drainage ditch effluent, earth, rock, borrow, gravel, sand, clay, peat or other materials or effluents upon; diverting water flows into or out of; diking; damming; diverting; clearing; grading; constructing in; adding to or taking from; or other activities that individually or cumulatively change the character of any freshwater wetland.”

The purpose of the public notice and hearing is to act upon TLA Pond View’s request to triple the facility’s waste processing capacity from 500 tons/day (tpd) to 1,500 tpd. The application itself states that “truckloads of C & D debris are dumped on a concrete picking-pad.” The operation would effectively be licensed, if this permit is approved, to temporarily dump an additional 1,000 tpd of solid waste (i.e., trash) within and immediately adjacent to the state regulated 50 foot perimeter wetland associates with Omega Pond.

This increase in storage of debris on-site does in fact meet the definition of alteration under Rule 4.00 of the freshwater wetland regulations. Prior to issuance of the license, the applicant must file at least a Request for Preliminary Determination with the DEM, Office of Water Resources to determine whether or not the expanded capacity still qualifies as an insignificant wetland alteration.

2) Section 1.4.02 of the applicant’s submission addresses the issue of stormwater runoff in the following manner.

“Stormwater runoff from the site travels via sheet flow to Omega Pond or puddles and infiltrates into the soil or vegetated areas. An industrial stormwater permit is not required for this site because TLA Pond View is not a regulated activity, or industrial activity with a listed SIC code, per Rule 31(a) of the Rhode Island Pollutant Discharge Elimination System Regulations (verified per letter from Ron Gagnon dated December 5, 2008). A construction stormwater permit is not required because no disturbances greater than one acre

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NOV 22 P 1:59



(Letter to DEM, page 3)

will occur (TLA Pond View is not proposing site expansion)."

Once again, the application is silent as to whether a DEM Water Quality Certificate is required. The DEM, Office of Water Resources administers the state's Water Quality Regulations (May 2009). Rule 7 of these regulations defines a Non-point Source discharge to a water of the state as follows:

"Non-point Source" or "NPS" means any discharge of pollutants that does not meet the definition of Point Source in section 502. (14) of the Clean Water Act and these regulations. Such sources are diffuse, and often associated with land-use practices, and carry pollutants to the waters of the State, including but not limited to, non-channelized land runoff, drainage, or snowmelt; atmospheric deposition; precipitation; and seepage.

By its own application text, TLA Pond View acknowledges that runoff from the operation travels as sheet flow (non-channelized runoff) to Omega Pond.

Since it has been made clear that the project needs to seek a freshwater wetland review, it is thereby possible for the applicant to also receive a Water Quality Certificate pursuant to the agencies joint review process. This should be done prior to the issuance of the new license.

3) The DEM, Office of Water Resources issued an insignificant wetland alteration permit to Pond View Recycling on September 9, 2003. The permit was issued based upon a site plan prepared and stamped by Steven Richtarik, P.E. (No. 5326), Beta Group, Inc. This site plan was "red-lined" by the DEM to identify the approved limits of disturbance for the two (2) intake hoses used for the proposed water withdrawal from Omega Pond. However, the intake hose locations and the approved limits of disturbance are in fact located on property not owned by the applicant, Pond View Recycling.

The DEM, OWR accepted, processed and issued a permit for this activity in direct contradiction to its own rules and regulations.

The Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, effective April, 1998 (as amended) controlled the submission requirements for wetland permit applications at the time. Rule 8.02 (c) (Signatories to Applications) reads as follows:

"Written, notarized authorization must be obtained from those property owners, other than the applicant, who own property containing freshwater wetlands that will be directly altered as a result of a proposed project."

2010 NOV 22 P 1:59

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D.E.M. / OWR

(Letter to DEM, page 4)

Pond View Recycling did not own the strip of land, regulated as 50 foot perimeter wetland, between its northeast property boundaries and the open water of Omega Pond, although it may have an easement for some or all of this area. The wetland delineation represented on the Richtarik stamped plan submitted to DEM (flag series B1 - B31) was in fact located on assessor's Lot 8. Since this property was clearly identified by the DEM red-lined change as being altered, written, notarized authorization from the property owner was required. Therefore, one can conclude that the current permit should be suspended until authorization for the activity is received from the property owner, as required by rule.

It is my understanding that the City of East Providence took title to the property in question, Lot 8, on September 23, 2003. The DEM must, by their own rules, receive authorization from the City before proceeding with a review of TLA Pond View's request to withdraw water from Omega Pond.

4) The freshwater wetland regulations promulgated in April, 1998 were in full force and effect until April 24, 2007. Under the 1998 regulations, Rule 9.08(A) made it clear that, "Any permit issued by the Department to an applicant is not transferable to another person unless the new owner completes and submits an Application for Permit Transfer..."

TLA Pond View took title to the Pond View Recycling property during that time period. TLA Pond View did not seek to transfer the wetland permit as required by the regulations. That omission should negate the validity of the freshwater permit. TLA Pond View should be required to submit a new application to the DEM, OWR to continue its practice of withdrawing water from Omega Pond.

5) As a practicing wetland scientist, I have had the opportunity to review all of the technical information submitted and observe the current recycling operation in practice (from off-site along public roadways). It is apparent to me that the current operation represents an intense use of the 50 foot perimeter wetland. No stormwater management plan is in place which addresses the potential water quality degradation of Omega Pond from non-point source discharges emanating from the property.

Omega Pond is an historic anadromous fish breeding and rearing waterbody. The local, state and federal governments are currently investing millions to install a permanent fish ladder at the Omega Pond dam. As this fish run improves, water quality of the pond will be a major issue relative to supporting newly hatched and juvenile fish prior to their emigration to salt water. It is imperative that operations such as TLA Pond View use all appropriate best management practices to control non-point source stormwater discharges.

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D.E.M. / OWRM

NOV 22 1:09

(Letter to DEM, page 5)

Of further concern is the request for water withdrawal from Omega Pond during historic low flow periods. Both water and oxygenation levels during the late summer and early fall play a major role in the successful breeding of anadromous fish populations. Juvenile fish need that period to grow and develop prior to their emigration to salt water. The original DEM wetland permit application did not review any potential impacts to the fisheries habitat provided by Omega Pond. Requiring TLA Pond View to resubmit to the DEM, OWR for a freshwater wetland permit prior to issuing the increase for license capacity would ensure that proper precautions are in place to protect both wetland resources and wildlife habitat.

Thank you for accepting these comments as part of the public record.

Very truly yours,

  
Scott P. Rabideau/PWS  
Principal

SPR/kph  
07-407

2010 NOV 22 P 1:59

RECEIVED  
D.F.M./O.M.M.

11-23-10

To whom it may concern \*RECEIVED\*

NOV 23 2010

My name is Lori Williams, I work at TLA Pond View and have been here for 2 1/2 yrs. now. I have never had a problem with smells or dust.

My husband Mark Williams has been working here for 12 years also. We both think recycling is the way to go and TLA does a wonderful job at that. The yard is clean at all times and there is a water truck driving around all the time to keep dust down.

I lived on Roger Williams Ave from 1962 to 1980 and there were always big trucks traveling to Almac's warehouse. And that was at all hours of the night. It was something we all had to get use to.

Thank You for your time  
Lori Williams

November 19, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is JAY HEALY and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 6 yrs and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

Expanding Pond View's operations would create more job opportunities and would help make my job more stable and dependable. I am nervous that the City of East Providence is trying to close Pond View down and take my job away. I support Pond View's expansion plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Healy", is written over a horizontal line.

November 18, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Fl.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Henry Fokhard and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 2 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

Expanding Pond View's operations would create more job opportunities and would help make my job more stable and dependable. I am nervous that the City of East Providence is trying to close Pond View down and take my job away. I support Pond View's expansion plan.

Sincerely,



November 12, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Cheryl Lynn Willett and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 2 years and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

Cheryl-Lynn Willett

November 12, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Mark Williams and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 12 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

Expanding Pond View's operations would create more job opportunities and would help make my job more stable and dependable. I am nervous that the City of East Providence is trying to close Pond View down and take my job away. I support Pond View's expansion plan.

Sincerely,

Mark Williams



November 12, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Lori Williams and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 2 1/2 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

Expanding Pond View's operations would create more job opportunities and would help make my job more stable and dependable. I am nervous that the City of East Providence is trying to close Pond View down and take my job away. I support Pond View's expansion plan.

Sincerely,

Lori Williams

November 18, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Dan Little and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 5<sup>mos</sup> and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,



November 18, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Jorge Benzon and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 8 years and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

Jorge Benzon

November 18, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Jawan Bennett and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 10 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

  
Jawan Bennett

November 23 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Fl.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Catalino Epinoza and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 5 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

Catalino Epinoza

November 23, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Reveriano and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 7 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

Reveriano Cortes

November 19, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is VICTOR ESTRADA and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 12 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

  
\_\_\_\_\_

November 19, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*  
NOV 23 2010  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Mario Ortiz and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 10 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

MARIO ORTIZ



November 19, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Gustavo PEREZ and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 1 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

  
\_\_\_\_\_

November 19, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is John A and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 20 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,



November 22 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Fiorciortiz and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 12 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

Fiorciortiz

November 19 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Fl.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

Re: TLA-Pond View's License Application  
OFFICE OF WASTE MANAGEMENT

Dear Mr. Ali:

My name is Ruben Poff and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 7 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

Ruben Poff

November 19, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Fl.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

Re: TLA-Pond View's License Application

OFFICE OF WASTE MANAGEMENT

Dear Mr. Ali:

My name is Erik Cortez and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 13 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

  
\_\_\_\_\_

November 19, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

Re: TLA-Pond View's License Application

OFFICE OF WASTE MANAGEMENT

Dear Mr. Ali:

My name is Juan Perez and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 13 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

Expanding Pond View's operations would create more job opportunities and would help make my job more stable and dependable. I am nervous that the City of East Providence is trying to close Pond View down and take my job away. I support Pond View's expansion plan.

Sincerely,

Juan Perez

November 19, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Pablo Ortiz-Juan and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 12 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

Expanding Pond View's operations would create more job opportunities and would help make my job more stable and dependable. I am nervous that the City of East Providence is trying to close Pond View down and take my job away. I support Pond View's expansion plan.

Sincerely,

Juan Pablo Ortiz

November 14, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Rosario Morford and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 10 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

  
\_\_\_\_\_



November 19, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Eduardo Valente and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 1 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

Eduardo Valente

November 19, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Walid Ali and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 7 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

Expanding Pond View's operations would create more job opportunities and would help make my job more stable and dependable. I am nervous that the City of East Providence is trying to close Pond View down and take my job away. I support Pond View's expansion plan.

Sincerely,

  
\_\_\_\_\_

November 19, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Goodwin Tabor and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 1 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

  
\_\_\_\_\_

November 19, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Jose Cisneros and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 4 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

Expanding Pond View's operations would create more job opportunities and would help make my job more stable and dependable. I am nervous that the City of East Providence is trying to close Pond View down and take my job away. I support Pond View's expansion plan.

Sincerely,

Jose Cisneros

November 19, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Fl.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Christopher and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 1 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

Expanding Pond View's operations would create more job opportunities and would help make my job more stable and dependable. I am nervous that the City of East Providence is trying to close Pond View down and take my job away. I support Pond View's expansion plan.

Sincerely,



---

November 19, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Jorge Berja and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 7 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,



November 19, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Rafael Luna and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 5 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

Expanding Pond View's operations would create more job opportunities and would help make my job more stable and dependable. I am nervous that the City of East Providence is trying to close Pond View down and take my job away. I support Pond View's expansion plan.

Sincerely,



---

November 19, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is ERIC CASTA and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 9 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

Expanding Pond View's operations would create more job opportunities and would help make my job more stable and dependable. I am nervous that the City of East Providence is trying to close Pond View down and take my job away. I support Pond View's expansion plan.

Sincerely,

  
\_\_\_\_\_



November 19, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is David Castro and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 4 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,



---

November 19, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Florentino C and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 9 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

Expanding Pond View's operations would create more job opportunities and would help make my job more stable and dependable. I am nervous that the City of East Providence is trying to close Pond View down and take my job away. I support Pond View's expansion plan.

Sincerely,



---

November 19 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Merv Toldu and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 1 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

  
\_\_\_\_\_

November 19, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Fl.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Vicente Cortez and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 6 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,



---

November 19, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Fl.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is WIS DZINA and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 4 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

  
\_\_\_\_\_

November 19, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Fl.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Bekir Ayhan and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 5 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

  
\_\_\_\_\_

November 19, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Fl.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Victor Devesjian and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 9 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,



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November 19, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Fl.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

Re: TLA-Pond View's License Application

OFFICE OF WASTE MANAGEMENT

Dear Mr. Ali:

My name is CARMELO and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 1 and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

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Sincerely,

  
\_\_\_\_\_



November 22, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Fl.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Michael Dobson and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

I am disturbed by the fact that the City of East Providence can so easily oppose the expansion of a thriving business whose operations the City unanimously approved at this location only a few years ago. Given the rezoning of the Dexter Road area I am fearful that this is simply an effort by the City to start forcing all of the businesses out of this area. What kind of precedent does this set for my business/employer if I/it want(s) to expand?

While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely, W Ali

BBE TRANSPORTATION SERVICES 401-467-5103

November 23, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is GARY VANASSE and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

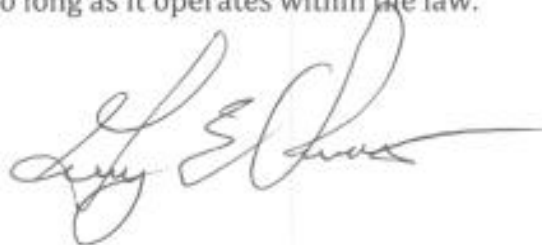
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Sincerely,



November 22, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is ARIE VANDAM and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

I am disturbed by the fact that the City of East Providence can so easily oppose the expansion of a thriving business whose operations the City unanimously approved at this location only a few years ago. Given the rezoning of the Dexter Road area I am fearful that this is simply an effort by the City to start forcing all of the businesses out of this area. What kind of precedent does this set for my business/employer if I/it want(s) to expand?

While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,

DGC HIGHWAY LLC  
Arie Van Dam

MANABD 11/24/2010

November 22, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MAN- 1051

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Robert DiRusso and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely, Robert DiRusso DiRusso Bros LLC

November 19, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Fl.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Robert Dutra and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

I am disturbed by the fact that the City of East Providence can so easily oppose the expansion of a thriving business whose operations the City unanimously approved at this location only a few years ago. Given the rezoning of the Dexter Road area I am fearful that this is simply an effort by the City to start forcing all of the businesses out of this area. What kind of precedent does this set for my business/employer if I/it want(s) to expand?

While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,



Two Rod Way Farm Recycling Inc.  
508-509-7171

November 18 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Fl.  
Providence, RI 02908

RECEIVED

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Robert S. Bashaw and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,



Direct Overnight Carriers  
1226 PO BOX  
Sterling MA  
01564

November 12 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Fl.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Kirk Moakler and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,

November 18, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Steve C. Marc and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,



J. C. Fence Co.



November 18, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Victor Duarte and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely, Victor Duarte Home Improvements  
22 Glenrose Dr  
Riverside RI 02915

November \_\_\_\_, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

Re: TLA-Pond View's License Application

R I D E M  
OFFICE OF WASTE MANAGEMENT

Dear Mr. Ali:

My name is JOHN E. KARBOWSKI and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,

John E. Karbowski  
KARBOWSKI

OWNER  
CONTAINER

November 17 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Noah Escaler and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,



19 Bliss Sr  
East Providence RI  
02914

November 15, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Jason Dorrance and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,

  
Dorrance Recycling Corporation

November 15, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908


\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is  and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,



Hetzler Contracting

November 15, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Jeff Robbins and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,



owner 11/15/10

November 15, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is SCOTT PATTERSON and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,

*Scott Patterson*  
A CONTAINER SERVICE  
PO BOX 2315 ATTLEBORO, MA 02703  
(508) 250-5834

November 15, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Larry Brooks and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,

L Brooks

Brooks Disposal



November <sup>th</sup> 16, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is JOEL DEMELO and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,

*Joel De Melo*

P.S. Call phone # 401-641-5399

EMAIL *Joel De Melo@Cox.net*

November 16, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Providence Fire Restoration and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,



November 16, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Alan Wilkerson and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

I am disturbed by the fact that the City of East Providence can so easily oppose the expansion of a thriving business whose operations the City unanimously approved at this location only a few years ago. Given the rezoning of the Dexter Road area I am fearful that this is simply an effort by the City to start forcing all of the businesses out of this area. What kind of precedent does this set for my business/employer if I/it want(s) to expand?

While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,

  
A STAR DISPOSAL

November 16<sup>th</sup> 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Ghassan Zogheir and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

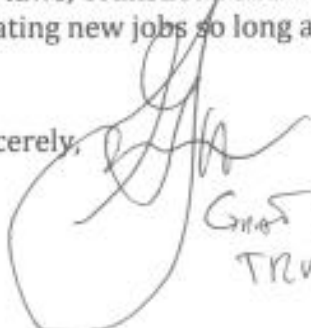
As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

I am disturbed by the fact that the City of East Providence can so easily oppose the expansion of a thriving business whose operations the City unanimously approved at this location only a few years ago. Given the rezoning of the Dexter Road area I am fearful that this is simply an effort by the City to start forcing all of the businesses out of this area. What kind of precedent does this set for my business/employer if I/it want(s) to expand?

While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,

  
Ghassan Zogheir  
TRW RECYCLING INC.

November 16<sup>th</sup>, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Laurie Brasil and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

I am disturbed by the fact that the City of East Providence can so easily oppose the expansion of a thriving business whose operations the City unanimously approved at this location only a few years ago. Given the rezoning of the Dexter Road area I am fearful that this is simply an effort by the City to start forcing all of the businesses out of this area. What kind of precedent does this set for my business/employer if I/it want(s) to expand?

While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,

*Laurie A Brasil*  
*Attleboro Mulch & Disposal*

November 17, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is A. VIEIRA DISPOSAL and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,

*Allen Vieira*

*Thank you*

*508-951-3187*

November 17, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Glenn Dossane and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,   
Dossane Recycling Corp.

November <sup>rh</sup> 17, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Tim Holt and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,



B. R. S.



November 17, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Richard Whitehead <sup>CDRIVER</sup> and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,

  
BIG DOG DISPOSAL N. Attleboro, MA.

November 17, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is BRANDON OLSON and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

The noise and traffic associated with Pond View's operations are what you would expect from any industrial business in this type of area and Pond View makes extra efforts to keep Dexter Road clean of dirt and debris. While I have heard complaints about dust and noise, any such issues have been extremely intermittent during TransLoad's ownership and given some of the other businesses in the area (e.g. Sani-Kan) and the trucks serving all of the other businesses on Dexter Road, it is difficult to say that Pond View is even responsible for these issues.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,



OLSON BROTHERS HAULING INC.

P.C.

November 18, 2010

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3rd Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Paul Caon and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely, Paul Caon

November 23, 2010

Walid Ali  
RIDEM – Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

\*RECEIVED\*

NOV 23 2010

RIDEM  
OFFICE OF WASTE MANAGEMENT

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Kevin Cabral and I run my own contracting business and my company delivers Construction and Demolition waste to TLA Pondview located on 1 Dexter Road in East Providence, RI.

As someone who has visits the site a considerable amount of time in the Dexter Road industrial area, it has been my experience that TLA-Pond View has been an excellent neighbor and runs a clean and efficient business. This has especially been the case since TransLoad America assumed control of Pond View back in March 2008.

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While Pond View should be closely monitored to make sure that it does not violate any laws, TransLoad should not be prevented from growing its business and creating new jobs so long as it operates within the law.

Sincerely,

Kevin Cabral  
KC

Kevin Cabral Antiques

November 18, 2010

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D.E.M. / O.W.M.

2010 NOV 23 P 1:37

Walid Ali  
RIDEM/Office of Waste Management  
235 Promenade Street  
Providence, Rhode Island 02908

Dear Mr. Ali,

I strongly oppose DEM granting TLA/Pond View a new license to triple for the following reasons:

My home is only several hundreds of feet away from TLA/Pond View and my family is subject every day to foul odor, airborne dust, pollution, very loud noise and increased truck traffic in a residential neighborhood.

I cannot imagine what health issues could arise now or in the future from the pollution that is coming from TLA/Pond View that my family could end up with.

TLA/Pond is also polluting Omega Pond, it is withdrawing water out of the pond to water down the dust on their property. In the winter when the pond is frozen you can see the runoff from TLA/Pond View going into the pond, and the frozen pond is gray or brown in color. The dust on the pond can be swept with a broom.

TLA/Pond View does not belong in a residential neighborhood, causing possible health issues, and polluting a pond. This company needs to relocate to an area away from residential homes.

Please consider relocating this company and please do not grant them a new license.

Thank you,



Stephen Ribeiro  
124 Roger Williams Avenue  
Rumford, RI 02916

CC; Senator Sheldon Whitehouse  
Senator Jack Reed  
Senator Daniel Da Ponte

To Whom It May Concern:

Dear Mr. Ali —

We, taxpayers of East Providence, oppose the expansion of services proposed by TLA/Pond View. This expansion will triple the number of trucks driving through our neighborhood. This expansion will triple the airborne dust, pollution, noise, and foul odor in our neighborhood. This expansion will increase the health risks of all our Rumford residents, including our children on the near-by playground and in the near-by elementary school.

TLA/Pond View should never have been given the permit to settle this commercial operation in a residential setting. Increasing production in this type of business will prove detrimental to our entire Rumford community.

We urge you to consider our residents and not allow this expansion. This is an environmental hazard to our community.

Thank you,

Melissa and Michael Curran  
47 Bridgham Farm Rd  
Rumford, RI

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D.E.M. / D.W.M.  
2010 NOV 23 P 1:36

11/20/2010

**ROBERT & WENDY PYPER**

15 Doro Place, Rumford, RI 02916 – 401-434-2076

November 21, 2010

Mr. Walid Ali  
DEPARTMENT'S OFFICE OF WASTE MANAGEMENT  
235 Promenade Street  
Providence, Rhode Island 02908

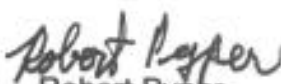
Dear Mr. Ali:

We are writing as Rumford residents concerned about the proposed expansion at TLA/Pond View at One Dexter Road, East Providence, Rhode Island.

We do not want, nor is it fair for us to have, increased noise, air pollution and truck traffic in our quiet and desirable residential community. Will Pond View's expansion create any of these problems?

Thank you for your careful consideration to our concerns.

Sincerely,

  
Robert Pyper

  
Wendy Pyper

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D.E.M. / O.M.A.



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D.E.M. / O.W.M.

*City of East Providence*

2010 NOV 23 A 10:41

DEPARTMENT OF PLANNING

CITY HALL

145 TAUNTON AVENUE

EAST PROVIDENCE, RHODE ISLAND 02914-4505

OFFICE OF DIRECTOR

November 22, 2010

Mr. Walid Ali, Office of Waste Management  
Rhode Island Department of Environmental Management  
235 Promenade Street  
Providence, Rhode Island 02908-5767

Re: TLA Pond View Providence LLC's application for 1500 TPD license

Dear Mr. Ali:

I am the Director of Planning and Urban Development for the City of East Providence (the "City") and the Executive Director of the East Providence Waterfront Commission (the "Waterfront Commission"). I submit these comments on behalf of the City and the Waterfront Commission and ask that they be made part of the public record on TLA Pond View's application.

Since the mid-1980's the City of East Providence has identified the need to revitalize its waterfront and has completed several plans to accomplish that goal. The City recognized that the heavy industry that existed was an anachronistic remnant of its late 19<sup>th</sup> century and early 20<sup>th</sup> century development patterns. The City sought to revitalize its waterfront with uses that were more appropriate to locations adjacent to residential areas and sensitive environmental areas and that made better use of the advantages of a waterfront location.

The City engaged in a multi-year waterfront redevelopment planning process that included public hearings and presentations with a host of stakeholders including residents, business owners, state and local elected officials and state agencies. In recognition of the scope and the ambition of the effort, the State Legislature assisted the City, by preparing and enacting legislation creating the East Providence Special Waterfront Development District, to be administered by a Commission which would be separate and apart from City government and comprised of voting and ex-officio members appointed by the City Council and the Governor. The Commission was granted broad powers to oversee development as well as economic tools to foster redevelopment.





The East Providence City Council followed up this major state initiative with two critical implementation measures of its own. In December 2003, the City Council unanimously adopted the Waterfront Special Development District Plan, which established categories of preferred land use within the 300 acre Waterfront District and the policies and guidelines which would govern land-use decision-making within the Waterfront District.

In March 2003, the City Council rezoned all of the properties within the waterfront District in establishing the East Providence Waterfront Special Development District Zoning. This was not a zoning overlay district; the underlying zoning was eliminated and replaced by the Waterfront Zoning. In addition, the Council made its appointments to the Waterfront Commission which now held all development regulatory authority over properties within the Waterfront District.

The Waterfront District in both the Plan and the Zoning was divided into Sub-Districts with specific goals, objectives and requirements for each area. The TLA/Pond View property is located within the Dexter Road Sub-District of the Waterfront District. The applicant has on certain occasions erroneously referred to this as an "Industrial-3 or Heavy Industrial Zone". Although it was zoned Industrial-3 in 1998 when the original use variance was granted, this Zoning has not been in effect for over 6 ½ years.

The Dexter Road Sub-District is not a heavy industrial zoning district. The description from the Waterfront Zoning of this sub-district is as follows:

*"Dexter Road: Technology-oriented light manufacturing, including offices, research and development, commercial educational institutions and supportive commercial retail uses. Heavy commercial, open-storage or industrial land uses are not permitted."*

Light manufacturing is further defined elsewhere in the regulations as *"activities which take place within a wholly enclosed building."*

Allowing the continuation of heavy industrial uses at the TLA Pond View site and its intensification, given its proximity to a residential, proximity to a sensitive environmental resource at Omega Pond and reliance on local streets for hundreds of trucks per day would be the antithesis of good land use planning and run contrary to all of the goals, policies and regulations of the Waterfront Plan and Waterfront Zoning Regulations. The TLA Pond View site is within the purview of the Waterfront Commission. It is my opinion that any intensification of use beyond what was granted by the Zoning Board in its use variance of 1998 will require the review and approval of the Waterfront Commission under the Waterfront Zoning.

In correspondence to RIDEM, TLA Pond View's counsel, Attorney William C. Maaia, appears to provide a "certification" that the proposed expansion of the TLA Pond View facility is in compliance with local zoning. I question the authority of the client's attorney to provide such certification and certainly disagree with the validity of such a statement. The Waterfront District zoning regulations clearly state that "all development within the ... Waterfront District ... is subject to review and approval by the... Waterfront ... Commission." It further broadly defines development as "...any change in use, or alteration or extension of the use, of land." The

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Waterfront District regulations also expressly state that "expansion or intensification of a conforming use is prohibited without the permission of the Executive Director and/or the Commission, as appropriate." No such permission has been sought or granted for this proposal which clearly represents an intensification of a non-conforming use with its ten-fold increase over the tonnage approved by the Zoning Board in 1998. Furthermore, "alterations" of the land are depicted in the site plan submitted in support of the application which fall under the definition of a development and require the review and approval of the Waterfront Commission. The site plan also has been revised from that which was submitted and approved by the Zoning Board as part of its 1998 variance approval. It is clear that no "certification" of zoning compliance is possible without the review and approval of the East Providence Waterfront Commission.


In addition, based on research to date, the easement that TLA Pond View claims that it has to withdraw water from Omega Pond does not appear to benefit its parcel, but rather may benefit another parcel. The City and Waterfront Commission retained Jeffrey Meyer, Esq., to perform research into the purported easement agreement that TLA Pond View has relied upon for its water rights. Attorney Meyer's research in the East Providence Records of Land Evidence did not show any easement agreement that benefits the TLA Pond View parcel for water withdrawal from Omega Pond. This dramatically affects TLA Pond View's pending application and current water use. See Attorney Meyer's letter attached in *Exhibit A* for a summary of his research. RIDEM should place the burden on TLA Pond View to show conclusively that it has water rights given the findings of Mr. Meyer's research.

There has been a litany of complaints from neighbors regarding issues associated with the operation of TLA Pond View at its current RIDEM license level of 500 tons. Neighbors in the Roger Williams Avenue area in particular have noted issues of chronic dust accumulating in their yards and even inside their homes and have submitted photographs showing dust on the ice of Omega Pond, adjacent to TLA Pond View. They have complained of the noise of grinding equipment and dumpsters being dropped. They have noted the frequent occurrence of strong sulfur dioxide odors that come from the direction of TLA Pond View. Several have noted an increase in Pond View truck traffic along Roger Williams Avenue, a residential street, particularly since the closure of the I-95 Bridge and the North Broadway Bridge at Center Street to truck traffic. This does not appear to be the type of land use that is compatible with abutting uses or consistent with the City's plans. Attached in *Exhibit B* please find a letter from the City's and Waterfront Commission's traffic expert on the impacts to the area that the increase in TLA Pond View's proposed license will cause and I ask that you include such letter as part of the public comments on the TLA Pond View application.

Finally, State Enabling Law requires that the actions of State agencies are required to be consistent with local Comprehensive Plans. Granting of this license to expand the TLA Pond View operation to 1,500 TPD allows it to intensify to a volume ten times beyond what was contemplated by the variance granted by the Zoning Board in 1998. The impacts associated with this intensification in terms of noise, dust, odor, truck traffic, impact upon environmental

resources, residential areas and future economic development are clearly contrary to the City's adopted Comprehensive Plan. I urge RIDEM to deny this license request.

Respectfully submitted,

  
Jeanne M. Boyle  
Director

JMB

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D.E.M. / OSM  
2010 NOV 23 A 10:41

EXHIBIT A

Jeffrey C. Meyer, Esq. / MBA  
PO Box 211  
Tiverton, Rhode Island 02878  
Telephone: 401-528-9682 / Fax: 401-624-2074

November 19, 2010

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D.E.M. / O.M.U.  
2010 NOV 23 A 10:41

Charles B. Allott, Esq.  
Hinckley Allen & Snyder, LLP  
50 Kennedy Plaza, Suite 1500  
Providence, RI 02903

Re: Omega Pond

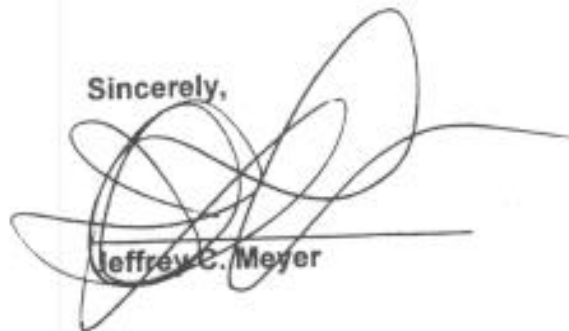
Dear Chuck:

Please be advised that I researched the East Providence Land Evidence Records in connection with the Agreement recorded in Book 56 at Page 174. It is my opinion that this Agreement benefits the owners of Map 304, Block 1, Lot 1, namely, Aspen Aerogels Rhode Island, LLC. Please be further advised that I conducted additional research in the East Providence Land Evidence Records and did not find any conveyance of water rights to Kenlin Properties, LLC or to Pond View Recycling.

If you have any questions in this regard, please do not hesitate to contact me.

With best wishes, I remain,

Sincerely,



Jeffrey C. Meyer

JCM/mh

ST. CROIX, USVI  
PROVIDENCE, RI  
PORTSMOUTH, NH  
PITTSBURGH, PA  
ORLANDO, FL  
NEW BRITAIN, CT  
MIAMI, FL  
FOXBOROUGH, MA

# EXHIBIT B



WINNER OF TWO  
PRESIDENTIAL  
AWARDS FOR  
DESIGN  
EXCELLENCE

RECEIVED  
D. E. M. / O'NEIL  
2009 808 23 A 10:42

November 16, 2010

Ms. Jeanne M. Boyle  
Executive Director  
East Providence Waterfront Special Development District Commission  
145 Taunton Avenue  
East Providence, RI 02914

RE: **Peer Review of Traffic Impact Study**  
**TLA – Pond View**

Dear Ms. Boyle:

Maguire Group Inc. has, at your request, performed a review of the Report entitled "TRAFFIC IMPACT STUDY – Proposed Commercial Expansion – TLA-Pond View Recycling" prepared by RAB Professional Engineers, Inc. in December 2008. A number of inconsistencies have been identified for which, we believe, the Commission should seek clarification and/or correction before accepting the conclusions of the report. We are reporting these concerns in two separate categories: Report Inconsistencies and Wide Scale Traffic Impacts: The more significant items are:

### Report Inconsistencies

1. On Page 1, the author states that field employees will increase proportional to volume increase; on Page 9, they state that there are 40 employees and 10 additional are expected. This would imply only 5 current field employees. Is this correct?
2. If in fact the current staff is largely office work, can a 200% increase in operational volume be accommodated without office staff increase? A more thorough discussion of the different staffing groups introduced in the report, and their respective anticipated growth, is needed here.
3. Pursuant to comment 1, Page 9 states that field employees will arrive before 6AM and work until 6PM. How many of the 10 or more additional employees are "field" employees? Will they all be on 12-hour work days? The report should reference the approximate anticipated employee arrival times by hour.
4. Page 5: On what basis does the author presume that the Waterfront Drive project would precipitate the need for a signal? We've been unable to confirm an intent to install a signal here.



5. Intersection sight distance (measuring smoothness of overall traffic operations), in addition to stopping sight distance (avoiding collisions) should be addressed.
6. Page 11: In light of the percentage of inbound traffic using Brow Street, why was the Brow/Massasoit intersection excluded from the Project Area? What percentage of exiting traffic is expected to use Brow Street?
7. Page 11: Again referring to comments 1 and 2, are the assumptions made for the trip distribution applicable both trucks and generated employee trips to and from the site?
8. Page 11: The trip distribution for Massasoit to/from the north/east is 10%, while the truck breakdown in the appendix indicates 20-25% of the existing traffic is using this intersection leg.
9. Page 13: The level of service table should include approach delays as well as approach Levels of Service.
10. Much of the existing traffic data in the appendices was collected during Thanksgiving week, significantly limiting the usable data collected.
11. All capacity analyses seem to be based on 5% heavy truck content. On some movements, this should be over 50%.
12. Reported Classification Counts (proportion of different size vehicles) are only reported in the appendices between midnight and 11AM.

#### Wide Scale Traffic Impacts

1. Roger Williams Avenue:  
North of the project, the above observations call into question the amount of new traffic travelling to/from the north. In addition to re-quantifying generated traffic to address employee growth, truck growth and trip distribution, the author should describe the intermediate-term effects of the Broadway/Centre Street bridge partial closure and posting, and the Pawtucket River Bridge truck restrictions.

Roger Williams Avenue appears to be the route of choice over the longer, bridge-work restricted Newport Avenue Route, despite being a relatively narrow, residential street not well suited for industrial traffic. Using our own recommended 25% trip distribution along this northern corridor, very significant truck impacts are anticipated on Roger Williams Avenue.

Peak hour TLA truck volumes will jump from about 4 (each way) at peak hour to 11 (each way) at peak hour.

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D.E.M. / O.W.M.  
NOV 23 AM 11:00



This translates to a change from about 1 TLA truck every 15 minutes to one truck every 5 minutes. These are TLA Pond View truck volumes, exclusive of oil trucks and other commercial traffic.

Large trucks passing each other represent a significant safety concern in residential areas, where the road is occasionally shared with bicyclists, pedestrians, and curbside parking. The frequency of TLA trucks passing each other in opposite directions could grow as much as seven-fold during peak hour.

In short, traffic operations as well as the quality of life on Roger Williams Avenue will be significantly affected by the proposed expansion. In our opinion, the traffic report absolutely needs to address this.

2. Taunton Avenue:

South of the project, the report identifies Brow Street and Valley Street as the primary access route to / from Providence and points west. It has long been reported that the nearby residential streets (Summit, Walnut, Anthony) have high "cut-through" truck volumes, at times even causing backups on Taunton Avenue eastbound. Is the author confident that an increase in truck traffic on Massasoit will not cause a proportional increase in this cut-through practice?

3. Centre Street:

A safety analysis of the project's impacts on the Centre Street / Roger Williams Avenue intersection should be done. This location has unusual operational elements and significant pedestrian activity.

4. In light of the number of regional transportation improvement projects underway in the area, the author should confirm that there were no highway projects affecting traffic flow during the data collection period (e.g., 195 ramp work, North Broadway/Centre Street bridge work, etc.).

Sincerely,  
MAGUIRE GROUP INC.

A handwritten signature in cursive script that reads "James W. Coogan".

James W. Coogan, P.E.  
Project Manager

cc: Robin Main, Esq

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D.E.M. / D.W.M.  
2010 NOV 23 A 10:42

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NOV 23 2010

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

A letter in support of TLA/Pondview

The Ten Mile River Watershed Council supports TLA/Pondview

TLA/Pondview has been a strong supporter of the Ten Mile River Watershed Council, and our clean up efforts throughout the watershed. Whenever we have had a need for safe disposal of trash from our clean ups, they have been willing to help. For the past 2 years they have provided dumpsters and a port a john for our effort to keep Omega Pond clean.

We need companies like TLA that can give citizens a place to safely dispose of unwanted material at a reasonable cost. The worse and hardest of what we remove during our clean ups is construction debris, illegally left on public and private property, material easily handled at a facility like TLA .

We have had conversations with TLA/Pondview about the importance of maintaining the riparian buffet between their property and Omega Pond. They have left the buffer intact which protects the pond by keeping water temperature lower due to the shade of the plants.



President

Ten Mile River Watershed Council



On July 15 2010 the Army Corps. of Engineers announced the awarding of contracts to build two fish ladders on the Ten Mile River. The contract calls for ladders to be built at Hunts Mills and Turner Falls this year. The Omega Dam ladder is still in the design process, and should be announced later this year.

This is the culmination of a process that took one man 40 years. His goal was to fix a problem created 200 years ago with the building of dams on the Ten Mile River. Paul Bettencourt first started to restore the herring run in the 60's, when he, his brothers and friends transplanted fish to the Ten Mile River from other local rivers. Then they came back every year to Omega Dam to lift herring over the dam, into the river system to spawn.

Almost 14 years ago Wenley Ferguson, from Save the Bay, held a meeting to suggest the possibility of building fish passages to bring 200,000 herring, alewives and shad up the river to Turner Reservoir to spawn.

The Ten Mile River Watershed Council picked up the work of Paul Bettencourt, and has held Scoop the Herring day for the past 4 years. Every April the Council has held a public event forming a human fish ladder to lift herring over the dam. During Scoop the Herring 2010 volunteers lifted 260 fish over the dam, in one day. The total number of fish lifted during the spawning run of 2010 was 1900.

For 40 years citizens have kept the herring run on the Ten Mile River viable. Every spring they would gather to lift fish over Omega Dam so they could spawn. This effort was started by local Paul Bettencourt, long before conservation became fashionable.

I want to thank the businesses that have supported the Ten Mile River Watershed Councils efforts to restore this historic fish run. GeoNova has been an excellent partner allowing access to the site. The East Providence Public Works and Planning Departments are a valuable resource and a source of information. Pondview/TLA has sponsored our Scoop the Herring day for the past 4 years providing trash removal and material support for the event. The Rhode Island Saltwater Anglers for helping us to find volunteers and for their guidance. The East Providence Post for keeping our fight in the public's eye with great coverage of our Scoop the Herring Day.

The Council hopes to be out of the human fish ladder business soon, but looks forward to having a new event in April called "View the Herring"

Thank you all for your help

Keith Gonsalves

President

Ten Mile River Watershed Council.

April 5, 2010

Mr. Jack Welch  
TLA Pond View  
1 Dexter Road  
East Providence, RI 02914

Dear Mr. Welch:

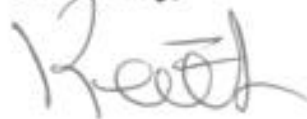
The Ten Mile River Watershed Council is planning Scoop the Herring 2010. We "Thank You" for your help last year, through the rental of the port a john, the dumpster, and disposing of the trash. If I remember right the Watershed Council was going to do another clean up with TLA later in the year, as a Thank You for your support.

I was injured at work, as a Providence Firefighter, in May 2009 just after the Scoop and never got to hold up our end of the bargain.

I would like to make it up to you by offering to credit TLA as the sponsor of the clean up at Omega Pond, which is part of our Scoop the Herring Day, on April 24 2010.

Contact with me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Keith". The signature is written in a cursive style with a large, stylized 'K' and a long horizontal stroke at the end.

Keith Gonsalves  
401 474 3813



## ***Ten Mile River Watershed Council***

2 Ramsay Street East Providence R. I. 02915 401-474-3813

[Info@Tenmileriver.net](mailto:Info@Tenmileriver.net)

**April 27, 2009**

**Mr. Jack Walsh  
TLA Pond View  
1 Dexter Road  
East Providence, RI 02914**

RECEIVED\*

NOV 23 2010

U.E.M.  
WASTE MANAGEMENT

**Dear Jack,**

**On behalf of the Ten Mile River Watershed Council, I wish to *Thank You* for your support with our 3<sup>rd</sup> Annual Scoop the Herring Day, held Saturday, April 25th. Through your help and support, 145 people attended and scooped over 200 fish into the Ten Mile River. In addition approximately 1000 pounds of trash was removed from the shoreline.**

**Thank you again, I hope that we can work together on future events.**

**Sincerely,**

**Keith Gonsalves  
President**

State of Rhode Island and Providence Plantations

*Jack to  
Ray to  
handle*

SENATOR  
DANIEL Da PONTE  
District 14

Room 211 State House  
Providence, Rhode Island, 02903

Office: 401-222-3438  
Fax: 401-222-4753

Email: sen-daponte@rllm.state.ri.us



Senate Chamber

November 23, 2010

Director W. Michael Sullivan  
235 Promenade Street  
Providence, RI 02908

Dear Director Sullivan,

After listening to and receiving numerous complaints regarding the TLA/Pond View Waste Facility in East Providence, I am writing to you in hopes that the pending TLA/Pond View application in regards to expansion of their processing operation from 500 tons of waste to 1500 tons be denied.

Complaints and evidence that lead me to this conclusion are:

- Excessive noise during early morning and evening hours during times when the facility should not be open.
- Excessive commercial traffic on residential roads.
- Oppressive odors, especially during the summer months, that force residents to keep windows closed.
- During the winter months, an unnatural dust collects over a frozen Omega Pond. The same unnatural dust, I have been told and shown, collects and covers residents' cars and homes throughout the year.
- I have yet to see evidence of satisfactory environmental testing regarding the above mentioned points.
- Most importantly, many of the residents surrounding the TLA/Pond View Complex have been diagnosed with chronic respiratory illnesses since the opening of said facility.

As it stands, and with so much community input, I strongly urge that the current application as submitted should be denied. If the application should be approved, I also strongly urge that said approval should include strict conditions that address the above referenced issues.

Sincerely,

Daniel Da Ponte  
East Providence / Pawtucket

*Re: va  
11/29/10*



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

150 South Main Street • Providence, RI 02903

(401) 274-4400

TDD (401) 453-0410

*Patrick C. Lynch, Attorney General*

November 24, 2010

W. Michael Sullivan, PhD  
Director  
R.I. Dept. of Environmental Management  
235 Promenade Street  
Providence, RI 02908

Mr. Walid Ali  
Office of Waste Management  
R.I. Dept. of Environmental Management  
235 Promenade Street  
Providence, RI 02908

**RE: Comments on TLA Pond View Recycling L.L.C.'s Proposed new Solid Waste Facility Expansion Application**

Dear Director Sullivan and Mr. Ali:

In addition to the public comments this office provided at the October 22, 2010 Public Hearing on the above-referenced Notice of Intent to Issue License, the following specific comments are submitted for the administrative record, and your consideration.

**I. THE APPLICATION IS DEFICIENT**

We note that the Application at issue was initially submitted to RIDEM in January of 2009 as a request for a so-called "revised license" for the C&D facility currently operating under License #64, (the legality of which is disputed in a proceeding that has been pending for years at DEM's A.A.D.), and that the application was revised in September, 2009, to make clear that TLA Pond View is actually "requesting a new license" (emphasis added). This change is highly significant in light of the Rhode Island Supreme Court's decision of May, 2010, in the matter of Attorney General Patrick Lynch vs. RI Department of Environmental Management, et al, a case which concerned the applicant, the existing License #64 under which TLA Pond View currently operates, and the legality of the process used by DEM to approve the same license. In that proceeding the Supreme Court rejected arguments raised by RIDEM and the applicant and ruled as follows:

"An applicant for a renewal license (or a license transfer) is not required to provide the director with a certificate from the municipality in which the proposed site is located, stating that the facility conforms with the "applicable local

land use and control ordinances of the municipality;" and such an applicant is not required to provide a "certificate of approval of the proposed site issued by the state planning council;" nor is an applicant for a renewal or transfer license subject to the same public notice and comment requirements – whereas all of the foregoing are required in order to obtain a new license. See § 23-18.9-9(a)(1) through (4) and (c)." (emphasis in original).

Under the Supreme Court's recent construction of the statutory requirements that apply to the "new license" that TLA Pond View has requested, it is clear that the application is deficient on its face in that the applicant has failed to supply DEM with any evidence showing that it has secured either the requisite certificate from the host municipality, or the certificate from the State Planning Council. In fact, TLA Pond View lacks such certificates and therefore cannot make such a showing. Consequently, DEM may not issue the requested license, and should withdraw its Notice of Intent to Issue License.

## II. THE APPLICATION IS MISLEADING AND INACCURATE

TLA Pond View's application is misleading in material respects, and its assertion of numerous "facts" that are contradicted by information possessed by DEM demonstrates that DEM's intent to issue the license is an arbitrary and capricious exercise of its statutory obligations to ensure that the licenses it issues are based upon all relevant information available to it.

### PROJECT SUMMARY

The "Project Summary" portion of the application fails to even mention the close proximity of the site to the residential neighborhoods that DEM knows are within ¼ mile of the site, and thus within earshot of the noise generated by both the existing equipment at the site (e.g., front end loaders, excavators, a grinder, etc.) and the additional noise-generating equipment proposed to be added to it. RIDEM should require an accurate description of the proposed project that acknowledges the residential character of land uses in the immediate vicinity of the facility.

The applicant has made no firm commitment to recycle any of the material that will be delivered to the site, but rather has proposed merely to recycle construction and demolition debris at such times as it alone decides will be "practical and economically feasible" to do so. As a result, DEM is poised to approve the daily delivery of 1,500 tons of debris to a facility that may simply just stockpile the debris while awaiting economic conditions to change, and may end up never recycling any of it. While the applicant has stated that such "Quantities stored will continue to meet RIDEM Solid Waste

Regulations" RIDEM records show that in the past the License #64 facility operator has failed to meet such debris storage limitations. The applicant's representation to the effect that it will "continue to meet" RIDEM waste storage regulations is contradicted by the attached satellite image of its facility that clearly shows a large quantity of solid waste piled in an inappropriate location. Moreover, other C&D facilities that DEM has licensed have greatly exceeded the storage limitations established under DEM regulations and DEM has been unsuccessful in enforcing such limitations.

The proposed increase in the amount of waste received each day does not warrant the requested extension of the hours of operation to 12.5 hours each day. Area residents have demonstrated the excessive noise experienced outside of the facility from its operations, and the proposed increase in operating hours will exacerbate such adverse community impacts.

RIDEM SW Regulation No. 1 – General Requirements:

The application notes the changes that were made in 2007 to the RIDEM Solid Waste Regulations, which included a key revision to the definition of the term "Construction and Demolition Debris Facility," under which any "any facility that receives construction and demolition debris" falls within said definition (including those which "process" C&D, and those which "separate" it). RIDEM has accepted the application as one for a "Construction and Demolition Debris Processing Facility," and the term "processing" includes the shredding and crushing of C&D that TLA/Pond View has proposed to carry out.

As an applicant for a new C&D processing facility license, TLA Pond View must meet the application requirements that the Supreme Court of R.I. has enumerated for such licenses. In this case it has not met the requirements relative to the certifications from the State Planning Council and host community.

§ 1.4.00 Demonstration of Compliance with Prohibitions

The application erroneously states that aside from the referenced so-called "existing" Freshwater Wetlands Insignificant Alteration Permit No. 03-0225, and Underground Injection Control Order of Approval No. 03-UIC-766, "no new permits are required at the site" with respect to water.

Contrary to this unsupported assertion, DEM records show that the applicant does not have an "existing" freshwater wetlands alteration permit, and has not even applied for one, as is clearly required by state law and RIDEM regulations. DEM is (or should be) well aware of the lack of a valid authorization for the ongoing daily withdrawal of water from Omega Pond by the applicant, yet it has chose to accept the applicant's misrepresentation without any attempt to verify such claim with its own Wetlands

Program. When DEM approved the previous License #64 facility expansion from 150 TPD to 500 TPD it was shown that the facility operator had been routinely withdrawing water from Omega Pond without the freshwater wetlands alteration permit that was clearly required by state law. Rather than denying the application on the basis of such statutory violation, or citing the operator for a violation of the Freshwater Wetlands Act, DEM excused the long history of unlawful conduct and simply conditioned the facility expansion on the license holder subsequently filing the necessary application and obtaining the required authorization. Although the owner of the facility that was granted such a conditional license eventually did secure such authorization, such owner later ceased operating the facility. The new owner (and the current applicant) does not have a valid authorization to alter freshwater wetlands by withdrawing water from Omega Pond, and it may not rely upon the one issued after-the-fact to the previous owner because by its own terms such permit is "non-transferrable." The fact that DEM's own wetlands professionals have not reviewed the application for a new license, or the claimed exemption from all wetland permitting requirements, demonstrates that DEM has not conducted the "due diligence" of the TLA application that is required under state law.

Review of the TLA Pond View application by DEM's staff biologists is clearly necessary. For example, the application shows that the amount of water previously allowed to be withdrawn from Omega Pond each day by the former owner of the facility is 30,000 gpd. According to DEM records relative to the prior owner's application requesting a permit "for past and future withdrawal of water from Omega Pond" the facility's "maximum daily use rate is 26,880 gallons per operational day" an amount which "represents approximately 21% of the dry season flow of the Ten Mile River" which feeds Omega Pond. (See: "Preliminary Determination Application," May, 2003, p.7). It is highly irresponsible for DEM to allow a single private entity to consume such a large percentage of a limited public water resource, upon which fish and wildlife are dependent, especially where, as here, other means are readily available to meet any need for dust control measures without causing such adverse impacts to the functions and values of freshwater wetlands. In this case, the applicant concedes that "onsite hydrants" are available to meet its water needs, (Application, p. 11) and DEM should require the use of such alternative water sources rather than allow the continued unnecessary alteration of freshwater wetlands.

#### § 1.4.02 Water

RIDEM has erroneously concluded that an industrial storm water permit is not required for this site, and should revise its position and require a RIPDES permit for the existing facility and any new license. Contrary to RIDEM's position, SIC Code 5093 "Scrap and Waste Materials" clearly applies to the applicant's operations, and consequently, a RIPDES permit is required for the existing and proposed operation.



As noted in the application "stormwater runoff from the site sheet flows to Omega Pond...." Because the pathway for runoff from TLA-Pond View's waste stockpiles is directly to Omega Pond a RIPDES permit is essential.

#### § 1.4.03 Air

While the application claims that tripling the amount of waste received each day will not cause fugitive dust in violation of applicable standards, the testimony of area residents at the Public Hearing clearly shows that such standards are routinely violated without any enforcement by RIDEM. Since the methods now used to control fugitive dust from the facility are clearly not effective, RIDEM must require additional control strategies to be employed. Other C&D facilities fully enclose areas where dust is generated, and this applicant should likewise be required to fully enclose its facility if the proposed expansion is permitted.

Air pollution control regulations prohibit the release of objectionable odors beyond the facility property line, but the testimony of scores of area residents at the Public Hearing demonstrate that such regulations have been repeatedly violated by the applicant. Off-site monitoring of odors is essential and should be required if the facility is permitted to expand, and when exceedances of regulatory standards are detected the applicant should be required to suspend operations and cease accepting additional waste.

#### § 1.5.00 General Requirements and Procedures

##### Plans and Specifications

The application is deficient in numerous respects, and lacks the necessary information which is required for RIDEM to undertake a thorough assessment of its conformance with the applicable licensing criteria under the RISWR for facilities that receive construction and demolition debris. These defects also deprive interested citizens of their right to receive essential information about current and proposed facility operations.

#### § 1.7.00 General Operating Standards

##### 1.7.02

The application which was the subject of RIDEM's Public Notice, the RIDEM Public Workshop, and the RIDEM Public Hearings contains a material misrepresentation of fact with regard to access to the property. The application states "The entire facility is fully enclosed with a ten-foot wooden perimeter fence." This misrepresentation must have been known to RIDEM since it has inspected the property for years, and it is

unfortunate that such erroneous references were overlooked, or ignored, during RIDEM's due diligence.

After these inaccurate claims were pointed out to RIDEM at the Public Workshop it acknowledged that the application's description of the access to the facility was incorrect, but improperly dismissed the misrepresentations as "minor" errors, and has actually accepted an after-the-fact revision to the pending application which purports to cure such defects. The post-hearing revisions to the license application which RIDEM has allowed violate the Administrative Procedures Act.

RIDEM has also acknowledged that the "Site Plan Property Features Figure 2B" presented at the public hearings and workshop is inaccurate with regard to the current property configuration, and does not depict one of the berms that exists along the property border, as is required by RIDEM regulations.

RIDEM's intent to issue the requested 1,500 TPD license would include authorization to expand its hours and begin accepting and processing debris as early as 6:00 A.M. six days a week. Area residents have amply demonstrated through testimony in the record of this proceeding that offensive noise is generated from such activities, and such noise travels beyond the facility borders into residential neighborhoods. RIDEM should reconsider its plans to approve a license containing such conditions.

#### § 1.7.10 Dust Control

The applicant concedes that "brown ice" exists on the impaired Omega Pond adjacent to the facility, and presumably admits to contributing to, if not creating, such conditions from fugitive dust leaving the facility. An essential part of the dust control program that is proposed to "continue to be implemented" following issuance of the new license is described as "A ten foot wooden perimeter fence" that "restricts wind-blown material from straying offsite." In fact, such a fence does not exist around the perimeter of the facility. The existence of "brown ice" on Omega Pond caused by wind blown dust from solid waste piled at the facility should not be licensed presently, and it would be an exercise of poor judgment for RIDEM to proceed with its plans to grant a license which would allow such conditions to persist in the future.

A review of RIDEM records did not reveal the existence of a water withdrawal permit allowing the applicant TLA-Pond View LLC to use Omega Pond for dust suppression. Since onsite hydrants are available to apply water as needed for dust control, any license to be granted should contain a condition requiring the use of such a water supply rather than unnecessarily altering freshwater wetlands.

#### § 1.7.10 Storage of Gypsum

Gypsum wallboard is a substantial component of demolition debris, and a well known source of the type of offensive hydrogen sulfide odors described by area residents as emanating from the existing facility. The proposed increase in capacity will necessarily entail a corresponding increase in the amount of gypsum entering the facility and stored there. RIDEM's acceptance of a plan involving storage of gypsum for up to 90 days only serves to invite future odor complaints.

The nature of the TLA Pond View C & D operations involves the co-mingling of small pieces of gypsum with other debris and RIDEM should require regular H<sub>2</sub>S monitoring along the perimeter of the facility by an independent third party, and the reporting of the results, as well as a license condition requiring processing operations to cease whenever air quality standards are exceeded.

#### RIDEM Solid Waste Regulation 7

##### § 7.1.03 Site Plan

The Site Plan submitted with the application is deficient. For example, Figure 2 does not show paved areas, the grinder runoff water collection systems are not identified, and waste stockpiles are depicted as smaller than those that routinely exist at the site. Photo images of the facility are blurred and impossible to interpret.

##### § 7.2.02 Storage

As evidenced by the attached satellite image, the debris storage requirements are not enforced by RIDEM or followed by the applicant. Given RIDEM's limited enforcement and inspection capacity, any license expansion should contain a condition requiring the facility to monitor its compliance with such regulations, and self-report violations.

The applicant's claim that delivery truck traffic to the facility will be "minimized" after it is allowed to triple the amount of waste it receives defies logic, and demonstrates RIDEM's willingness to ground its intent to approve this license on nothing more than speculation about conditions the applicant "anticipates" will occur. If RIDEM approves the requested expansion it should condition such license on there being no increase in the number of waste-delivery trucks entering and leaving the facility. Otherwise, the "anticipated" changes in delivery methods may never materialize and the host community will experience severe negative impacts from a threefold increase in truck traffic that the applicant concedes "may be used in the future."

§ 7.2.03 Wastewater and Leachate

RIDEM should require the existing facility to implement the planned so-called "pavement improvements" which it claims will "result in significantly less erosion, brown ice, dust generation and sediment runoff." Given the availability of such pollution control measures, RIDEM's failure to require their use in current operations shows a disregard for protecting water quality.

§ 7.2.05 Buffer Zone

The facility "Buffer Zone" does not incorporate the claimed protective measures set out in the application. As RIDEM is aware, no "ten-foot high wooden fence surrounds the entire perimeter of the facility" and vehicular traffic routinely occurs in such zones, thereby defeating the functions and values associated with a wetland buffer zone.

§ 7.3.03 Wood Chips: Reuse, Sampling and Testing Requirements

A sampling and testing plan should be required for the proposed reuse of wood chips.

Appendix A

RIDEM unreasonably relies exclusively upon representations of the applicant that the facility is, and will be, in compliance with local ordinances. State law requires the applicant to submit a certification from the host community, and in this instance none was provided with the application. Here, TLA Pond View has produced nothing more than a statement from counsel that "to the best of my knowledge" the facility has all required state and local permits, and RIDEM has not verified such claims with the host community.

Appendix B

As RIDEM is aware, the type of debris received by the applicant often contains contaminants. The applicant agrees that "this debris may come in contact with storm water runoff and may carry contaminants into the adjacent Omega Pond." Surface water monitoring results show the calculated acute and chronic water quality criteria have been exceeded. The application fails to provide all relevant surface water sampling results and reliance on a limited round of results is deficient for purposes of assessing actual ongoing water quality impacts.

W. Michael Sullivan, PhD  
R.I. Dept. of Environmental Management  
November 24, 2010  
Page 9

Appendix G

The applicant's Closure Plan contains yet another apparent misrepresentation about the existence at the facility of a "ten foot high wooden fence," which should be corrected.

The proposed bond amount to cover closure costs appears to be far too low given RIDEM's experience with other licensed C & D facilities that have ceased operations without removal of the waste piles.

Appendix H

The Operating Plan does not adequately explain how adulterated wood waste will be separated from the waste stream being processed. Rather, it appears that such wastes are not effectively separated, and little effort is made to do so. Adulterated wood chips intended for incineration by other end users in the State of Rhode Island and elsewhere should be sampled and tested.

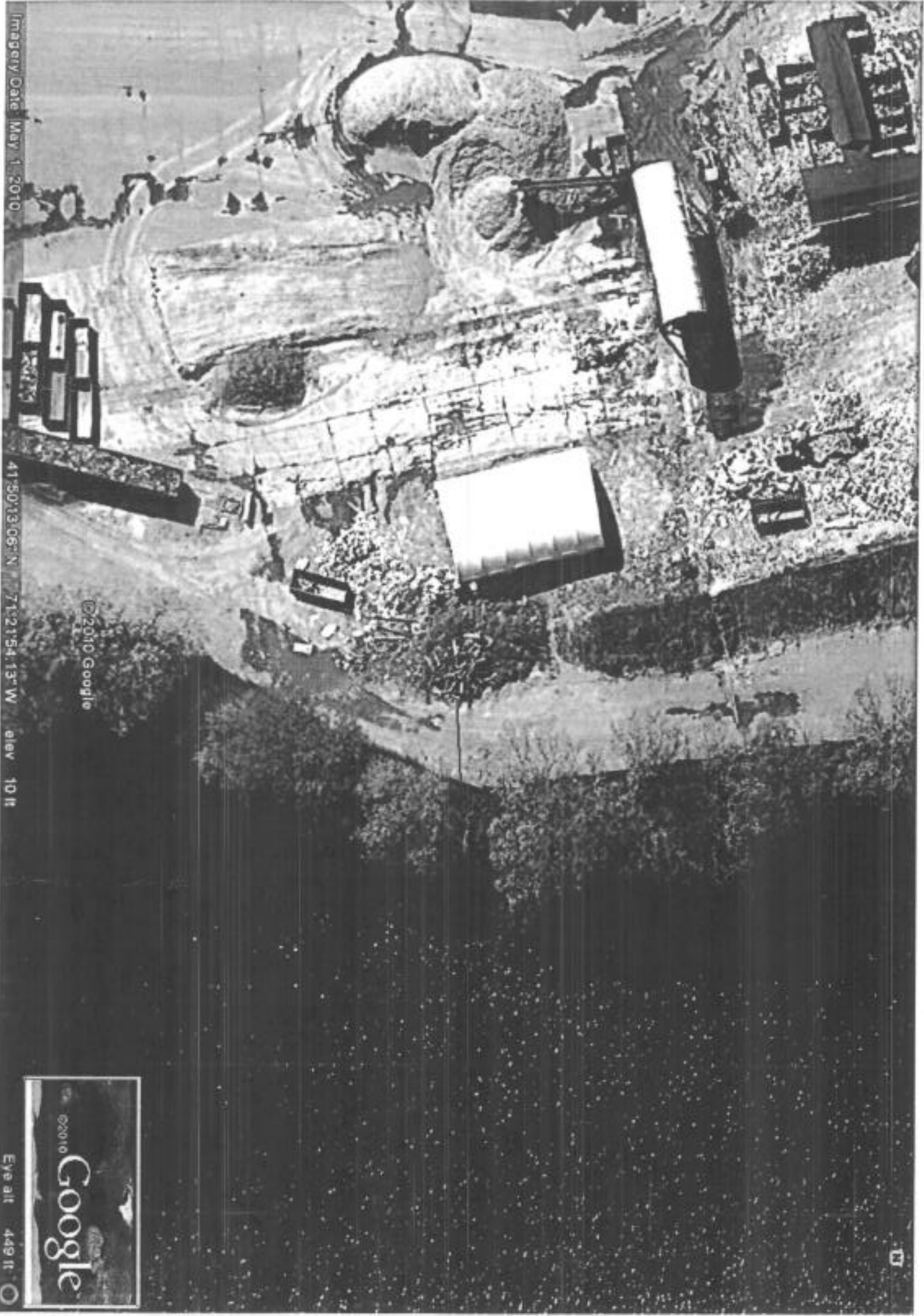
Thank you for your anticipated consideration of these comments.

Very truly yours,



Terence J. Tierney  
Special Assistant Attorney General  
Extension 2307

TJT/cc



Imagery Date: May 1, 2010

41°50'13.06"N 71°21'54.13"W elev 10 ft

©2010 Google



Eye alt 449 ft

Dear Walid Ali,

We, taxpayers of East Providence, oppose the expansion of services proposed by TLA/ Pond View. This expansion will triple the number of trucks driving through our neighborhood. This expansion will increase the health risks of all our Rumford residents, including our children on the near-by playground and in the near-by elementary school.

TLA/Pond View should never have been given the permit to settle this commercial operation in a residential setting. Increasing production in this type of business will prove detrimental to our entire Rumford community.

We urge you to consider our residents and not allow this expansion. This is an environmental hazard to our community.

Thank you,



Giovanna Tebano  
3 Gertrude Avenue  
Rumford, RI 02916

2010 NOV 29 A 11: 04

RECEIVED  
D.E.M. / O.R.N.L.

November 22, 2010

Walid Ali  
RIDEM/Office of Waste Management  
235 Promenade Street, Suite 300  
Providence, RI 02908

RECEIVED  
D.E.M. / O.W.M.

2010 NOV 29 A 11:03

Dear Mr. Ali,

I strongly oppose DEM granting TLA/Pond View a new license for the following reasons.

TLA/Pond View company is to close to my business property line.

Rail car trains are stationed on my property with trash in them.

Behind my building they have big dumpsters which they use for scrap metal, and sometimes they have no respect when they drop steel into the dumpsters. It sounds like an earthquake. These dumpsters are to close to my building.

On the street five to six feet away from my building they park their trucks on the street. They take the covers off, and raise the dumpsters and drop them on the ground. When they drop on the ground it sounds like thunder.

I work in a high RMP service grinder shop and tools. When they drop the dumpsters and I am working on a piece of machinery at the time, it startles me to a point where I end up jumping and could end up possible cutting my hands. TLA/Pond View is to close to my company. The value of my property has gone down with a C&D facility next to my property.

What is the distance from the property line for two business to operate? When a C&D facility has piles of trash near my property line. Don't they have to be so many feet away from the property line?

My customers do not want to come to my place of business any more because of the dust. They have to wash their vehicles when they leave. Now I have to go and see them at their place before they will come to see me. That is because of the business my neighbor operates on the other side of me which is TLA/Pond View.

Thank you,

Manny Soares  
10 Dexter Road  
East Providence, RI



11/21/10

Waleed Ali  
RIDEM - WASTE MGMT.  
235 Premenade St. 3rd Fl.  
Princeton, R.I. 02908

RECEIVED  
D.C.M. / O.W.M.  
2010 NOV 29 A 11:11

Re: TLA-Post View's License Application

Dear Mr. Ali:

My name is Cheryl Lynn Willcott and I work at TLA-Postview. I have been here for 2 1/2 years. I have never had a problem with odor, noise or dust. The noise level is not bad and I do not need ear protection. Dust and odor are not a problem at all in the yard, unless you are on the picking line where you would wear protection.

The growing projection of Postview would create more job opportunities for the community. Please take into consideration the closing market needs to employees and the city. Thank you for all your support.

Sincerely,

Cheryl Lynn Willcott

Ms. A. M. RIVES  
20 DORU PLACE • RUMFORD, R.I. 02916

Nov. 22, 2010

Mr. Walid Ali  
Dept. office of  
Water Mgmt.  
235 Promenade St.  
Providence, R.I. 02908

Dear Mr. Ali:

I am writing you regarding  
proposed expansion at TLA Park View,  
1 Dexter Road, East Prov., R.I.

The noise and odor are very  
annoying. I have had to close my  
windows on hot days + nights to keep  
out the smell. Also large pieces of  
ash-like material have been covering  
my shrubs and trees.

Please do your best to see  
that this expansion does not happen.  
Thank you for your help.

Sincerely,  
Mrs. Virginia Rives

RECEIVED  
D.E.M. / D.M.R.  
2010 NOV 29 A 10 05

RECEIVED  
D.E.M. / O.W.M.

November 15, 2010

2010 NOV 29 A 11: 10

Walid Ali  
RIDEM - Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Flr.  
Providence, RI 02908

Re: TLA-Pond View's License Application

Dear Mr. Ali:

My name is Sharon Marcou and I work at TLA-Pond View's construction and demolition debris processing center on Dexter Road. I have worked at Pond View for 10 yrs. and have never had a problem with noise, dust or odors. The noise levels at Pond View are not especially loud and I have never had to wear ear protection. The noise from the sorting equipment, wood grinders and heavy equipment is about the same that you would find at any industrial business or construction site. Dust is not a problem and unless I am working directly on a picking line or with one of the grinders I have never found it necessary to wear dust protection on the open yard. Odors are also not a problem on site and, at least since TransLoad has been operating the site, I have never been confronted with a debris pile on the Pond View property that I was able to identify as the source of a bad smell for any period of time.

Expanding Pond View's operations would create more job opportunities and would help make my job more stable and dependable. I am nervous that the City of East Providence is trying to close Pond View down and take my job away. I support Pond View's expansion plan.

Sincerely,

Sharon Marcou

Claudine F. Taylor  
28 Dalton Street  
Rumford, RI 02916

RECEIVED  
D.E.M. / O.W.M.

2010 NOV 29 P 12:34

Walid Ali  
RIDEM/Office of Waste Management  
235 Promenade Street, Suite 300  
Providence, RI 02908

November 23, 2010

Dear Mr. Ali,

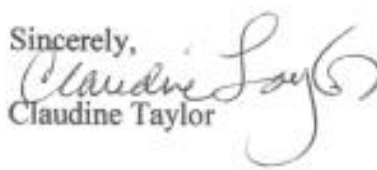
I am writing to you to express my strong opposition to the expansion of TLA/Pond View. I have been living in my home in Rumford for the last 21 years. For many years I operated a Family Child Care business from my home, caring for up to 8 very young children. At that time I noticed a black residue on all of my outdoor play equipment even after wiping down frequently. My husband and I have heard deliveries being made very late at night as well as extremely early in the morning. We do not live right on Omega pond however the sound carries quite a ways. I do not feel as if TLA/Pond View is in its correct neighborhood at all. This space does not lend itself to such a business that creates excessive traffic, causes pollution and creates health hazards for us and our environment.

Aside from residing in this neighborhood, I am also the Director of Brown Play School, a local preschool located on Newman Avenue. We serve children ages 3-5 and use our outdoor space daily. On several occasions we have experience a very foul chemical odor which caused alarm for many of us including parents. I know that many promises will be made to keep things in control however, my experience is that this only works temporarily and violations will occur over time. These violations will be penalized by a fine, which is easily paid with no regard to neither the cause nor the ongoing problem. Unfortunately the fines collected will not help all of the residents, young and old who will be put in harms way by these actions.

It is imperative that this expansion be denied! Our neighborhood has always been one that was sought out by many who were looking to reside in an area that had many pluses. These include a good neighborhood school, close proximity to Providence, well kept homes and caring neighbors. All of these benefits will no longer stand with a business such as TLA/Pond View in our back yard.

Please do whatever you can to put this to a stop. If you have any questions feel free to contact me at 438-7735.

Sincerely,

  
Claudine Taylor

**THE FOLLOWING COMMENTS WERE  
POSTMARKED AND RECEIVED AFTER THE  
CLOSE OF THE PUBLIC COMMENT PERIOD ON  
11/24/2010**

**\*RECEIVED\***

**DEC 01 2010**

R.I.D.E.M.  
OFFICE OF WASTE MANAGEMENT

Walid All  
R.I. Dept. of Environmental Management  
235 Promenade Street – Suite 300  
Providence, R.I. 02908

November 22, 2010

Dear Mr. Walid;

I am writing to you regarding the hazards of living near TLA Pondview in Rumford, Rhode Island.

As a long time resident, property owner and taxpayer I need this business to be closed and moved to a more appropriate location. There never should be a consideration of expansion, or continuance of this business in this location. This initially was to be a "wood grinding" operation, tree stumps, ect., never what it has morphed into!

I must inform you that this is a nuisance and potential health hazard.

The trucks – very large container trucks rumble by on our street, and our street is not built or designed for this type of traffic. The odor is horrible, and prevents one from enjoying the use of our yards, decks and patios. People keep their windows closed to avoid odors and noise. There is very loud noise that is not "neighborly", shall we say? There is dust. There is concern about the water quality and potential runoff from TLA Pondview into Omega pond. Has anyone tested the water or bottom sediment?

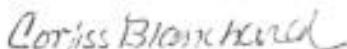
Then there is the matter of what exactly is going on there? What are they recycling? Are there lead particles in our air from the debris of construction sites? Is there asbestos in our air? What causes the disgusting sulfur smell that is emitting from this site? There are a multitude of reasons to close this facility immediately. Many residents have commented on respiratory ailments, is there a connection? Is this a coincidence?

As a former Realtor, I must also state that the existence of this type of business must be disclosed to potential buyers of real estate located in the surrounding neighborhood...

What type of devaluation do you think that will cause property sellers? Would you buy in such a location?

I vehemently oppose the expansion or continuance for this business in this location.

Most Sincerely,



Corliss Blanchard  
119 Roger Williams Avenue  
Rumford, Rhode Island 02916

CC: Senator Shelton Whitehouse  
Senator Jack Reed  
Senator Daniel Da Ponte

**Attachment D**  
**TRANSCRIPTS FOR FORMAL PUBLIC HEARINGS**  
**FOR THE LICENSING OF THE**  
**TLA/POND VIEW SOLID WASTE FACILITY APPLICATION**

Hearing date 10/22/2010 continued to 10/25/2010

0001

1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
2 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
3 OFFICE OF WASTE MANAGEMENT  
4  
5

PROCEEDINGS AT HEARING IN RE: :

6 :  
7 TLA/POND VIEW :  
8 :  
9 :  
10

11 October 22, 2010  
12 10:00 A.M.  
13 235 Promenade Street  
14 Providence, Rhode Island

15 BEFORE:

16 LAURIE GRANDCHAMP, SUPERVISING ENGINEER  
17 WALID M. ALI, SENIOR ENGINEER  
18 SUSAN FORCIER, ESQ., SENIOR LEGAL COUNSEL  
19  
20  
21  
22

23 RHODE ISLAND COURT REPORTING  
24 747 NORTH MAIN STREET  
PROVIDENCE, RHODE ISLAND 02904  
(401)437-3366

0002

1 (COMMENCED AT 10:05 A.M.)  
2 MS. GRANDCHAMP: Good morning.  
3 We're going to get started. Thank you for coming  
4 to today's hearing. Can everyone hear me? Okay.  
5 Today is Friday, October 22, 2010, and the  
6 time is 10:05 a.m. My name is Laurie Grandchamp  
7 and I'm a Supervising Engineer in the Office of  
8 Waste Management. With me today is Walid Ali, a



9 Senior Engineer in the Office of Waste Management,  
10 and Susan Forcier in our Office of Legal Services.

11 Today we are holding a public hearing  
12 regarding an application from TLA/Pond View for a  
13 Construction and Demolition Debris Processing  
14 Facility located at One Dexter Road in East  
15 Providence, Rhode Island.

16 There is a sign-up sheet for people wishing  
17 to make comments in the back of the room. There  
18 are also copies of the license application on the  
19 table. Written comments on the Solid Waste  
20 application will continue to be accepted by the  
21 Office of Waste Management for an additional 30  
22 days after the close of the public hearing on  
23 Monday, October 25, 2010. Anyone who makes oral  
24 comments today may also submit written comments

0003

1 during this 30 day public comment period which  
2 will end on November 24, 2010.

3 This hearing is being conducted under the  
4 authority of the Rhode Island General Laws,  
5 Chapters 23-18.9-9, 42-35, and the Rules and  
6 Regulations for Solid Waste Management Facilities.  
7 This hearing was advertised in the Providence  
8 Journal on August 20, 2010, and we have an  
9 affidavit of publication which is being entered as  
10 exhibit one. In addition, the continuation of the  
11 public hearing was advertised in the East  
12 Providence Post on October 15, 2010.

13 The purpose of today's hearing is to afford  
14 interested parties an opportunity to submit  
15 comments orally and in writing on the proposed  
16 Solid Waste license. This hearing is not intended  
17 as a means of providing a forum for discussion or  
18 debate and is not a question and answer session.  
19 The Department will not be responding to any  
20 comments received today. A record is being made  
21 of today's hearing.

22 TLA/Pond View submitted a Solid Waste  
23 application to Rhode Island DEM's Office of Waste  
24 Management to construct and operate -- or I should

0004

1 say to operate a 1500-ton per day Construction and

2 Demolition Debris Processing Facility at One  
3 Dexter Road in the City of East Providence. After  
4 extensive review of the Solid Waste application  
5 and several corresponding revisions of the  
6 application, the Office of Waste Management has  
7 determined that the application materials  
8 submitted substantially comply with the  
9 requirements of the Solid Waste Regulations and  
10 has, therefore, issued a Notice of Intent to Issue  
11 the license.

12 As required by governing statute, the Office  
13 of Waste Management advertised the public notice  
14 in the Providence Journal on October 20, 2010,  
15 regarding the informational workshop for the Solid  
16 Waste License application. This informational  
17 workshop was held here at DEM headquarters on  
18 September 2, 2010, at 10:00 a.m. Representatives  
19 of the Office of Waste Management and TLA/Pond  
20 View were available at that workshop to answer  
21 questions. In addition, supplemental  
22 informational workshops were held the Weaver  
23 Public Library on October 4, 2010, and October 6,  
24 2010, at 5:00 p.m. These workshops were

0005

1 advertised in the Providence Journal on  
2 September 27, 2010, and the affidavit of  
3 publication is being entered as Exhibit 2.  
4 Representatives of the Office of Waste Management  
5 and TLA/Pond View were also available at the  
6 supplemental workshops to answer questions.

7 A copy of the Solid Waste application has  
8 been available for review in the Office of Waste  
9 Management's offices and a copy is available in  
10 the Weaver Public Library. The Solid Waste  
11 application will continue to be available at both  
12 locations during the 30 day written comment period  
13 which ends November 24, 2010. Written comments  
14 shall be submitted to the Department's Office of  
15 Waste Management located at 235 Promenade Street,  
16 Providence, Rhode Island 02908. Please send the  
17 comments to the attention of Mr. Walid Ali in the  
18 Office of Waste Management.

19 Within 90 days of the close of the public

20 comment period, the Director of the Department of  
21 Environmental Management will render a decision.  
22 The Director can choose to issue the draft license  
23 as is, modify conditions of the license or deny  
24 the license. The license, if issued, will be for

0006

1 a period of three years of operation as required  
2 by law. When the license decision is made, the  
3 Office of Waste Management will include a response  
4 to all substantive comments made during the  
5 comment period. The applicant or anyone providing  
6 substantive comments during the public comment  
7 period may appeal the Director's decision to the  
8 Department's Administrative Adjudication Office.

9 As previously stated, today's public hearing  
10 is not a question and answer session, but rather  
11 an opportunity for the public to come in and place  
12 their comments on the record. After the close of  
13 the public comment period for the Solid Waste  
14 license application on November 24, 2010, the  
15 Office of Waste Management will compile all the  
16 written comments submitted to the Department, as  
17 well as any verbal comments placed on the record  
18 during this hearing, and respond to those comments  
19 together. A final decision on the Solid Waste  
20 license will then be made.

21 We will begin accepting comments. When  
22 everyone that has signed up has spoken, I will ask  
23 if anyone else wishes to speak. Once everyone  
24 that wishes to comment has had the opportunity

0007

1 today, I will suspend the hearing and then  
2 continue it on Monday, October 25 at 5:00 p.m. at  
3 the Weaver Public Library located at 41 Grove  
4 Avenue in the City of East Providence.

5 The procedure we'll use for those persons who  
6 wish to speak is as follows: Please place your  
7 name on the speaker sign-in sheet which is located  
8 on the table in the back. Speakers will then be  
9 called, and we're asking speakers to come up to  
10 the chair right here so that the stenographer can  
11 clearly hear your comments. Five minutes will be  
12 allowed for presentation of comments, unless the

13 number of speakers allows for additional time.  
14 State your name, spell your last name, give your  
15 address for the record and your affiliation, if  
16 any. Provide a written comment of your statement  
17 for the record is one is available.

18 After considering the comments received, the  
19 Office of Waste Management will issue or deny the  
20 Solid Waste license. The Department will provide  
21 a written response to each substantive comment.

22 The first person I have on the list is Robin  
23 Main.

24 MS. MAIN: In the interest of time,

0008

1 I am going to dispense with my preliminary  
2 comments. I will inform the group that I am one  
3 of the attorneys for the City of East Providence  
4 and the East Providence Waterfront Commission. We  
5 have quite a few speakers here with us today. So  
6 without further adieu and so that we may have  
7 sufficient time to present testimony from others,  
8 our mayor, councilman and experts, I will keep my  
9 comments limited for now and introduce the mayor  
10 of the City of East Providence, Joe Larisa. He  
11 will be followed by Councilman Cusack from Ward 1  
12 of the City of East Providence. Thank you.

13 MS. GRANDCHAMP: Mayor Joe Larisa  
14 will be our next speaker.

15 MAYOR LARISA: Thank you. I'll be  
16 brief with a short comment, but I think one that  
17 is very important and actually outcome  
18 determinative on this hearing.

19 We've heard that the application complies  
20 with the law. Well, actually, it doesn't; and  
21 it's not just me that's saying that, it's the  
22 Rhode Island Supreme Court that is. In a recent  
23 opinion, Attorney General Patrick Lynch which  
24 Deputy Attorney General Tierney will talk about in

0009

1 a couple of minutes versus the Rhode Island  
2 Department of Environmental Management on the  
3 500-ton per day permit for 2003 captioned Number  
4 2008-235 MP, number 2009-57 Appeal PC 08-735, the  
5 Supreme Court ruled that Rhode Island General Laws

6 23-18.9-9 A1 through 4 and C, as the Supreme Court  
7 quoted it, basically that this new application for  
8 1500 tons is incomplete by stating the following  
9 legal conclusion that's binding on the State of  
10 Rhode Island, including DEM.

11 Before a new license may be issued, here's  
12 what the court said. "It is required to provide  
13 the Director," meaning the Director of  
14 Environmental Management, "with a certificate from  
15 the municipality in which the proposed site is  
16 located stating that the facility conforms with  
17 the "applicable local land use and control  
18 ordinances of the municipality" and that such an  
19 applicant is required to provide a "certificate of  
20 approval" of the proposed site issued by the state  
21 planning council." That's the holding of the  
22 Rhode Island Supreme Court directly relevant to  
23 this proposed granting of a new license.

24 The applicant does not have in his

0010

1 application a certificate from the City of East  
2 Providence stating that this facility complies  
3 with applicable local land use and control  
4 ordinances of the East Providence nor does the  
5 applicant have in his application a certificate of  
6 approval of the proposed site issued by the state  
7 planning council. Those two flaws by the dictate  
8 of the Rhode Island Supreme Court interpreting  
9 Rhode Island General Laws render the application  
10 incomplete.

11 With respect to the city certificate, as  
12 Mayor, I will tell you, not only do they not have  
13 such a certificate, they will not obtain such a  
14 certificate because it is our view that it does  
15 not comply with the applicable local land use and  
16 control ordinances of the municipality and,  
17 because of this, this hearing should be halted, no  
18 need to have it, it's a waste of time until they  
19 try to obtain both of the certificates required by  
20 the Supreme Court. In legal terms, they are both  
21 condition precedents to getting a permit. In  
22 layman's terms, if they don't have them, they  
23 can't get a permit.

24 So all of this hearing is interesting on the

0011

1 application and nice, but this should all be  
2 halted until such time that they comply with the  
3 Supreme Court edict that they obtain both of these  
4 permits. And if DEM wishes to continue the  
5 hearing and the permitting process, at a minimum,  
6 before the Director rules, he's got to take both  
7 of these into consideration, look at the record,  
8 look at the application, say, boy, neither of  
9 these two documents are in here and deny the  
10 license. Thank you.

11 MS. GRANDCHAMP: Thank you for your  
12 comments.

13 The next person, Robert Cusack.

14 MR. CUSACK: Thank you. My name is  
15 Robert Cusack, C-u-s-a-c-k. I am a member of the  
16 East Providence City Council representing Ward 1  
17 where the TLA/Pond View is located, and my address  
18 is 150 Greenwood Avenue, East Providence, Rhode  
19 Island.

20 I would like just to take the opportunity to  
21 read into the record a resolution recently adopted  
22 by the City of East Providence by its city  
23 council. I'll just read this briefly to give the  
24 Department an idea of the feelings of the city as

0012

1 voiced through its city council.

2 "City of East Providence, Resolution Number  
3 36, resolution opposing proposed expansion of  
4 TLA/Pond View Solid Waste Management Facility  
5 License.

6 "Whereas at the regular meeting of the East  
7 Providence City Council held on October 5, 2010 at  
8 7:30 p.m. at which time a quorum of the city  
9 council was present and acting throughout, the  
10 city council discussed the proposed expansion of  
11 TLA/Pond View Solid Waste Management Facility  
12 License; and, whereas, the East Providence City  
13 Council is strongly opposed to the issuance of a  
14 permit from the Rhode Island Department of  
15 Environmental Management that would allow for the  
16 expansion of TLA/Pond View to a construction and

17 demolition debris facility which could accept up  
18 to 1,500 tons per day of construction and  
19 demolition debris from the current maximum of  
20 500 tons per day; and, whereas, the city still  
21 disputes the validity of the current 500-ton per  
22 day limit which was an expansion from 150 tons per  
23 day as approved by a variance from the East  
24 Providence Zoning Board; and, whereas, the city

0013

1 finds any expansion to be incompatible with the  
2 surrounding area which is a mix of commercial and  
3 residential uses and inconsistent with the uses  
4 allowed in a Light Manufacturing Zone; and,  
5 whereas, the expansion would undermine the goals  
6 and objectives of the city's Comprehensive Plan  
7 relative to the development of the city's  
8 Waterfront District; and, whereas, the expansion  
9 would represent an intensification of the  
10 previously approved zoning use variance; and,  
11 whereas, the expansion will significantly increase  
12 truck traffic on residential roads; and, whereas,  
13 said facility is a public nuisance in that its  
14 current operation emits noxious odors and dust and  
15 produces loud noises which severely undermine the  
16 quiet enjoyment and quality of life of East  
17 Providence residents.

18 "And now, therefore, be it resolved that we,  
19 the East Providence City Council, strongly oppose  
20 the proposed expansion of TLA/Pond View facility  
21 and direct the law department to take the  
22 necessary legal action, including the possible  
23 filing of a civil action, to enforce the state and  
24 local laws germane to TLA/Pont View's application

0014

1 for proposed expansion. This resolution shall  
2 become effective upon its passage."

3 Adopted by the City Council October 5, 2010,  
4 attested to by Kim Casey, City Clerk of East  
5 Providence, Rhode Island.

6 I think that summarizes the feeling of the  
7 city council and certainly the residents that are  
8 close by to the subject property and an increasing  
9 feeling throughout Ward 1 which I represent.

10 Thank you.

11 MS. GRANDCHAMP: Thank you. The  
12 next person Jeanne Boyle.

13 MS. BOYLE: Good morning. My name  
14 is Jeanne Boyle, and I'm the Director of Planning  
15 and Development for the City of East Providence.  
16 I've worked for the City of East Providence since  
17 1988. I've been the Director Planning since 1990  
18 I also served as the Executive Director of the  
19 East Providence Waterfront Commission. I've been  
20 the Executive Director since 2003 which is since  
21 the inception of the Waterfront Commission. I  
22 also live in the City of East Providence with my  
23 family and have lived there since 1989. I am also  
24 a member of the State Planning Council, and I have

0015

1 been recognized by my peers, planning peers, in  
2 Rhode Island with a distinguished leadership award  
3 from the American Planning Association in 2009 and  
4 also a Chapter President's award in 2002.

5 Prior to working in East Providence, I worked  
6 as a professional planner in New York City for the  
7 New York City Planning Department and also for the  
8 New York City Department of Ports and Commerce. I  
9 studied planning at New York University in the  
10 Wagner Graduate School in Public Administration,  
11 and my undergraduate degree is from Williams  
12 College.

13 Since the mid 1980s, the City of East  
14 Providence has identified the need to revitalize  
15 its waterfront and completed several plans to try  
16 to accomplish that goal. The city recognized that  
17 heavy industry that existed was an anachronistic  
18 remnant of its late 19th century development  
19 patterns. We sought to revitalize the waterfront  
20 with uses that were more appropriate to locations  
21 that were adjacent to residential areas and  
22 sensitive environmental areas and that made better  
23 use of the advantages of a waterfront location.

24 The city engaged in a multi-year waterfront

0016

1 redevelopment planning process that included a  
2 number of public hearings and presentations with a



3 host of stakeholders included residents, business  
4 owners, state and local elected officials, as well  
5 as a number of state agencies.

6 In recognition of the scope and the  
7 ambitiousness of this effort, the state  
8 legislature created a special enabling legislation  
9 which was the East Providence Special Waterfront  
10 Development District. The intent was that this  
11 would be administered by a commission which would  
12 be separate and apart from city government and it  
13 would be comprised of voting and ex-officio  
14 members appointed by the city council and by the  
15 governor. The commission was granted broad powers  
16 to oversee all development within the Waterfront  
17 District and they were also given economic  
18 development tools to foster redevelopment.

19 The East Providence City Council followed up  
20 shortly thereafter with its own implementation  
21 measures. In December of 2003, the city council  
22 unanimously adopted the Waterfront Special  
23 Development District Plan which established  
24 categories of land use within the 300-acre

0017

1 Waterfront District and it also had accompanying  
2 policies and guidelines which would govern all  
3 land use decision making within the Waterfront  
4 District.

5 Then in March of 2003, the city council  
6 rezoned the entire Waterfront District and all the  
7 properties within it and established the East  
8 Providence Waterfront Special Development District  
9 Zoning. An important point is that this was not a  
10 waterfront overlay district. All the underlying  
11 zoning was eliminated and replaced by the  
12 Waterfront District Zoning. And, furthermore, in  
13 establishing the waterfront zoning, the authority  
14 for all development permitting was placed with the  
15 Waterfront Commission. They had the sole  
16 authority for development permitting within the  
17 Waterfront District.

18 Also, the Waterfront District, both in the  
19 plan and also in the zoning, was divided into  
20 subdistricts that had specific goals, objectives

21 and requirements for each of these areas. The  
22 property that's the subject of the application,  
23 the TLA/Pond View property, is located within the  
24 Dexter Road subdistrict of the Waterfront

0018

1 District. And on several occasions, the applicant  
2 has referred to this property erroneously as an  
3 Industrial 3 or Heavy Industrial area. It was  
4 zoned Industrial 3 in 1998 when the original use  
5 variance was granted by the Zoning Board of  
6 Review. However, that zoning has not been in  
7 place for over six and a half years. Currently,  
8 the Dexter Road subdistrict is not a Heavy  
9 Industrial district.

10 The description from the waterfront zoning is  
11 as follows, and I quote. "Dexter Road is a  
12 technology oriented, Light Manufacturing,  
13 including offices, research and development,  
14 commercial educational institutions, and  
15 supportive commercial retail uses. Heavy  
16 commercial, open storage or industrial land uses  
17 are not permitted."

18 The regulations continue to define Light  
19 Manufacturing as, I quote, "Activities which take  
20 place within a wholly enclosed building," end  
21 quote.

22 In preparing the Waterfront Plan and also the  
23 Waterfront Zoning regulations, there were a number  
24 of guiding principles that we were mindful of and

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1 that were emphasized by the stakeholders during  
2 the public process. One of the things that we  
3 looked at were the blighting conditions that were  
4 the legacy of the industrial past in East  
5 Providence. There were concerns about the  
6 contamination of the land. We had a number of  
7 brownfields and also the waters themselves were  
8 also polluted. The people who attended the  
9 meetings wanted to see these conditions corrected  
10 and they certainly didn't want the contamination  
11 added to or contributed to by any of the  
12 development that was being proposed.

13 The residents in particular also sought

14 access to the waterfront which had been closed for  
15 decades, and they wanted to be able to use the  
16 waterfront for recreation and conservation  
17 purposes. They also wanted us to be mindful that  
18 their quality of life be respected and that the  
19 new development that was going to be generated  
20 would be clean, nonpolluting, and that there would  
21 not be excessive noise or traffic on the local  
22 streets. We are trying to encourage economic  
23 development and new businesses and we wanted to  
24 increase the tax base and generate jobs, but

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1 didn't want it to do it at the expense of the  
2 existing residential areas.

3 The previous land use patterns that have  
4 existed in the Waterfront District had permitted  
5 heavy industry cheek by jowl with residential, but  
6 this was a result of the development of mill  
7 villages in the late 1800s and the early 1900s,  
8 and it existed in the shadows of factories when  
9 society really didn't consider the health and the  
10 environmental consequences.

11 When we planned the Waterfront District, we  
12 really looked carefully at trying to achieve a mix  
13 of commercial and light manufacturing where it  
14 would be compatible with its proximity to the  
15 residential areas and also to sensitive  
16 environmental areas and also looked at uses that  
17 wouldn't overtax some of the limited  
18 transportation infrastructure that existed in East  
19 Providence. Allowing a continuation of heavy  
20 industrial uses at the Pond View site or  
21 intensification given its proximity to residential  
22 areas, its proximity to a sensitive environmental  
23 resource such as Omega Pond, and also relying on  
24 local streets for hundreds of trucks per day is

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1 really the antithesis of good land use planning  
2 and it runs contrary to the goals, the policies  
3 and the regulations that were expressed in the  
4 waterfront plan and also the waterfront zoning  
5 regulations.

6 The TLA/Pond View site is clearly within the

7 purview of the Waterfront Commission and it has  
8 been since March of 2003. And it's my opinion as  
9 a professional planner that any intensification  
10 beyond what was granted by the Zoning Board in its  
11 use variance of 1998 will require the review and  
12 the approval of the Waterfront Commission under  
13 the Waterfront Zoning that was adopted in March of  
14 2003.

15 MS. GRANDCHAMP: We're at the five  
16 minute mark.

17 MS. BOYLE: I'll wrap it up. Just  
18 a couple of points.

19 You did receive correspondence from Attorney  
20 William Maia dated June 15, and he argued that the  
21 Superior Court decision from Judge Fortunato  
22 rendered the role of local zoning moot. However,  
23 your own attorney, John Langlois, responded and  
24 asked for certification that this was in

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1 compliance with local zoning. Attorney Maia  
2 responded with his own certification that it was.

3 I question whether Attorney Maia actually had  
4 that authority to make that statement, and I  
5 absolutely disagree with the validity of his  
6 statement. The Waterfront District zoning  
7 regulations clearly state that all development is  
8 subject to the review and approval of the  
9 Waterfront Commission, and it also expressly  
10 states that any expansion or intensification of a  
11 conforming use is prohibited without the expressed  
12 permission of the Executive Director or the  
13 Commission, as appropriate, and Pond View has  
14 never sought that permission for expansion from  
15 the Waterfront Commission. And this expansion, a  
16 ten-fold expansion beyond what was originally  
17 granted by the Zoning Board of Review in 1998, is  
18 clearly an expansion beyond what would be allowed  
19 by a nonconforming use and would require  
20 Waterfront Commission approval.

21 I'll try to make it brief, but there have  
22 been a number of complaints from neighbors about  
23 dust and about noise and about some of the odors  
24 associated with this operation. I, myself, have

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1 observed or smelled, whatever you want to call it,  
2 an overwhelming and noxious sulphur dioxide odor  
3 when I was standing actually about 20 feet from  
4 one of the C&D piles at Pond View. So I have  
5 observed some of this myself.

6 One of the questions that I have is that  
7 given the use of the property right now, we've  
8 seen aerial photographs that show that this  
9 property is pretty much maxed out. How can you  
10 actually accommodate three times the volume now  
11 without creating larger piles and probably  
12 contributing to additional fugitive dust and odors  
13 which will also add to the nuisance factor for the  
14 community?

15 The other issues that have come up are  
16 associated with traffic. There have been  
17 complaints about traffic going down Roger Williams  
18 Avenue which is a local residential street which  
19 is certainly not suitable for the volume of  
20 traffic which their own application estimates at  
21 400 truck trips per day, probably 25 percent of  
22 which would be using the road on Roger Williams  
23 Avenue. Just by way of comparison, the C&D  
24 facility in Johnston which is being permitted by

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1 this agency is seeking a license for 2500 tons per  
2 day. This is 1500 tons per day, and that is a  
3 facility that has ready access to an interstate  
4 and has no residential neighbors abutting it.

5 The other point that I'd like to make is that  
6 for over 15 years we have been working with a  
7 number of environmental agencies, including Rhode  
8 Island DEM, Corps of Engineers and Save the Bay  
9 for the construction of fish ladders on the Ten  
10 Mile River and in excess of \$4 million is being  
11 spent for construction of those. This facility is  
12 located about -- is less than 50 feet from Omega  
13 Pond and appears to be the source of dust and  
14 runoff that's going into Omega Pond that seems to  
15 counterintuitive that would be allowing such an  
16 expansion after such a significant investment into  
17 an environmental restoration project.

18 Also, state enabling law requires that state  
19 agencies are required to be consistent with local  
20 comprehensive plans in their actions. This  
21 particular project is not consistent with the  
22 city's local comprehensive plan and your actions  
23 should be consistent with ours, and I would urge  
24 you to deny this license request.

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1 MS. GRANDCHAMP: If you'd like, you  
2 can submit the written comments to us. That way  
3 your full comments, we have those.

4 MS. BOYLE: Thank you.

5 MS. GRANDCHAMP: Thank you. Next  
6 person on the list, Clayton Carlisle.

7 MS. MAIN: We're going to tweak the  
8 order a little bit, Laurie, if you don't mind.  
9 Just before Mr. Carlisle would be William Conley  
10 as the speaker, please.

11 MS. GRANDCHAMP: Okay.

12 MR. CONLEY: Good morning. My name  
13 is William Conley. I live at 3 Bridgham Court in  
14 the City of East Providence. I do have some  
15 familiarity with the travel of this case as  
16 previously being involved as counsel for the City  
17 of East Providence, but today I'm speaking simply  
18 as a member of the public.

19 I want to begin by thanking the City of East  
20 Providence for being here today and being so well  
21 prepared in their objection to this application  
22 for this expansion. I just want to add a little  
23 bit to the background that I think adds some  
24 substance to both Mayor Larisa's objection, as

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1 well as the very substantive objections of the  
2 city's planning director.

3 Most of the people here realize that this  
4 began in 1997 when Pond View received permission  
5 from the Rhode Island Department of Environmental  
6 Management to operate a construction and  
7 demolition debris facility for 150 tons. In the  
8 beginning of 2003, beginning in January and then  
9 finally in March of 2003, the Department issued a  
10 new license to Pond View for 500 tons per day.

11 However, that license in 2003 was specifically  
12 conditioned upon the facility complying with the  
13 zoning ordinances of the City of East Providence  
14 which goes to Mayor Larisa's point, that they have  
15 to comply with local land use regulations.

16 On February 13 of 2003, Pond View Recycling  
17 filed a petition for a use variance with the East  
18 Providence Zoning Board of Review. And on May 7,  
19 2003, acknowledging that it didn't have the  
20 necessary land use permission to operate, Pond  
21 View requested a zoning certificate from the  
22 zoning officer of the City of East Providence  
23 relative to operating that facility in accordance  
24 with the condition of the permit issued at that

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1 time by the Department. The zoning officer  
2 advised Pond View that the facility was not in  
3 compliance with the zoning code of the City of  
4 East Providence. That is on record.

5 Subsequently, after receiving the zoning  
6 certificate and after appearing before the Zoning  
7 Board of Review and submitting itself to the  
8 jurisdiction of the East Providence Zoning Board  
9 of Review, Pond View withdrew its application in  
10 June of 2003.

11 Now, even though I'm speaking as a member of  
12 the public, as a lawyer I do want to address what  
13 that means from the legal perspective. It means  
14 that Pond View has legally acknowledged that it  
15 needs the variance from the zoning ordinance of  
16 the City of East Providence to operate at 500 tons  
17 per day. Both the Rhode Island Supreme Court in  
18 the matter of Allen vs. The Zoning Board of Review  
19 of the City of Warwick, a case that goes all the  
20 way back to 1949, this is not new law, and even in  
21 an East Providence case with Providence &  
22 Worcester Railroad vs. The City of East Providence  
23 Zoning Board of Review, that holding was  
24 reaffirmed. So since 2003, Pond View has not had

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1 the necessary land use approval from the City of  
2 East Providence to operate at 500 tons per day.

3 In addition to that, as the Planning Director

4 just advised you, the City of East Providence  
5 Waterfront District Commission came into being and  
6 at the time the Waterfront District came into  
7 being, Pond View, because of its location, became  
8 subject to the land use regulations of the  
9 Waterfront District Commission and, as the  
10 Planning Director pointed out to you, has been  
11 subject to that jurisdiction for more than six  
12 years and has failed to get the necessary approval  
13 from the Waterfront District Commission to operate  
14 its facility.

15 Now, during that time period, and I want to  
16 thank the Attorney General's Office through its  
17 role as the environmental advocate, the Attorney  
18 General's Office challenged an appeal of the  
19 issuance of that license and an administrative  
20 hearing began here. Well, that administrative  
21 hearing was ambushed, quite frankly, by the  
22 Department itself when it refused to allow its own  
23 employees to testify at the hearing and  
24 essentially what happened is the Department failed

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1 to comply with its own processes and directed its  
2 own employees, as incredible as that may sound to  
3 all of us sitting here, directed its own employees  
4 not to testify at the hearing.

5 As a result of that, the Attorney General's  
6 Office, and I had an opportunity to participate in  
7 the proceedings through an amicus brief, the  
8 Attorney General's Office challenged that action  
9 by the Department in Superior Court and eventually  
10 went to the Supreme Court which is the decision  
11 that Mayor Larisa referenced a few moments ago.  
12 And I won't quote from the holding of the decision  
13 as the Mayor did, but I agree 100 percent with  
14 what the Mayor said the holding of that case is  
15 and what the consequences are, but I want to point  
16 to another section of the opinion. It's  
17 procedural, but it's important. This is what the  
18 Rhode Island Supreme Court said to the Department  
19 of Environmental Management.

20 "The judgment of the Superior Court is hereby  
21 quashed and the papers in the case are remanded to



22 the Superior Court with instructions that in turn  
23 remand this matter to the Administrative  
24 Adjudication Division of Environmental Matters,  
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1 the Department of Environmental Management,"  
2 that's you guys, and that, "They conduct further  
3 proceedings," this is on the 2003 permit, that you  
4 conduct further proceedings. And this is what the  
5 Supreme Court said about it, to do it  
6 "expeditiously," expeditiously "in a manner  
7 consistent with this opinion."

8 Now, instead of doing that, the Department  
9 has once again defied the Supreme Court of the  
10 State of Rhode Island and instead proceeded with  
11 these hearings and has not expeditiously conducted  
12 the hearings as directed by the Supreme Court on  
13 the 2003 permit. So here we are in October of  
14 2010. You've not finished the hearing on the 2003  
15 permit. Was directed by the Rhode Island Supreme  
16 Court in May of this year to do it expeditiously,  
17 refused to do that and then begin to conduct these  
18 hearings.

19 I agree with the Mayor completely, that you  
20 need to stay these proceedings. You know, in  
21 legal speak, this is arbitrary and capricious  
22 action by your Department; in not so legal speak,  
23 it really is the most egregious example of  
24 bureaucratic hubris that I've ever seen in my 32

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1 years of practice as a government lawyer.

2 You need to stop these proceedings, you need  
3 to do what the Rhode Island Supreme Court told you  
4 to do, and you need to follow your own processes  
5 and let your own employees testify at your own  
6 hearings. Thank you.

7 MS. GRANDCHAMP: Thank you.  
8 Clayton Carlisle.

9 MR. CARLISLE: Good morning. My  
10 name is Clayton Carlisle, C-a-r-l-i-s-l-e. I'm a  
11 senior environmental engineer at Louis Berger  
12 Group. We've been retained by the City of East  
13 Providence and the East Providence Waterfront  
14 Commission to provide our opinion on the TLA/Pond

15 View application.

16 I'm a professional engineer. I've worked in  
17 the solid waste field for over 20 years. I have a  
18 bachelor's degree and a master's degree in  
19 mechanical engineering from the University of  
20 Massachusetts. I've had my license for  
21 professional engineering in the State of Rhode  
22 Island since 1989. I've worked as a consultant  
23 engineer for Maguire Group in the late 1980s.  
24 Then I went to work for Rhode Island Resource

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1 Recovery Corporation from 1990 to 1998 as a  
2 principal engineer there, project manager for a  
3 whole host of solid waste management projects.  
4 And since 1998, I've been working for Louis Berger  
5 Group. Again, my focus is primarily on solid  
6 waste.

7 So I reviewed the application by TLA/Pond  
8 View that was submitted in September 2009. The  
9 original application was submitted in January 2009  
10 and based on DEM comments, TLA/Pond View revised  
11 and resubmitted the document. I reviewed it to  
12 understand how the application addresses DEM Solid  
13 Waste Regulation 1 which is general requirements,  
14 Solid Waste Regulation 7 which is facilities that  
15 process C&D debris, and I went from there. I'm  
16 going to focus my comments today primarily on five  
17 major concerns that I have with the application.

18 The applicant in the project summary states  
19 that, "No increase in the amount of C&D stored on  
20 site is requested." The amount of material  
21 presently stored on site is regulated by Solid  
22 Waste Regulation 7.1.01F which requires that  
23 75 percent of the material received by the  
24 facility is processed and removed from the site

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1 within six weeks of receipt on a continuous basis.  
2 In no case, stores material on site for over three  
3 months. In order to move the material off, you  
4 have to -- you're restricted by your storage  
5 requirements which is pile height, 20 feet, and  
6 pile length which is 50 feet. The applicant also  
7 has to follow restrictions for separation between

8 piles for emergency vehicle access. That's  
9 50 feet between piles.

10 So we've looked at satellite photos and we've  
11 gone to visually observe this site from off the  
12 property, and it doesn't look like they're able to  
13 keep those stockpiles in a manageable manner even  
14 with a 500-ton per day operating size. So that  
15 leads to the question, how much material is  
16 presently stored on site?

17 So we printed out some satellite photos, and  
18 the first one I'm going to show you is from Google  
19 Maps, and this was taken May 1 of 2010. And, you  
20 know, they're processing the facility, they're  
21 processing C&D. For example, this pile of  
22 processed material is 40 feet from the building.  
23 So that's in violation. Just for comparison sake,  
24 this structure that comes out, sticks out of the

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1 main building here is about 50 feet long. So if  
2 you plunk that down, you can see we're less than  
3 50 feet as just a point of comparison. This pile,  
4 between this pile and that pile, that's about  
5 15 feet separation. This pile to that pile,  
6 again, 15 to 20 feet separation. From the  
7 building to this pile stockpile right here, that's  
8 58 feet, so that one is managed properly, but the  
9 site changes everyday. So we've looked at other  
10 photos and you still see the piles moving around,  
11 but always tightly packed together. You see them  
12 too close to the building. But, as I say, that's  
13 always in flux.

14 But the bottom line is it doesn't seem like  
15 they can manage 500 tons per day, and my opinion  
16 is when it triples, the quantity of material  
17 stockpiled will overwhelm the size of the site.  
18 The site is 10-acre site in total, but the  
19 operating footprint is half that size at best and  
20 the stockpiles, I believe, will overwhelm the  
21 site. It just will take a tremendous amount of  
22 stockpile management and operational diligence to  
23 follow these permitting requirements, and I think  
24 DEM should recognize this difficulty and increase

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1 the inspection schedule to enforce the storage and  
2 stockpile separation requirements, as well as the  
3 other permit conditions that you apply.

4 So we asked the question, is there room for  
5 stockpiles? And the site plan, Figures 2A and 2B,  
6 were included in the revised submittal, and those  
7 have an orthophoto background. It makes the site  
8 plan very hard to read. So I suggest that a  
9 separate site plan and site photographs with  
10 proper labeling should be resubmitted so that DEM  
11 will be able to understand where stockpiles can be  
12 properly placed and demonstrate for themselves  
13 that the amount of material that will end up  
14 stockpiled will not overwhelm the site.

15 The railcar calculations. The capacity  
16 exists. As I understand, they're going to be able  
17 to use railcar to take processed C&D fines off the  
18 site. The application quotes, "TLA/Pond View's  
19 maximum wait time for a railcar is one day. The  
20 average transit time per car is two and a half  
21 trips per month. Therefore, TLA/Pond View could  
22 transfer over 5200 tons per day." That's  
23 basically 650 railcars times 100 times maximum per  
24 railcar times two and a half trips per month times

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1 one month which is 31 days. And they can't  
2 transfer 5200 tons per day. That's an incorrect  
3 assessment because they've already identified that  
4 you can -- if you group seven railcars together,  
5 that's 700 tons. If you switch it once, that's  
6 1400 tons. So the maximum you can switch in a day  
7 is 1400 tons is the limiting factor there. So I  
8 think that statement should be properly revised to  
9 reflect the amount of material that's going to be  
10 removed from the site daily by rail.

11 If you triple the incoming C&D volume, how  
12 will that end up minimizing traffic flow? Again,  
13 quote, on the application, it says, "Under the  
14 current operating conditions, roll-off trucks make  
15 up more than 8 percent of the number of trucks  
16 entering and leaving the site. It is anticipated  
17 that under the proposed 1500 ton per day  
18 operation, a larger percentage of the number of

19 trucks coming into the site will be long haul 18  
20 wheel truck trailers rather than smaller roll-off  
21 trucks. This will minimize traffic flow and dust  
22 generation." So I have a contention with that  
23 last statement, "This will minimize traffic flow  
24 and dust generation."

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1 The percentage of tractor trailer trucks  
2 coming in may be greater, but you're still going  
3 to increase traffic flow that will not be reduced.  
4 It will increase significantly. The amount of  
5 incoming C&D is proposed to triple. I mean,  
6 there's no way that the amount of trucks coming in  
7 will be minimized.

8 The implication of having 18 wheel tractor  
9 trailers minimizing dust generation is misleading.  
10 It's still going to contribute to dust being  
11 brought on the site. The truck will drive around  
12 the site, it will promote dust from the facility,  
13 but you'll also have C&D dust, as well, which I'll  
14 get into later.

15 MS. GRANDCHAMP: We're past the  
16 five minute mark. So if you could wrap it up.

17 MR. CARLISLE: You want me to wrap  
18 up my comments? Okay. I'm on page two. I have  
19 more comments, but I will -- okay. I'll get off  
20 the storage size and I'll get onto RIPDES permit.

21 Right now, RIDEM is saying this facility does  
22 not require a RIPDES permit because it's not a  
23 regulated activity. We disagree with that  
24 statement. It should have SIC Code 5093 which is

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1 scrap and waste materials, that's applicable to  
2 this facility. There are others which could  
3 easily be applied. The stormwater runoff flow is  
4 characterized by the applicant as sheet flow to  
5 Omega Pond. That flow travels across a 5-acre  
6 work site everyday when it's raining and then  
7 travels to the buffer zone which is essentially a  
8 paved roadway where runoff containers, et cetera,  
9 have been known to be stored until it finally  
10 reaches the city owned property and Omega Pond  
11 itself.

12 For example, another violation we've talked  
13 about, this buffer, nothing is supposed to be in  
14 that buffer. These are storage containers.  
15 That's the 50-foot buffer that has been indicated  
16 by RIDEM as a condition. This wood stockpile is  
17 closer than 50 feet to Omega Pond itself. I  
18 propose that a RIPDES permit is absolutely  
19 necessary for this facility.

20 The site drainage system, it's not clearly  
21 defined because the survey is unavailable to  
22 define the inverts on this facility. When they  
23 did the site survey in December 2008, out of 11  
24 drainage manholes and catch basins, five were

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1 reported as filled. So we cannot read this  
2 drawing to understand where the drainage system  
3 travels to and what manholes are connected to the  
4 drainage system. I believe a site survey should  
5 be re-conducted to actually identify the site  
6 drainage utilities and the facility itself.

7 Dust and odor monitoring and controlled.  
8 We've had some testimony here on dust and odor  
9 and, obviously, we have a lot of members of the  
10 public here which I believe will testify on the  
11 dust and odor that's contributed by this facility  
12 to the neighborhood.

13 The gypsum wallboard. The applicant states  
14 that gypsum wallboard is not processed at the  
15 facility, but it doesn't identify the steps of how  
16 the material is separated, where it's kept, how  
17 long is it kept at the facility, where it's being  
18 shipped. It does not discuss, if the gypsum does  
19 end up on the processing line, what are the steps  
20 that are taken to remove it from the sorting line  
21 without the material breaking apart into fine dust  
22 particles. Again, that would exacerbate the dust  
23 complaints that this facility has received from  
24 the public.

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1 I want to talk about odors. Again, odors can  
2 be generated by gypsum wallboard. If that ends up  
3 being in the processing line, it's being stored in  
4 stockpiles. It could trigger hydrogen sulfide

5 odor complaints. And I think off-site monitoring  
6 of odors should be a permit condition, a  
7 requirement that's placed on the facility by DEM.

8 So ways that dust can be controlled, I  
9 believe that DEM should require railcars to be  
10 covered. Right now, it is a Rhode Island DOT  
11 regulation that all incoming loads and outgoing  
12 loads are covered from the facility. I also think  
13 that, it's not stated in the application, but  
14 railcars, if they are carrying C&D debris, whether  
15 incoming or outgoing, should be required by DEM to  
16 be covered to control windblown material during  
17 transport.

18 MS. GRANDCHAMP: I know you have a  
19 lot more, but feel free to submit it as written  
20 comments, but we do have quite a few other people  
21 who would like to speak.

22 MR. CARLISLE: Okay. I'll leave  
23 that up if anybody wants to use it.

24 MS. GRANDCHAMP: Thank you.

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1 MS. MAIN: Laurie, if I may, two  
2 brief points. First of all, on behalf of the city  
3 and the Waterfront Commission, we strenuously  
4 object to shutting down our expert during his  
5 comments. We have tried to be efficient with the  
6 way we've organized our opposition to this license  
7 and to not be afforded the time to go through all  
8 the comments in an arbitrary and capricious manner  
9 is completely off base by the Department and we  
10 object to this process.

11 In every step of the way, the Department has  
12 tried to stop the public opposition to this  
13 application. We asked for this hearing to be  
14 conducted on another day and you put together  
15 informational workshops to create a public record.  
16 Then you were finally forced to have a hearing on  
17 Monday night and have now limited that to only two  
18 hours from five to seven.

19 We object to the way this is being conducted  
20 and would like to have a fair and full opportunity  
21 for all of our witnesses, including our experts,  
22 who we are spending a lot of time and money with

23 to have a full and complete say here. And the  
24 effort to keep this moving and to make it as

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1 efficient as possible, I would like to have Jim  
2 Coogan, our traffic expert, speak next.

3 MS. GRANDCHAMP: What we can do is  
4 there are quite a few other people here, residents  
5 that they may have other places to go. So what  
6 I'd like to do is have other people come up, make  
7 their comments, and then we can allow your expert  
8 to speak after that.

9 MS. MAIN: Unless anybody wants to  
10 defer to the expert for a few moments. His  
11 testimony will be brief.

12 MS. GRANDCHAMP: You had mentioned  
13 your traffic expert from Maguire Group. Is he the  
14 last one for you?

15 MS. MAIN: As far as experts today,  
16 yes. We'll have more on Monday.

17 MS. GRANDCHAMP: Okay. Then what  
18 we'll do is allow him to speak and then we are  
19 going to be moving on to the other speakers.

20 Okay, Jim Coogan.

21 MR. COOGAN: Good morning. My name  
22 is Jim Coogan. I'm a professional engineer  
23 working with Maguire Group, Inc. of Providence.  
24 Our address is 225 Chapman Street, Providence,

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1 Rhode Island, and I'm here to discuss the traffic  
2 impact study that was done by the proponents for  
3 the project.

4 We went through the report and found a number  
5 of inconsistencies that call into question the  
6 validity of the conclusions. So I'm not going to  
7 touch on all of those, but I would like to touch  
8 on a few of the more pivotal ones.

9 The author presumes that there's going to be  
10 a signal installed eventually where Dexter Road  
11 comes out onto Massasoit Avenue. I work with DOT  
12 frequently, and I have no knowledge that they  
13 intend to put a signal there at all. So a lot of  
14 the assumptions made as to how this intersection  
15 is going to work are probably not valid.



16 The capacity analyses that the proponent did  
17 for this area, they assumed 5 percent truck volume  
18 for the Dexter Road approaches. I think we can  
19 assume perhaps something closer to 50 percent.  
20 That effects how an intersection works because it  
21 requires larger gaps in traffic for vehicles to  
22 pull into the main road.

23 The report is fairly vague as to where the  
24 additional trips are coming from. They've made

0044

1 assertions that a certain number of trips are  
2 coming from the 195 interchange at Warren and  
3 Waterman Avenues, some coming from Broadway via  
4 the interchange with 195 there, and some coming  
5 from the north. The report estimates about  
6 10 percent of the traffic will be coming to and  
7 from the north of the site. The traffic counts  
8 included in the appendix of the traffic study show  
9 more like 20 to 25 percent of the overall truck  
10 volume using the northern roads. It could be  
11 higher, given that what we're doing is we're  
12 expanding the coverage of the operation.

13 You know, the 500 tons per day being  
14 processed now may have a certain geographical  
15 coverage. A larger geographical coverage could  
16 cause a skew in how the trips are distributed in  
17 the area, more from the north, possibly more from  
18 the east, and the report really didn't address how  
19 that distribution would change with the tripling  
20 of the volume. The traffic data was collected  
21 during Thanksgiving week, and we found that a lot  
22 of that data probably isn't very valid for  
23 assessing local road network.

24 The study primarily focused on one

0045

1 intersection, Massasoit Avenue at Dexter Road.  
2 The report estimates 75 percent of the traffic to  
3 and from the TLA facility would be coming from  
4 areas south of the intersection in question. A  
5 lot of them would be using Brow Street which is  
6 slightly to the south of the facility and provides  
7 the main access between the TLA site and the 195  
8 interchange. There was no analysis of the

9 intersection of Brow Street, and we think that may  
10 well be significant. I don't know why that was  
11 excluded, but it was.

12 We believe that more traffic in the future,  
13 if this expansion happens, a larger percentage of  
14 traffic will be actually coming from the north  
15 from Roger Williams Avenue. Roger Williams Avenue  
16 provides access basically to 95 near School Street  
17 in Pawtucket. Another route to 95 is to go up  
18 Broadway, eventually getting onto Newport Avenue,  
19 a much longer route and a route complicated by the  
20 existing traffic controls put in place due to a  
21 faulty bridge just north of the Roger Williams  
22 intersection.

23 So what we have is a large number of trucks  
24 currently using a residential street, Roger

0046

1 Williams Avenue, and a much greater number of  
2 those in the future. Roger Williams Avenue is a  
3 relatively narrow, residential street. It's not  
4 made for or it's not geared toward high truck  
5 volumes. We anticipate something on the order of  
6 100 percent increase in truck traffic on Roger  
7 Williams Avenue as a result of this expansion.  
8 Right now, probably one truck every ten/fifteen  
9 minutes generated by TLA is going up Roger  
10 Williams Avenue. That would go to one truck every  
11 five minutes if there's an expansion as currently  
12 proposed. The number of occasions where these  
13 trucks will actually pass each other on Roger  
14 Williams Avenue actually increases about six-fold  
15 as a result of that. It's a statistical thing,  
16 but when you talk about large trucks passing on a  
17 narrow road, you have some safety concerns,  
18 especially in a residential area where you have  
19 bicyclists, you have people walking their dogs,  
20 you have that occasional stopped car at the  
21 curbside. There's severe safety issues involved  
22 in this. In short, Roger Williams Avenue is going  
23 to be largely degraded as a result of this, the  
24 high truck volumes and the high incidences of

0047

1 trucks passing each other.

2 Now, that covers about 25 percent or so of  
3 the traffic generated by the site. The rest is  
4 proposed at least to use Brow Street, as I  
5 discussed, to Valley Street and make their way  
6 onto Route 195 through this interchange. In fact,  
7 it's anecdotally been reported that these streets  
8 come into play. These are residential streets  
9 just to the east of Brow Street. Trucks routinely  
10 travel down those. It is, in fact, a much more  
11 direct route to 195, especially 195 westbound  
12 through the neighborhood than it is to come around  
13 near the water, circle under 195, and then back  
14 on. It's a very popular shortcut, and it's  
15 obviously going to get far worse as a result of  
16 any expansion. This was also not discussed in the  
17 traffic study.

18 The traffic study also omitted a number of  
19 regional transportation improvements going on. I  
20 just alluded to a bridge project going on just  
21 north of the Roger Williams Avenue/Broadway  
22 intersection. There's a lot of other stuff going  
23 on, too. There's the Pawtucket River Bridge  
24 posting of large trucks going on right now that

0048

1 should be in place for another two years before  
2 trucks can make through trips across that bridge.  
3 There's, obviously, all the improvements going on  
4 with the ramp configuration at Warren Avenue and  
5 Taunton Avenue. These weren't really addressed in  
6 the report, either.

7 So, in essence, the report had insufficient  
8 data or inaccurate data to represent the existing  
9 conditions at Massasoit Avenue, it omitted the  
10 impacts of this project on the residential road  
11 that is Roger Williams Avenue, and it really  
12 omitted any kind of traffic impact study on Brow  
13 Street or the residential streets immediately to  
14 the east.

15 I'm under time. Do you want me to keep  
16 talking?

17 Actually, I didn't give you my credentials.  
18 I am a project manager/principal engineer at  
19 Maguire Group. I've been there for three years.

20 I have a Bachelor of Science degree from  
21 Rensselaer Polytechnic Institute. I am a member  
22 of ASCE, American Society of Civil Engineers,  
23 Rhode Island Institute of Transportation  
24 Engineers, and I'm president of the Providence

0049

1 Engineering Society.

2 Are there any questions?

3 MS. GRANDCHAMP: There are no  
4 questions today.

5 MR. COOGAN: Cool.

6 MS. GRANDCHAMP: You're just making  
7 your comments. Thank you. Jo-Ann Durfee.

8 MS. DURFEE: Jo-Ann Durfee,  
9 D-u-r-f-e-e, 14 Omega Way, East Providence, Rhode  
10 Island 02916. I'm a neighbor, resident, whichever  
11 you want to say.

12 THE REPORTER: Just keep your voice  
13 up for me, please.

14 MS. DURFEE: I'm sorry. That's  
15 because over the last three years, it's been this  
16 way. They haven't figured it out yet, so.

17 Walid Ali, Office of Waste Management, Rhode  
18 Island Department of Environmental Management, 235  
19 Promenade Street, Providence, Rhode Island 02908.

20 Re: Citizens' Petition in Opposition to TLA/Pond  
21 View's Application for 1,500 tons per day solid  
22 waste.

23 "Dear Mr. Ali: As property owners  
24 neighboring the TLA/Pond View facility, East

0050

1 Providence, we submit this petition opposing  
2 TLA/Pond View's January 13, 2009, application to  
3 DEM for a license to triple the facility's  
4 capacity from 500 tons per day to 1,500 tons per  
5 day. Pursuant to Rhode Island General Law  
6 23-18.9-9A4, we request that DEM consider this  
7 petition a written comment and add it to the  
8 public record for the hearing that DEM is holding  
9 on this matter.

10 "Operating at the present 500 tons per day  
11 capacity, the facility already proposes several  
12 concerned to the undersigned, not the least of

13 which is the environmental threat posed by such a  
14 large scale construction and demolition C&D  
15 facility located only yards away from Omega Pond.  
16 The facility subjects the area residents to  
17 offensive sites, sounds and odors and we object to  
18 TLA/Pond View's request to expand at the expense  
19 of the neighbor's property values.

20 "TLA/Pond View has applied to triple the  
21 facility's capacity which would undoubtedly raise  
22 the amount of pollution, noise and traffic that  
23 comes from this property. It would need more 18  
24 wheelers to haul in material, more equipment to

0051

1 process that material, and more railcars to  
2 transport processed material off-site by train.

3 "The undersigned object to TLA/Pond View's  
4 application to increase its processing capacity  
5 limit to 1500 tons per day. We request that Rhode  
6 Island DEM deny TLA/Pond View's application and  
7 prevent the facility from further burdening its  
8 neighbors with the additional sights, sounds and  
9 smells that would necessarily follow such  
10 expansion."

11 And there are 144 signatures on this petition  
12 for you.

13 In the past several weeks, I have been door  
14 to door in the neighborhood making residents aware  
15 that TLA/Pond View submitted an application to DEM  
16 for a new license to triple its capacity. Not one  
17 residence was aware of this. I asked residents to  
18 sign a petition to try and stop DEM from granting  
19 TLA/Pond View a new license to triple the  
20 facility's capacity. Of the residents who were  
21 home at the time, 144 signed this petition.

22 By going door to door, I have listened to  
23 neighbors' complaints regarding TLA/Pond View.  
24 Neighbors complain about foul odor, rotten egg

0052

1 smell, dust that coats the inside of their homes  
2 when their windows are open. They cannot hang  
3 their clothes outside to dry because the smell  
4 gets into the clothes and dust covers them, so  
5 they have to be rewashed. To try and to save

6 money by not using their clothes dryer and going  
7 green is just not working for them. Pollution,  
8 trains, train whistles all hours of the day and  
9 night, and increased traffic were also complaints.

10 Health issues are a major concern from  
11 TLA/Pond View with all the neighbors. I am amazed  
12 to hear how some of the residents all seem to have  
13 similar health problems, and this is not just one  
14 street of residents, but several. On Saturday, I  
15 was on Kelly Avenue for two and one-half hours  
16 because neighbors were inviting me in to listen to  
17 their complaints. Kelly Avenue is located off  
18 Wilson Avenue. Kelly Avenue also abuts Lowell  
19 Drive, a dead end street off of Roger Williams  
20 Avenue across from Omega Pond. Kelly Avenue is  
21 located high above the berm that TLA has put up to  
22 block dust, foul odor and noise. A lot of good  
23 that does for the neighborhood.

24 Residents on Kelly Avenue are subject to

0053

1 pollution, foul odor, loud noise from TLA/Pond  
2 View. A major concern for residents on Kelly  
3 Avenue is that no one has taken into consideration  
4 that there is a playground where children play  
5 right on the other side of Lowell Drive. These  
6 children are subject to pollution, foul odor,  
7 airborne dust and possible health issues while  
8 playing outdoors. Residents have been told to  
9 write down day, date and time of their complaints,  
10 who they spoke to because this is what DEM wants  
11 to hear from residents. DEM states they get no  
12 complaints from residents?

13 Residents have called in the past with their  
14 complaints and their problem is never solved. And  
15 for one reason or another, they do not call to  
16 complain anymore because if it is written down,  
17 either by City Hall or DEM, their complaint is  
18 lost for one reason or another. It's no longer  
19 about writing down day, date and time and who you  
20 spoke to at DEM and City Hall. You are all aware  
21 of the neighborhood problems. It is now time to  
22 look at the big picture and see what this company  
23 is doing to our neighborhood. The children,

24 grandchildren, families and the quality of life in  
0054

1 our neighborhood no longer exists. Who will be  
2 held accountable for health issues in our  
3 neighborhood? TLA/Pond View or DEM? When will it  
4 all end?

5 Environmental justice is a definition that  
6 fits our neighborhood. It is the fair treatment  
7 and meaningful involvement of all people,  
8 regardless of race, color, national origin or  
9 income, with respect to the development,  
10 implementation and enforcement of environmental  
11 laws, regulations and policies. The EPA has this  
12 goal for all communities and persons across the  
13 nation. It will be achieved when everyone enjoys  
14 the same degree of protection from environmental  
15 and health hazards and equal access to the  
16 decision making process to a healthy environment  
17 in which to live, learn and work.

18 Environmental justice proponents generally  
19 view the environment as encompassing where we live  
20 work and play and seek to redress inequitable  
21 distributions of environmental burdens, pollution,  
22 industrial facilities, crime, et cetera. Root  
23 causes of environmental justice includes home  
24 modification of land, water, energy and air.

0055

1 Unresponsive, unaccountable government policies  
2 and regulation and lack of resource and power in  
3 affected communities, residents of economically  
4 disadvantaged areas, poor people having to suffer  
5 the effects of environmental damage caused by the  
6 act of others. This definition describes our  
7 neighborhood.

8 MS. GRANDCHAMP: We're approaching  
9 the five minute mark.

10 MS. DURFEE: I'm sorry, but  
11 residents weren't told five minutes. I'm almost  
12 done.

13 MS. GRANDCHAMP: I believe I read  
14 it in the transcript.

15 MS. DURFEE: On December 2, DEM  
16 held an information workshop regarding the

17 application for a new license for TLA/Pond View  
18 that Pond View is requesting. Yes, two neighbors  
19 from the neighborhood showed up for the  
20 informational workshop. I was one of the two to  
21 appear at the informational workshop because not  
22 one of the neighborhood residents knew about the  
23 informational workshop and only two found out two  
24 days before by word of mouth.

0056

1 DEM thinks that everyone gets a newspaper and  
2 knows where to look for the information or  
3 everyone owns a computer and can look it up on the  
4 Internet. Very few people today get a newspaper  
5 and there are more residents than you think that  
6 do not own a computer. So this is why only two  
7 residents showed up on September 2. I do believe  
8 it is our elected official's responsibility to  
9 notify all residents by mail regarding  
10 informational workshops and public hearings on  
11 serious issues regarding our neighborhood. What  
12 needs to be made very clear with DEM is the fact  
13 that DEM schedules informational workshops, public  
14 hearings at their own convenience at ten a.m. when  
15 all residents affected by TLA/Pond View are  
16 working at this time and it is a financial  
17 hardship for them to express their concerns and  
18 attend.

19 At the September 2 informational workshop,  
20 Terence J. Tierney, Special Assistant Attorney  
21 General, asked that the October 22 public hearing  
22 be moved to a time in the evening in East  
23 Providence when residents could attend. Attorney  
24 Robin L. Main from the law firm of Hinckley, Allen

0057

1 & Snyder, as well as Jeanne Boyle from the  
2 Planning Department of the City of East Providence  
3 also requested that the time and place be changed.  
4 DEM refused. DEM scheduled workshops and hearings  
5 at 10:00 a.m. for their own convenience which only  
6 tells the public they do not want to see a large  
7 turnout of neighborhood residents. Therefore, it  
8 makes DEM's job easy to get things passed without  
9 opposition.



10 At the September 2 informational workshop,  
11 Deb Nolan and I both complained of foul odor,  
12 dust, loud noise, increased traffic and at times  
13 the ground shakes from whatever heavy object is  
14 being dropped at TLA/Pond View.

15 Jack Walsh, vice-president of TLA/Pond View  
16 stated to Deb and I, "How do you know it is not  
17 the other companies making the noise near us or  
18 causing the odor, like Aspen Arogel or the toilet  
19 company down the road being Sanican?"

20 I told Jack Walsh, "I have lived on Omega Way  
21 for six years now and Aspen Arogel did not move in  
22 until 2006. They are not the problem." He had no  
23 reply.

24 I also informed Jack Walsh that when Ken

0058

1 Foley operated Pond View, there was a problem with  
2 Ken operating his business early in the morning  
3 and waking me up. I thought I was being a good  
4 neighbor and gave him a courtesy call and told him  
5 he was operating his business before hours.

6 Ken Foley replied, and I quote, "When did you  
7 move in?" I told him, "In 2004." To which he  
8 replied, "Well, I was here before you. You should  
9 have known I was here, what kind of business that  
10 I ran and never bought a house there. I have a  
11 business to run and I can operate any time of day  
12 I want, any day I want." He hung up the phone. I  
13 guess this defines being a good neighbor to Ken  
14 Foley, a very rude businessman.

15 I also attended the October 5 informational  
16 workshop at the East Providence Library. I  
17 mentioned that DEM announced the restoration  
18 project dam involving Omega Pond Dam, Hunts Mill  
19 and the Turner Reservoir. This spring, as we all  
20 know, DEM installed a fish ladder and released  
21 fish to Omega Pond so residents could enjoy  
22 fishing. I brought up the fact that TLA/Pond View  
23 withdraws 1,000 gallons of water per day twice a  
24 day to water down their property. By granting

0059

1 them a new license, they will be withdrawing 20 to  
2 30,000 gallons of water from Omega Pond for their

3 business for free. So why is DEM spending all  
4 this money on the dams when TLA/Pond View has  
5 hoses in the pond so small fish can get caught and  
6 sucked up in their hose.

7 Jack Walsh, vice-president of TLA/Pond View  
8 laughed and said, and I quote, "I would never eat  
9 anything out of the pond and have advised my  
10 employees not to, either."

11 I then told Mark Dennen from DEM who was  
12 present not once has anyone ever notified the  
13 general public not to eat what they catch in Omega  
14 Pond or warned them of the health risk if they do  
15 eat the fish. Mark Dennen from DEM replied, I  
16 quote, "I will talk to the part of DEM that lets  
17 the fish into the pond and tell them not to do  
18 that." So now every neighbor is asking what is  
19 going into Omega Pond from TLA/Pond View. What is  
20 there that DEM does not want the public to know?

21 The Office of Water Resources, the person in  
22 charge of water quality issues for the Ten Mile  
23 and Omega Pond is Brian Zalewsky. Mark Dennen  
24 stated in an e-mail, and I quote, that residents

0060

1 could talk to Brian Zalewsky about those water  
2 qualities regarding second samplings, that  
3 Mr. Zalewsky is not involved in the TLA/Pond View  
4 site. So questions specific to that site  
5 monitoring should be directed to Mr. Ali or Mark  
6 Dennen.

7 Neighbors are wondering why a person who is  
8 in charge of water quality issues is not involved  
9 in TLA/Pond View's site which comes back to the  
10 question, what is DEM trying to hide from the  
11 public?

12 At the same meeting on October 5, Jack Walsh,  
13 vice-president of TLA/Pond View, stated, and I  
14 quote, "We are trying to be a good neighbor. We  
15 could be operating 24/7, but for now we are not.  
16 For now, we are not operating 24/7." How about a  
17 few days from now? A week from now? A month from  
18 now? If he gets the license to triple his  
19 capacity, then 24/7 52 weeks a year will be  
20 forever and not just for now.

21 Once again, at the October 5 workshop, foul  
22 odor, loud noise, pollution, increased traffic,  
23 starting business before hours and train whistles  
24 were all part of what was brought up.

0061

1 Jack Walsh stated, and I quote, "The odor and  
2 the noise could be coming from companies around  
3 us, like Aspen Arogel, Sanican." Again, I  
4 reminded him that in 2006 Aspen Arogel moved in  
5 and I sat across from Sanican's property. Neither  
6 of these companies is the cause of noise or foul  
7 odor.

8 It seems that being a good neighbor to Jack  
9 Walsh is to make life miserable for everyone,  
10 including the companies around him. Jack Walsh  
11 does not want to take responsibility for his  
12 company's actions. It's easier to blame companies  
13 near his.

14 The Providence Journal this morning had an  
15 article regarding TLA/Pond View which Jack Walsh  
16 stated, and I quote, "The beds of trucks coming to  
17 unload, around 70 a day, have to be covered or  
18 they are not allowed in."

19 I find this statement inaccurate because on  
20 Monday, September 20, I parked my car on the  
21 corner of King Phillip Road and Dexter Road  
22 watching the trucks entering TLA/Pond View.

23 At 1:55 p.m. on September 20, a truck by the  
24 name of Dorrance Recycling with a license plate

0062

1 number 79132 was entering his business with no  
2 cover, container full.

3 On Monday September 27, at 7:05 a.m., a truck  
4 known as A. Viera, I did not get the License Plate  
5 Number because I was driving, was uncovered.

6 As early as Monday, October 18, 2010, at  
7 1:43 p.m., Rhode Island License Plate Number 26132  
8 roll-off with the name on the truck Pond View, no  
9 cover entering Pond View.

10 Jack Walsh also stated in this morning's  
11 paper, "You're going to hear traffic and you'll  
12 hear our processing and grinding faintly in the  
13 background." No one in this room lives in our

14 neighborhood. This statement is also inaccurate  
15 because I cannot open my windows or eat on my  
16 patio when the noise is so loud that I even have  
17 to turn the TV up when the windows are closed  
18 because you can hear the machinery inside the  
19 house. Again, residents' complaints are ignored.  
20 So why should they complain when people at City  
21 Hall have a habit or DEM has a habit of losing  
22 their complaints?

23 MS. GRANDCHAMP: If you could.

24 MS. DURFEE: I'll wind it up for

0063

1 you in just one minute.

2 MS. GRANDCHAMP: Thank you.

3 MS. DURFEE: I'm strongly opposed  
4 to DEM granting a license to TLA/Pond View to  
5 triple its facility capacity for the following  
6 reasons:

7 One, the quality of life in the neighborhood  
8 as it stands today, there is none. Two, possible  
9 health issues from TLA/Pond View affecting  
10 children, grandchildren, and entire families.  
11 Three, pollution, foul odor, airborne dust, loud  
12 noise, increased traffic, train whistles blowing  
13 all hours of the day and night, their hours of  
14 operation. Four, our property values will plummet  
15 and to sell your house will be almost impossible  
16 because no one wants to buy a home near a dump.  
17 Six, I pay property taxes for foul odor,  
18 pollution, loud noise, airborne dust, increased  
19 traffic, possible health issues, train whistles  
20 blowing all hours of the day and night. I do not  
21 pay property taxes for the enjoyment of my house  
22 because I cannot sit out on my deck, enjoy lunch  
23 or dinner, open my windows because of foul odor,  
24 airborne dust, loud noise and pollution.

0064

1 Thank you.

2 MS. GRANDCHAMP: Thank you.

3 Stephen Durfee.

4 MR. DURFEE: My name is Stephen  
5 Durfee, D-u-r-f-e-e. I live at 14 Omega Way, East  
6 Providence, Rhode Island 02916. I'm here to voice

7 my objection to the tripling of capacity of  
8 TLA/Pond View. I think most of the reasons have  
9 already been given quite well. There's a lot of  
10 things that are happening that seem to be unable  
11 to control. There is dust. There is the odor.  
12 There is the truck traffic. And a lot of the  
13 things that are happening are going to continue to  
14 happen and they're going to happen at a higher  
15 rate.

16 I look down the street and I see the former  
17 Ocean State Steel property. They're trying to  
18 remediate that and build on that, and that's going  
19 to overlook the pond. Are they going to be able  
20 to sell half million dollars condos that are going  
21 to overlook that site? I really don't think so.

22 As far as the trucks, Monday I did see that  
23 truck. It was on Roger Williams Avenue. It was  
24 uncovered and going towards Pond View.

0065

1 I can only hope that DEM will look at how  
2 this company impacts the entire area and not just  
3 what they're doing for the recycling and maybe  
4 this would help to keep this at least 500 tons and  
5 not allow the expansion to 1500 tons.

6 That's it for me.

7 MS. GRANDCHAMP: Thank you. Debra  
8 Nolan.

9 MS. NOLAN: Debra Nolan, N-o-l-a-n.  
10 I live at 50 Dalton Street in Rumford, 02916.

11 I also was one of the two neighbors with  
12 Jo-Ann. We came to the workshop on September 2  
13 with DEM regarding the application of TLA/Pond  
14 View for a new license to triple its capacity. I  
15 had to close my business that day. I also had to  
16 close my business today which is costing me a lot  
17 of money.

18 I have complained several times regarding the  
19 foul odor and the noise. I was with Jo-Ann. We  
20 were speaking to Jack Walsh, vice-president of  
21 TLA/Pond View, stating, I quote, "How do you know  
22 the noise and odor is coming from our company? It  
23 could be coming from one of the other businesses,  
24 Aspen Arogel or Sanican?" We know the noise is

0066

1 coming from there. When you live there, you know  
2 the way it's coming. It's just offensive and it  
3 has to be right there.

4 At the workshop at DEM on September 2,  
5 Mr. Ali from DEM made a comment that there have  
6 been no complaints to this issue of noise and  
7 odor. I have, in fact, made several complaints to  
8 DEM, spoke several times to Ben Laguski  
9 (phonetic). He also came up my street and I spoke  
10 to him about odor and he showed up about half an  
11 hour after the phone call. His comment was he  
12 couldn't smelled the odor. But if he had showed  
13 up a half hour earlier, he would have experienced  
14 the odor. Or if he had spent the afternoon in the  
15 neighborhood, he would have experienced it, also.  
16 What we're all complaining of -- I'm sorry. If he  
17 had stayed in the neighborhood he would have  
18 experienced what we were all complaining of.  
19 Instead, we're all being called liars because if  
20 they don't experience it, then it's not happening  
21 and that's not fair.

22 On another occasion, I also called Pond View,  
23 complained about the odor and the noise, spoke to  
24 the manager. He once again said it was not coming

0067

1 from them, blaming the neighbors. I asked him for  
2 his name and he hung up the phone on me. So much  
3 for trying to be a friendly neighbor.

4 Jack Walsh has also invited everyone to visit  
5 the facility. You can visit it all you want, but  
6 come in my backyard and tell me it's not a huge  
7 nuisance. A visit is just a temporary. When you  
8 live there, it's a lifetime. And when we have to  
9 take in all this soot and smell, it's just  
10 offensive. I was out cutting my lawn the other  
11 day and it was just -- I had to go in the house.  
12 It was rancid. It was terrible.

13 We live with a train whistle blowing as early  
14 as 5:00 a.m., trying to enjoy your property. Then  
15 comes the bad odor, the sound of grinding which is  
16 terrible and very loud and starting as early as  
17 5:30/6:00 in the morning, trucks banging, traffic

18 on Roger Williams Avenue. Also, production before  
19 hours.

20 And also I was driving down the road today  
21 and there's a house for sale. And it's a woman  
22 that's in a nursing home and she's trying to sell  
23 her house, probably due to the fact of insurance  
24 and she needs to pay her medical. And on the

0068

1 sign, it says waterfront view. And I look at it  
2 as Pond View dump view.

3 So that's all I have to say. Thank you.

4 MS. GRANDCHAMP: Thank you. Ken  
5 Foley.

6 MR. FOLEY: Okay. Good morning.  
7 My name is Ken Foley. Unlike the lawyers, I can't  
8 tell you about degrees and so on and so forth.  
9 What I can tell you is I'm the fellow who started  
10 the facility, got it going in 1997/1998. Worked  
11 two or three years going through the whole  
12 process. I have taken some notes. I want to  
13 comment on some of the things that I have  
14 firsthand knowledge of, facts. People, you know,  
15 kind of exaggerations going everywhere.

16 They're not in any particular order, but,  
17 first of all, during that variance process when we  
18 obtained the first variance, the variance which  
19 was five to zero unanimously voted in my favor to  
20 grant the variance, it was never ever stated by  
21 everybody that I would be limited to 150 tons of  
22 processing or receiving material. So the city's  
23 always claimed because it was 150-ton of grinding,  
24 that that attached to the tonnage coming in. That

0069

1 was never part of the stipulations, never. It's  
2 like telling McDonald's you can only sell 50  
3 hamburgers. It's crazy. So the city comes up  
4 with that, but, in my opinion, I'm not a lawyer,  
5 the 150 grinding except for three or four other  
6 stipulations is what I was held to. That's it.  
7 Never ever amount of material to bring in.

8 So going back to go to waterfront commissions  
9 to do this or that, in my opinion, once again I'm  
10 not a lawyer, that wasn't necessary. And Judge

11 Fortunato come on the site, I forget the year, and  
12 told the city the same thing. You cannot regulate  
13 the amount of material that comes in here, just  
14 the grinding. That point.

15 You know, I started there in 1997. Everyone  
16 here knows, they know it was a family business.  
17 It was my wife and I owned it. My wife had an  
18 office next to me, my daughter-in-law was at the  
19 desk. My mother-in-law worked there for eight  
20 years. My grandchildren played in playpens in the  
21 back room for eight years. Okay? Never once have  
22 we had respiratory problems in my family. Never  
23 once. So these respiratory things 1,000,  
24 2,000 feet away, I don't know where they're coming

0070

1 from, but my family has never experienced that.  
2 That's number one.

3 You know, over that time period, the ten  
4 years or nine years that I owned the facility, I  
5 tested, retested, tested dust, noise, everything  
6 you can imagine, complaints by the neighbors.  
7 DEM, well, we've got to test it. I tested it.  
8 They never did. They never submitted to me, as  
9 far as I know TLA, any scientific evidence that  
10 we've done anything wrong with the noise, the  
11 dust. A lot of complaints, a lot of calls. They  
12 don't even put it in writing. Okay?

13 So, you know, I'm sympathetic. I grew up in  
14 Riverside. My mother-in-law lives on North  
15 Broadway. My brother-in-law still lives there.  
16 You know, I'm a good neighbor. I thought I was.  
17 I give, give and give, but that's another story.  
18 I won't get into that.

19 But, you know, it's a funny story. When the  
20 neighbors complained the dust on the toys and the  
21 picnic benches and all that, I hired a company to  
22 go in there and go across the street and take  
23 samples of the dust. They found nothing.

24 Then they were complaining it was in their

0071

1 homes. So we came to them and said we will test  
2 the dust in your house. And if we find dust,  
3 asbestos or any dust that's a contaminant and you



4 can't prove it's Pond View, you've got to move out  
5 of your house because every house there is painted  
6 with lead paint, the door jambs, the window jambs.  
7 You know what they said? Don't test. Oh, God,  
8 don't test. Because it's going to cost them money  
9 and it's inconvenient. All of a sudden, the dust  
10 issue went away. Now it's coming back again.  
11 Same dust, same everything.

12 Has there been dust in the pond? Absolutely,  
13 can't deny that. It's my opinion, what we've  
14 tested, it's the dust from the wood fines. Okay?  
15 TLA has done a much better job of controlling it  
16 than I had. They've added more trucks, more  
17 watering devices, more dewatering. So I think --  
18 I mean, they show pictures, they go back to 2001  
19 when we were going through that whole learning  
20 curve and trying to work through some of these  
21 things. So there has been changes, positive  
22 changes on TLA's part.

23 You know, Miss Boyle, Jeanne Boyle, she talks  
24 about Dexter Road. Now, if anyone in this room

0072

1 has never been on Dexter Road or Rumford, they  
2 would think we're talking about Blackstone  
3 Boulevard here, that's what they're thinking, or  
4 we're Ocean Drive in Newport. You drive down  
5 there, the first thing you hit is a place on the  
6 left. I guess if it exploded, the whole City of  
7 East Providence would disappear. That's what I  
8 was told. Then next we have, what the heck is the  
9 name of the company that does the environmental  
10 cleanups, they're there. They have tanker trucks  
11 right off the railroad tracks. I'll think of it  
12 in a minute.

13 MR. TIERNEY: Clean Harbor.

14 MR. FOLEY: Clean Harbor, they're  
15 right there. There's tanker trucks. God only  
16 knows what's in the tanker trucks. I don't see  
17 any objections to them. Then you make the corner,  
18 the tank farms. The city allowed them to put in  
19 two or three tanks. They're not going anywhere.  
20 They're there forever. We all know that. So your  
21 commercial drive with your light entertainment,

22 schools and buses, you know, that's crazy. Go  
23 down to the street, Mr. Merver (phonetic) has a  
24 site there that's contaminated. He's cleaning it

0073

1 up. I don't know how long that's going to take.  
2 I don't know who's going to build on that site.  
3 Then you've got a toilet company. That could be  
4 temporary, but then you've got Aspen Arogel which  
5 is a good neighbor to me. They came to me, I came  
6 to them. We had a great relationship. We still  
7 do. They're a heavy industrial user. There'  
8 fifty stacks coming out of that thing. I'm sure  
9 they're all clean, I have no idea, but they've got  
10 more going on than Pond View ever had. So they're  
11 not a light commercial like we're going to have a  
12 boutique down there. It's crazy. That road is a  
13 deserted highway. Go down there any day of the  
14 week. Right now there's a truck every five  
15 minutes. You'd fall asleep waiting for a truck.  
16 That's no lie. You think it's traffic. Roger  
17 Williams Avenue, is it our fault that that bridge  
18 is closed? Everyone forgets. Almacs, when they  
19 were operating their warehouse, there were a  
20 thousand trucks a night. No one said nothing  
21 then.

22 So skipping over to the contamination of the  
23 pond, just before I see our neighbor here, in his  
24 property, there's a catch basin that runs right in

0074

1 Omega Pond right from the city. All of that runs  
2 down the hill off the trucks in there right into  
3 the pond. Who's complaining about that? Nobody,  
4 okay, but it's a fact.

5 You know, all these years with the neighbors  
6 it hasn't been perfect. We've tried. I've tried.  
7 I had open houses there. You know, I talk to the  
8 neighbors all the time. Come down and look Jack  
9 Walsh in the eye and say I've got a problem. This  
10 is happening. Go out there just to -- these  
11 things can be resolved and worked out, but to just  
12 throw about traffic noise, whistles during the  
13 night. The train doesn't get there until  
14 noontime. I don't know where they come up with

15 these crazy things. It don't operate at night,  
16 never, never, never. We don't open till six.  
17 It's an industrial area.

18 When I took that over 1997, it was like a  
19 ghost town down there. There was nothing going  
20 on. Astro Arogel was a pile of gypsum a mile  
21 high. They didn't know what to do to the place.  
22 They come to me and wanted me to move over there.

23 I mean, we went in '97 with a legitimate  
24 industrial use. We were granted 5-0 with no

0075

1 restrictions other than grinding and put up a  
2 tent, put up this here.

3 So, you know, the neighbors, it's too bad.  
4 We have to do something to get along better.  
5 There's no doubt about it. We've got to work  
6 together. Is it a perfect world over there? No,  
7 but it's not what everyone says it is. I look at  
8 my family. My family was in that office for eight  
9 to ten years. My grandchildren with cribs there.  
10 They don't have respiratory problems. They're  
11 healthy normal people. And I'm not saying -- I  
12 don't know what it is.

13 One other example. When I was going through  
14 all this in 2003 for the 500, I think it was 2003,  
15 a contractor painted the Wannamoisett Country Club  
16 a mile and a half year. They blamed me because  
17 the paint was falling off the wall because of the  
18 dust. That's the truth. His name was Lynch.  
19 Lynch, the painter, he accused me and my company a  
20 mile and half away from the dust and the pollution  
21 because the paint was falling off the thing. Not  
22 because he didn't prime it properly.

23 So, I mean, it's just -- I don't know why  
24 people go crazy with these allegations. Maybe in

0076

1 their mind and their hearts they really feel it's  
2 that bad, but I don't think it is.

3 So thank you very much for my time. Thank  
4 you very much.

5 MS. GRANDCHAMP: The stenographer  
6 has just requested we take a short break. It is  
7 currently 11:40. We'll return here at 11:45 to

8 continue.

9 (RECESS TAKEN)

10 MS. GRANDCHAMP: It is now 11:54.

11 We're going to begin accepting comments again.

12 The next person I have on the list is Manny  
13 Soares.

14 MR. SOARES: My name is Manuel F.  
15 Soares, and I'm on the property line, 10 Dexter  
16 Road in East Providence.

17 The first question I would like to ask how  
18 far can the operation be operated from the  
19 property line? That's one.

20 Second one, the neighbor got no right to be  
21 notified or not. I never was notified.

22 The third one. Well, that one I'm going to  
23 skip. I'm not going to talk about waterfront open  
24 storage.

0077

1 Sometimes I have a problem with rocks in the  
2 street and sidewalk a few feet down at the  
3 building. And sometimes I get the RPM machinery  
4 working. I always have to pay attention, but  
5 sometimes start doing something, next thing I know  
6 some truck coming in that the dumpster way up in  
7 the air slide out and the dumpster hit the ground  
8 and sometimes when I'm working the machine, just  
9 jumping like 50 feet. I look at my hands and  
10 fingers, oh, God. Just see if we can avoid that  
11 problem. And sometimes I've got a dumpster right  
12 behind the building. I mean, I can lose my hand.

13 I would appreciate it if they cover if they  
14 use the dumpster, when they dump the scrap steel  
15 inside the dumpsters, try to minimize the noise  
16 because it's not a big thing. That's twice. I  
17 got some dust.

18 And another thing, I worry about the value of  
19 the property and the taxes.

20 And sometimes they got train cars on the  
21 property, they're pushing over the property. I  
22 got racks over the side.

23 And from now on, an example, like they never  
24 notify me and said what's going on. I got A

0078

1 friend of mine come and telling me which means not  
2 many people talk about that to me. I don't know  
3 why. I got no idea.

4 That's all I got. Thanks.

5 MS. GRANDCHAMP: Do you have  
6 comments that you could give us in writing?

7 MR. SOARES: I got some, but...

8 MS. GRANDCHAMP: Could I have that?

9 MR. SOARES: Yeah. I mean, it's  
10 not really comments as to the way things I  
11 expressed.

12 MS. GRANDCHAMP: Okay. Thank you  
13 very much. Could you give your address for the  
14 record?

15 MR. SOARES: Which one? I'm on the  
16 borderline, the property line to Pond View. My  
17 address, if you want, it depends the one you  
18 looking for. Can be the one I work for. I don't  
19 live there, but I spend ten, 20 hours sometimes.

20 MS. GRANDCHAMP: Terence Tierney.

21 MR. TIERNEY: Good afternoon and  
22 thank you for the opportunity to comment on the  
23 Department of Environmental Management's intent to  
24 improve TLA/Pond View's application for a new

0079

1 Solid Waste license with the existing C&D facility  
2 that is now operating under Rhode Island Solid  
3 Waste Regulation License Number 64.

4 My name is Terence Tierney, that's spelled  
5 T-i-e-r-n-e-y. I'm a Special Assistant Attorney  
6 General and I'm appearing today on behalf of  
7 Attorney General Patrick Lynch.

8 As you may know, the Office of the Attorney  
9 General of Rhode Island is vested with common law,  
10 statutory and constitutional power and duties to  
11 ensure that our state laws are followed and our  
12 natural resources are protected. In an attempt to  
13 carry out those responsibilities, I am here today  
14 to object to the Department's decision and to urge  
15 DEM to reconsider its position because the  
16 approval of this facility expansion would threaten  
17 our state's environmental quality and would  
18 violate state law as recently interpreted by the

19 Rhode Island Supreme Court.

20 I'd also like to take a moment to join in  
21 East Providence's objection to the format of this  
22 hearing process. Under the Administrative  
23 Procedures Act, I believe DEM has no right to  
24 limit citizen comments to five minutes, and I

0080

1 believe it is unfair to do so.

2 The Attorney General's Office will be filing  
3 detailed written comments for the record and for  
4 your consideration over the next 30 days. So in  
5 the interest of time at this juncture, I would  
6 like to only briefly summarize the Attorney  
7 General's position on the proposed license and  
8 will focus my remarks primarily on two procedural  
9 and legal topics.

10 The first point is that before considering  
11 yet another expansion project, DEM should first  
12 decide whether the existing license was approved  
13 in accordance with state law. As you are aware,  
14 the Attorney General did not think so and appealed  
15 DEM's issuance of that license to Pond View way  
16 back in 2003. Yet this agency has still not  
17 concluded the hearing that is necessary to resolve  
18 the legality of that disputed license expansion.

19 Only a few months ago in May of 2010, the  
20 Rhode Island Supreme Court squarely rejected DEM's  
21 position in a decision involving this very  
22 applicant and this very same facility license. As  
23 you are aware, the court ruled that Pond View's  
24 existing license, quote, "Is a product of the 2003

0081

1 license." That 2003 license is the subject of the  
2 Attorney General's appeal that is still pending  
3 before the Department of Environmental Management.  
4 The Office of Waste Management continues to oppose  
5 the Attorney General's right to have that hearing.  
6 So the Attorney General respectfully suggests that  
7 it is time for DEM to accept the ruling of our  
8 state Supreme Court and to provide the evidentiary  
9 hearing that has been ordered and also to make a  
10 decision about the validity of the last major  
11 expansion you approved because, like it or not,

12 the new 1500-ton per day license application now  
13 before you is also a product of the 2003 license.  
14 In other words, the validity of this application  
15 is dependent on the validity of the existing  
16 license.

17 The second point I wish to make this morning  
18 is that last May's Rhode Island Supreme Court  
19 decision also decided the meaning of the state  
20 statute that governs the issuance of the kind of  
21 license DEM intends to issue to Pond View. And it  
22 was described by our Supreme Court as being,  
23 quote, "quite different," end quote than DEM's  
24 interpretation of that governing law. Yet DEM

0082

1 persists in applying its erroneous interpretation  
2 of the governing statute by allowing Pond View's  
3 application to even proceed to this stage of  
4 process because Pond View has not met the  
5 requirements the Supreme Court said are required  
6 in order to get this type of a new license.

7 We strongly urge DEM to read the Supreme  
8 Court decision in Attorney General Patrick Lynch  
9 vs. DEM and to abide by the court's ruling in this  
10 case. Specifically, I direct your attention to  
11 the portion of the court's opinion that appears at  
12 994 A2d at page 72 wherein the court stated, and I  
13 quote, "An applicant for a renewal license or a  
14 license transfer is not required to provide the  
15 Director with a certificate from the municipality  
16 in which the proposed site is located stating that  
17 the facility conforms with the applicable local  
18 land use and control ordinances of the  
19 municipality and such an applicant is not required  
20 to provide a certificate of approval of the  
21 proposed site issued by the state planning council  
22 nor is an applicant for renewal or transfer  
23 license subject to the same public notice and  
24 comment requirements; whereas, all of the

0083

1 foregoing are required in order to obtain a new  
2 license. See R.I. General Laws 23-18.9-9A1  
3 through 4 and Subsection C," end quote.

4 As you can see, our Supreme Court has just

5 issued its interpretation of the exact statute  
6 Pond View and DEM are subject to in this very  
7 license proceeding. And the court has clearly  
8 determined that state and local certificates are  
9 absolute prerequisites to Pond View obtaining the  
10 license it now seeks. Yet it has neither. That  
11 fact is undisputed.

12 So DEM should accept in its historical  
13 approach to issuing licenses under Section  
14 23-18.9-9 has been overruled by a higher authority  
15 and should reverse its position with respect to  
16 Pond View's compliance with the statutory  
17 prerequisites. To do otherwise, I suggest, will  
18 only invite further Supreme Court review.

19 I would also urge DEM to address the problems  
20 that exist at the C&D processing facility your  
21 agency has already approved before granting an  
22 expansion of this license that will create a  
23 refuse magnet with debris originating from out of  
24 state. Today, numerous environmental problems

0084

1 persist at C&D facilities, such as the Global  
2 Recycling site, the New England Ecological  
3 Development site, and the so-called Vinagro East  
4 site. DEM has demonstrated an inability to  
5 conduct necessary inspections and enforce the  
6 permits it issues and, until it can, should not be  
7 allowing more expansions.

8 According to a June 2009 report on  
9 construction and demolition management in the  
10 northeast prepared by the Northeast Waste  
11 Management Officials Association, it is likely  
12 that 78 percent of the total documented quantity  
13 of C&D generated in Rhode Island "ended up in a  
14 landfill environment." And facilities in  
15 Massachusetts and Connecticut have sent of tens of  
16 thousands of tons of C&D to Rhode Island for  
17 disposal despite our state law ban on out of state  
18 waste dumping at the Central Landfill.

19 The report noted that, "Some C&D waste  
20 generated in Rhode Island is managed at facilities  
21 that do not report to R.I. DEM." So we believe  
22 that DEM should enforce the law at existing



23 facilities before allowing more potential problems  
24 of a similar nature to arise.

0085

1 In conclusion, the Attorney General will  
2 later file detailed comments about what we believe  
3 to be a number of specific deficiencies in the  
4 license application, such as the apparent lack of  
5 a water withdrawal permit by the applicant and  
6 DEM's wetland program not having reviewed this  
7 application. But now, though, we respectfully  
8 urge DEM to closely review last May's Rhode Island  
9 Supreme Court ruling in Attorney General Lynch vs.  
10 DEM; and in accordance with that ruling, number  
11 one, convene and conclude the administrative  
12 hearing on the existing facility license and,  
13 number two, deny this proposed expansion until the  
14 applicant can secure the state and local  
15 certifications the Supreme Court has ruled are  
16 absolutely required for the requested license.

17 Thank you very much.

18 MS. GRANDCHAMP: Thank you.  
19 Richard Brown.

20 MR. BROWN: I'm going to be  
21 speaking on Monday.

22 MS. GRANDCHAMP: David Ashton.

23 MR. ASTON: My name is David  
24 Ashton, A-s-h-t-o-n. I'm president of Gripnail

0086

1 Corporation located at 97 Dexter Road just up the  
2 road from Pond View. We're a light manufacturing  
3 facility with an international customer base and  
4 we've been in our building since the early '80s,  
5 we predate Pond View, and we object to this  
6 expansion based solely on the trucks going back  
7 and forth in front of our facility. We are far  
8 enough up the road. I feel for you guys living  
9 close, but we don't get fumes and dust and whatnot  
10 up at 97. However, open trucks go by and just the  
11 nature of the business is that stuff drops off of  
12 the trucks.

13 And, you know, Ken Foley is right when he  
14 says that Dexter Road is not Blackstone Boulevard,  
15 but it's not the road to the dump, either. And so

16 those of us who try to maintain our property don't  
17 want to see this kind of expansion just because of  
18 the debris that's left in the road.

19 That's all I've got. Thank you.

20 MS. GRANDCHAMP: Thank you. John  
21 Torgan.

22 MR. TORGAN: Thank you for this  
23 opportunity to speak. I'm John Torgan, Director  
24 of Advocacy and Narragansett Bay Keeper with Save  
0087  
1 the Bay.

2 Save the Bay is primarily concerned with  
3 potential impacts with the proposed expansion to  
4 water quality and fish habitat in Omega Pond and  
5 the Ten Mile River system. We're partners in the  
6 Ten Mile River Ecosystem Restoration Project along  
7 with DEM and the Army Corps of Engineers, EPA,  
8 NOAA and other local partners.

9 We noted in the proposal for expansion by  
10 TLA/Pond View that the application refers to a  
11 Omega Pond as a manmade pond specifically designed  
12 for industrial use. And while that may be part of  
13 its history, today it represents an essential  
14 spawning habitat, migratory habitat for dwindling  
15 stocks of river herring, alewives, blueback  
16 herring, and other anadromous fish which are  
17 protected under the Anadromous Fish Act. It's a  
18 federal trust for federal trust species. We're  
19 particularly sensitive to any fish habitat impact  
20 or fish passage concerns. Between 2000 and 2005  
21 in Rhode Island alone, river herring populations  
22 declined by more than 95 percent and while there  
23 are a number of theories for that decline, we all  
24 agree and I believe the DEM and the other agencies

0088

1 agree that we need to do our best to restore fish  
2 populations and spawning habitat wherever possible  
3 to protect it.

4 A 15 year long effort between the Corps, EPA,  
5 DEM, NOAA and the other non-federal partners have  
6 already invested in excess of \$4 million in  
7 restoration. The idea is to bring fish ladders,  
8 fish passage systems to allow the herring to pass

9 through the dam at Omega Dam and into the pond and  
10 later up into the Ten Mile system to spawn. And  
11 Save the Bay is concerned that the proposed  
12 expansion, as we've just given preliminary review,  
13 will undermine the goals of these cooperating  
14 agencies by increasing the potential of water  
15 quality and fish habitat impacts through fugitive  
16 dust, pollutant stormwater, groundwater, and other  
17 incidental releases.

18 We're further concerned, and you can see in  
19 these diagrams that have been presented, about the  
20 lack of any real buffer between the facility and  
21 the pond. The buffer is paved and impervious.

22 Also, we are concerned about the water  
23 withdrawals. We understand the potential in the  
24 new application of up to 30,000 gallons per day to

0089

1 be withdrawn. Those should be regulated. They  
2 should be monitored and they should observe the  
3 best management practices afforded to other  
4 industries that use water that's withdrawn to  
5 minimize impacts on fish, including entrainment  
6 impingement systems and to keep an accurate  
7 accounting of what the impact of that water usage,  
8 both withdrawal and discharges, is to the  
9 receiving water body.

10 So we will submit more formal comments before  
11 the close of the comment period after we've had a  
12 better change to review the application. Those  
13 are my comments at this time. Thank you.

14 MS. GRANDCHAMP: Thank you.  
15 Eugenia Marks.

16 MS. MARKS: Good afternoon. My  
17 name is Eugenia Marks. I'm a senior policy  
18 director at the Audubon Society of Rhode Island.  
19 I hold an undergraduate degree from NYU and a  
20 graduate degree in Environmental Studies from  
21 Brown University.

22 I have worked in the area of water quality  
23 for about 30 years. I'm familiar with the Dexter  
24 Road area for many years and the Omega Pond area.

0090

1 Currently, I monitor osprey nests in the area. So

2 I have driven down Dexter Road recently to observe  
3 the nests that exist on the cell tower there. And  
4 I will submit written comments, but I would also  
5 like to reserve the right to submit further  
6 comments in the 30 day period.

7 We have a number of concerns on this permit  
8 and ask that no decision be made until there's a  
9 clarification of the data. We question the  
10 protection of the environment, the lack of  
11 protection of environment, that it seems to be  
12 less than the law allows. We question how the  
13 expansion to 1500 tons per day of construction and  
14 demolition debris can occur without an increase in  
15 the materials stored outside. How can these  
16 materials be sorted into different components for  
17 recycling and shipping off-site without some  
18 storage occurring? Has there been a calculation  
19 of the interior space available to hold and move  
20 materials into their constituents.

21 The application states that up to seven  
22 railcars will be coming in on the spur line, and  
23 my comment has to do with the amount of material  
24 that can be put into those railcars and the

0091

1 relationship to the provision that the material be  
2 moved off-site in a timely manner. So the  
3 percentage of waste is based on volume, but other  
4 data in the application are based on weight. So  
5 how does the relationship between weight, volume  
6 and economic efficiency of moving railcars affect  
7 this application? And we believe that a full  
8 discussion of that matter should be included in  
9 further consideration of this case.

10 We're concerned about wallboard and its  
11 separation as a nonrecyclable material. Wallboard  
12 comes from demolition of various aged buildings  
13 and depending upon the origin of that wallboard,  
14 it may have some constituent of concern as they  
15 relate to human health. There's also the question  
16 of lead dust in wallboard that was painted before  
17 1972 or before sometime when lead paint was not  
18 permitted. So we ask in the operation plan how  
19 the wallboard will be separated to minimize dust

20 and how will the baling process minimize dust?  
21 Will there be spraying during that baling process?  
22 And when it's deposited into the railcars, how  
23 will the compaction and the deposit of the  
24 wallboard into rail cars be managed? The term

0092

1 "properly managed" in the operation plan needs  
2 further definition.

3 How will assurance that no sprayed on  
4 asbestos or other insulating materials are  
5 included in the metal beams or other materials  
6 slated for recycling? What is the fate of  
7 insulation that is integral to these materials?  
8 How will the dust from dumping and compaction of  
9 the wallboard be controlled? I covered that just  
10 a moment ago.

11 We're concerned not only about the dust in  
12 the area, but particularly to wetlands. My  
13 graduate degree is in wetlands policy, and so I'm  
14 concerned about impacts to wetlands. I would  
15 observe that proposed waste piles can be up to  
16 20 feet high. The current chain link fence is  
17 certainly inadequate for dust control, and I would  
18 ask that the proposed fence be at least 20 feet  
19 high.

20 I don't understand why there's no water  
21 quality certification required. It seems to me  
22 that some runoff to the pond must occur with the  
23 spraying operations. There are several SIC codes,  
24 including 4953 - Rubbish Collection and Disposal

0093

1 or 4226 - Special Storage that seemed applicable.  
2 There's also 5093 - Scrap and Waste Materials.  
3 And what is the fate of the 1,000 gallons per day  
4 of water that's sprayed onto the long haul  
5 trailers for dust control?

6 How will the air emissions of fuel to feed  
7 the proposed wood fire heater be regulated to  
8 ensure lead based paint on scrap wood from  
9 demolition is not burned and is not released lead  
10 through the smokestack.

11 The statement in Section 7.2.02 of the permit  
12 application that, quote, "Each day, TLA/Pond View

13 will record the amount of material received, the  
14 amount of material shipped, and the daily total of  
15 all materials received and shipped," and provide  
16 these sheets to R.I. DEM on request provides  
17 insufficient protection because the budget and  
18 staff of DEM are inadequate to request and review  
19 these data. The mass balance accounting of waste  
20 so that tonnage of each type of waste processed is  
21 accounted for to a total of permitted amount  
22 should be electronically submitted on a daily  
23 basis as a matter of public record. In the  
24 description of permits, only 150 tons per day of

0094

1 wood is mentioned, with projected tonnage of each  
2 material. The permit would be easier to  
3 understand as throughput storage and vehicles  
4 entering and leaving the property if each tonnage  
5 of material were listed. We understand that  
6 markets and volumes vary, but there should be a  
7 standard range on the environmentally safe  
8 capacity of a site of each material to be  
9 delivered, and that should be a condition of this  
10 permit if granted.

11 I, too, have looked at Google Maps, and I  
12 attached a reproduction of the Google Maps in my  
13 testimony. And there's a tool on Google to  
14 measure the aforementioned woodpile in this  
15 section is 33 feet from the pond and that is  
16 within the 50-foot buffer, regulated buffer of a  
17 wetland pond. And I would respectfully disagree  
18 with the DEM assessment that this is an  
19 insignificant alteration. As was pointed out  
20 previously and as can be seen in these  
21 photographs, there are containers within that  
22 50-foot border.

23 We ask for review that the RIPDES permit is  
24 not required. And we ask for a review because

0095

1 there are uncovered materials in the railcars and  
2 in piles and in containers and that's also shown  
3 in the Google photographs.

4 We, too, are concerned about the fish  
5 restoration project. I've commented on that

6 permit. I would also point out from earlier  
7 remarks that anadromous fish are fish that migrate  
8 between salt and fresh water to breathe, and that  
9 they would be using both Omega Pond and upstream  
10 sites in the Ten Mile River, that entrainment of  
11 young fish could occur in withdrawal, and,  
12 furthermore, that this is a continuous migration  
13 because people care so much about the herring that  
14 they go in the spring with nets and physically  
15 lift the herring from the Seekonk River up into  
16 Omega Pond.

17 So I thank you for this opportunity to  
18 comment. I also have noted in my written comments  
19 that I've done graduate work in product design,  
20 and so I do have an understanding of building  
21 materials. Thank you.

22 MS. GRANDCHAMP: Thank you. Melody  
23 Alger.

24 MS. ALGER: On behalf of Pond View,

0096  
1 I'm going to defer my comments until I hear the  
2 comments of all.

3 MS. GRANDCHAMP: Roberta Grock.  
4 No? Okay. James Briden.

5 MR. BRIDEN: I'm going to defer my  
6 comments for now and let others speak. I'll be  
7 there Monday night.

8 MS. GRANDCHAMP: Would anyone else  
9 like to speak?

10 MR. McCONNELL: I would. I hadn't  
11 intended to, but my name is Arnold, A-r-n-o-l-d,  
12 McConnell, M-c-C-o-n-n-e-l-l. I am the executor  
13 of the estate of Russell McConnell, 128 Roger  
14 Williams Avenue. So, in other words, we're  
15 abutters of the Pond View project. We're  
16 incidentally trying to sell the house there.

17 I'd just like to draw your attention just for  
18 a second to this map. I don't know when it was  
19 created, but it makes Omega Pond look a little bit  
20 like Lake Huron. I think reality would dictate  
21 otherwise. If this is, in fact, the railroad  
22 trestle, this is where Jo-Ann and Steve Durfee and  
23 my dad live, and this little thing off Roger

24 Williams Avenue is Omega Pond. I would dare say

0097

1 that if somebody took a 100-foot tape measure, it  
2 would probably not run four times from the  
3 Durfee's back door to the periphery of the Pond  
4 View property.

5 Therefore, we are stakeholders in this  
6 somewhat of a charade of a hearing. The fact that  
7 permits can be ignored, the fact that laws can  
8 be -- Supreme Court decisions can be blown off, it  
9 really is symptomatic of a larger problem that we  
10 have. The fact that the Norman Rockwell ideal of  
11 the citizen standing up being respected just as  
12 much as a technocrat who's being paid as a  
13 consultant fee to be here is a joke, also.

14 But with all due respect, I will say this.  
15 We get smells in our neighborhood. When we're  
16 trying to sell our house, we have a rotten egg  
17 smell that would knock over a cow. We get dust on  
18 our screens that has to be swept out with the  
19 brush that you use for a dust pan. I have heard  
20 both Democratic and Republican candidates for  
21 office, in East Providence particularly, defend us  
22 so vehemently, butter would melt in their mouths;  
23 but at the same time they do, they keep mentioning  
24 the Waterfront District Commission. And, of

0098

1 course, this would be a big feather in the cap of  
2 the Waterfront District Commission to have some  
3 control over Pond View or for Pond View to  
4 leverage its political influence and have some  
5 control over it.

6 The Waterfront District Commission is  
7 something about which not even ten people within  
8 the purview of the Waterfront District Commission  
9 have any information. Their bylaws and governing  
10 statutes run to at least 20 or more pages on the  
11 Internet. I doubt whether very many people even  
12 know the existence of these statutes. It's a  
13 meeting among technocrats to decide the fate of  
14 the taxpayers without representation in East  
15 Providence. It's a Pontius Pilate move. Kick it  
16 over to the Waterfront District Commission, let



17 them control the zoning. I'm sorry, their  
18 authority supersedes our elected authority in East  
19 Providence and it's talk to the state.

20 Well, I don't think it's legit. I don't  
21 think it's legitimate. And I want to go on record  
22 as a person who has lived in East Providence for  
23 43 years, taught in East Providence school system  
24 for 33, consider myself to be a Townie, love my

0099

1 hometown. I don't even mind Pond View. I have  
2 used them a few times. They're a well run  
3 business in many ways. Their receptionists are  
4 great. Their drivers are great. I'm glad that  
5 they are employed. There is a context for a  
6 business like Pond View. God knows we need some  
7 businesses in this economy.

8 With that being said, do not deny the dust,  
9 ladies and gentlemen. Don't get up here in your  
10 shirttails when you're a millionaire and talk  
11 about, you know, kids who are in the crib in the  
12 backroom. Come on, there's such a thing as  
13 science. There's such a thing as government.  
14 There's such a thing as an honest brokerage  
15 between the people and their government,  
16 particularly when the people are paying taxes.  
17 Okay? I'm a left wing tea partier. I hate  
18 taxation without representation, also.

19 I'll see you on Monday. I hope the struggle  
20 continues. Jo-Anne, and I know you and Steve to  
21 be great. You were wonderful to my dad. You're  
22 top notch people. You're the kind of people who  
23 have to stay in East Providence. You're the life  
24 blood of East Providence. Without you, we're

0100

1 Johnston. Excuse me for saying it.

2 Thank you very much.

3 MS. GRANDCHAMP: Would anyone else  
4 like to speak?

5 MR. WATKA: Good afternoon. I'm  
6 Greg Watka. I'm a plant manager for Aspen Arogel,  
7 neighbors. Background, Naval Academy graduate.  
8 Eight years in the Marine Corp. Got out after the  
9 First Desert Storm and I've been running

10 manufacturing operations ever since. Neighbors to  
11 TLA/Pond View. I'm just going to tell you my  
12 experience there in the facility.

13 Yes, I think we all know that there are  
14 odors, odor scenarios. But I'll tell you what,  
15 TLA/Pond View has been a good neighbor to us. We  
16 share a borderline. I don't have really any other  
17 concerns other than every once in a while when  
18 they're bringing in those berms, there's  
19 definitely odor there.

20 So I just wanted to kind of throw it out  
21 there from another business perspective. They are  
22 a very good neighbor to us. I've got a very good  
23 relationship with Jack. I didn't know Ken very  
24 much. We actually built the facility back in

0101

1 2006, but we didn't really actually start running  
2 it back until about the end of 2007/beginning of  
3 2008 in earnest. We are a manufacturing 24/seven  
4 today. We make the best insulation in the world  
5 for those of you that don't know about us. We are  
6 used as nanotechnology. We are a light industrial  
7 manufacturer, completely enclosed. We are  
8 expanding. We are creating jobs locally. We're  
9 very proud of our operation. That's all I've got  
10 to say.

11 MS. GRANDCHAMP: Thank you. Would  
12 anyone else like to speak? Clayton, would you  
13 like to speak? Continue?

14 MR. CARLISLE: Yes. I can add to  
15 what I was talking about before. I won't go  
16 through all my items because I will put in for  
17 written comments, as well.

18 I just want to get back to the dust and odor  
19 issues that I was last speaking about. I talked  
20 about gypsum wallboard. Eugenia Marks was talking  
21 about that. We do understand that you separate  
22 it, that TPA/Pond View separates it, but I really  
23 want to know how do you separate it, what are the  
24 steps, how do you keep it out of the C&D

0102

1 processing line, that sort of thing. The  
2 application does not touch upon that, and I think

3 that's it's an important thing to know.

4 As far as the site improvements, the  
5 application states recent site improvements and  
6 improved operating and housekeeping practices will  
7 allow TLA/Pond View to operate within its current  
8 permit limits of 20,000 gallons per day of water  
9 withdrawn from Omega Pond. I'm not sure how  
10 tripling the incoming C&D tonnage will cause the  
11 facility to not increase that permitted limit.

12 Site improvements and the housekeeping  
13 practices should be identified and it should  
14 demonstrate how additional water is not needed.  
15 We've heard a lot about dust. It's not clear  
16 whether the stockpiles are watered down. It's not  
17 clear how often the roadways are watered down to  
18 prevent dust from blowing around, and that's  
19 something that should be put on the record by the  
20 applicant so that DEM, when you're regulating and  
21 monitoring this facility, you're saying are they  
22 meeting the standards, if you do approve this  
23 permit, if you do approve it, that's the kind of  
24 standards that you're going to hold them to.

0103

1 The factory installed misting system which  
2 controls dust generated during the grinding  
3 process, that's the only statement in the  
4 application about it. What is this factory  
5 installed misting system? What are the data  
6 sheets on it? How does the operator utilize it?  
7 How often is it utilized? Again, if you want to  
8 review it completely, you need to know more  
9 information about that other than the statement  
10 that it's there and it's used.

11 The perimeter fence, we've heard a couple of  
12 folks talk about that. The application says,  
13 "10-foot tall wooden perimeter fence restricts  
14 windblown materials from straying off-site." I  
15 beg to differ. There is a ten foot tall fence.  
16 It is not a perimeter fence, and I'm not sure it  
17 prevents windblown materials from leaving the  
18 site. If the applicant wants to state there is a  
19 10-foot tall perimeter fence, it should be  
20 required by DEM that that be installed. And we've

21 heard testimony today it should be taller, and I  
22 can support that statement as well.

23 The improved pavement on Dexter Road.  
24 According to the Table of Wastewater and Leachate  
0104

1 Generation, "Roadway dust suppression will drop  
2 from the estimated current amount of 5,000 gallons  
3 per day to 2,000 gallons per day due to  
4 substantial pavement improvements." I didn't know  
5 how bad this road was previously, but they must  
6 have done a really good job paving it because now  
7 to have a 60 percent reduction in the amount of  
8 water that's applied to the road to reduce the  
9 dust on the property, it doesn't seem to  
10 correspond, and I think that statement should be  
11 questioned by DEM. That also seems even less  
12 likely when the amount of tonnage coming to the  
13 facility is tripled. The number of trucks driving  
14 within the facility are increased by two or three  
15 times the present amount. I think roadway dust  
16 suppression should be re-evaluated by the  
17 Department.

18 So, in general, as far as dust control in the  
19 application, it says, "TLA/Pond View will minimize  
20 nuisance conditions from fugitive dust. C&D  
21 transport vehicles are covered to control  
22 windblown material during transport on public  
23 roadways. TLA/Pond View maintains a 3,000 gallon  
24 water truck to apply water to exposed gravel

0105

1 areas. A 10-foot tall wooden perimeter fence  
2 restricts windblown materials from straying  
3 off-site. Debris that is collected in this area  
4 is removed regularly and a factory installed  
5 misting system controls dust generated during the  
6 grinding process."

7 These are the statements that are provided in  
8 response to Solid Waste Regulation 7.1.05F which  
9 is dust control. And in my mind, these measures  
10 don't sufficiently control fugitive dust,  
11 particularly based on the complaints made by  
12 nearby neighbors. Dust is found on Omega Pond  
13 near the residences in the Phillipsdale (phonetic)

14 section on the north side of Omega Pond.

15 The applicant needs to make an effort to have  
16 consistent statements in this permit application  
17 in terms of how is the dust controlled, how  
18 often -- for example, how often is the roadway  
19 watered down by the water truck. We've heard  
20 testimony, again, I said the permit application  
21 said it was a 3,000-gallon water truck. We've  
22 heard testimony that it's a 1,000-gallon water  
23 truck. The consistency is lacking a little bit.  
24 So I think that elaboration on exactly how dust is

0106

1 controlled at this site is important for all  
2 parties, DEM and the residents.

3 I'll move along quickly. This is an issue on  
4 what is being ground up here. As I understand it,  
5 the facility grinds wood and they're limited to  
6 150-ton per day and that's the DEM permit  
7 condition, and TLA acknowledges that Pond View is  
8 not requesting an increase in grinding capacity  
9 above their current limit of 150-ton per day. I  
10 submit that if this application for expansion is  
11 approved, DEM should state clearly as a permit  
12 condition that only wood grinding is allowed at  
13 the facility and is limited to 150 tons per day.

14 I'm slightly concerned about this new piece  
15 of equipment that's offered in the appendix as far  
16 as the specifications of a Computech Terminator  
17 5000 or 6000 Shredder which was proposed for the  
18 site. Wood is ground up by the Terex Simplicity  
19 5060 DH Wood Grinder, and that's been in use at  
20 the site and I believe that's the one that has the  
21 fine mist application. I don't know what the  
22 Terminator is being used for. It's commonly used  
23 to pulverize and grind sandy material into smaller  
24 sizes. If the separation of C&D materials is

0107

1 understood in the application to be performed by  
2 screeners in picking lines, I don't see where the  
3 Terminator Shredder is applied in that process. I  
4 think the operating plan should be revised to  
5 indicate that this equipment, as well as the  
6 existing equipment, where it's used in the

7 processing step and what its function will be and  
8 I think DEM should be aware if the equipment  
9 proposed will contribute to or increase the dust  
10 generated by the facility.

11 So, in summary, if the expansion license is  
12 approved, DEM should be specific on what is being  
13 ground up under what applicable limitations, i.e.  
14 grinding of woods performed at the facility  
15 limited to 150 tons per day, I ask that DEM  
16 specifically state that no grinding or shredding  
17 of C&D material that is not wood will be allowed.

18 As far as oversight of this facility,  
19 TLA/Pond View states that they recover 85 to  
20 90 percent of their incoming materials. Based on  
21 records from Rhode Island Resource Recovery  
22 Corporation from July 1, 2009, to May 26, 2010,  
23 the corporation received 32,530 tons of commercial  
24 waste, solid waste soils, alternate cover which is

0108

1 processed C&D screenings and alternate cover which  
2 is non-hazardous processed soils from TLA/Pond  
3 View.

4 I made some calculations. If TLA/Pond View  
5 received 500 tons per day everyday during this  
6 time over a six day work week, they would have  
7 brought in 143,000 tons into the facility. I  
8 submit that that incoming tonnage is lower. I  
9 don't know that they hit 500 tons per day  
10 everyday, but for the sake of making calculations.

11 If you assume that all material that is  
12 nonrecyclable that leaves the facility goes to the  
13 Central Landfill and used for those categories  
14 that I referenced, the recovery rate is  
15 77 percent, meaning 23 percent is nonrecyclable.  
16 If the facility runs for five days a week instead  
17 of six days, which I read in the paper today that  
18 apparently they're on five days a week, during  
19 this time period, if that was five days a week,  
20 they would have received 120,000 tons per day and  
21 that would have been a 27 percent nonrecyclable  
22 recovery rate.

23 So my point is that the table contained in  
24 the report does not adequately identify the amount

0109

1 of percentages of incoming material and does not  
2 appear to adequately state the percent of incoming  
3 material that they recycle and recover. I think  
4 that's important for DEM to understand the  
5 variation in different recycling rates being  
6 stated and require the applicant to submit records  
7 which would support their documentation as to  
8 whether they are recovering 85 to 90 percent of  
9 those incoming materials or if it's less than  
10 that; and if it is less than that, where is that  
11 material going?

12 Again, just a couple of items I want to touch  
13 on for wood waste. How is that processed at the  
14 site? TLA/Pond View states that employees are  
15 trained to distinguish between unadulterated and  
16 treated wood, but TLA/Pond View supplies out of  
17 state end users with a combined  
18 adulterated/unadulterated woodchipper uses fuel.

19 So in my mind, they're saying we don't  
20 separate wood waste. If it's got paint on it or  
21 whatever types of treatment on it that is not  
22 allowable for resale in the State of Rhode Island,  
23 we're just taking it, we're chipping it up, we're  
24 sending it for wood fuel, and that's fine; but in

0110

1 light of that apparent mingling, co-mingling of  
2 wood waste, I suggest DEM make a permit condition  
3 that Pond View is prohibited from selling  
4 processed wood waste in the State of Rhode Island  
5 unless the operating plant is modified and  
6 approved by DEM. If they wish to change their  
7 process and separate used clean wood and resell  
8 that in the state to landscapers or whatever the  
9 final market is for that, that should be  
10 resubmitted back to DEM because right now they're  
11 combining everything.

12 I have a few other statements on the permit  
13 application. I'm not going to go through them  
14 all. Again, that will be in written form. But as  
15 far as reviewing the permit itself, I mentioned, I  
16 believe, earlier that the property survey should  
17 be provided, should be stamped, it should be a set

18 alone document so that when DEM is reviewing the  
19 application, they can see where the property  
20 limits are. With the orthophoto, I found it very  
21 difficult to identify aspects of that survey,  
22 again, where the drainage is, where the property  
23 line is. You know, the application references  
24 that it borders Omega Pond. Well, it borders

0111

1 property owned by the city and DEM has allowed  
2 this 50-foot buffer from Omega Pond which crosses  
3 into property owned by the city and crosses over  
4 it. And I think if DEM was able to clearly  
5 identify the property lines, they might readdress  
6 that 50-foot buffer line.

7 Again, the site plan, some details I think  
8 need to be readdressed as far as contours,  
9 indication of where the road -- the paved areas  
10 are, where are the traffic patterns at the site so  
11 DEM can understand how the facility operates.

12 I'd like to see where the intake hose from  
13 Omega Pond, where is that located in the pond?  
14 That's not shown. It just states that there's an  
15 intake hose from the pond onto the property and  
16 there's no indication on the site plan where that  
17 hose is. And where does it cross over? Does it  
18 cross town property? And is there permission to  
19 do that?

20 I also want to point out, and this will be my  
21 last summarizing, the operating plan references  
22 certain components of the operations facility, but  
23 yet those don't jive with what the site plan  
24 shows. For example, metals are moved directly

0112

1 inside for sorting. From my understanding, there  
2 is no sorting done inside. Perhaps, they are.  
3 Again, the building did not say it's a sorting  
4 building. It just said it's equipment storage.

5 So as far as making sure that the site plan  
6 reflects the piping network, the stormwater  
7 drainage swales, the location of the temporary  
8 daily process residual storage area, these kind of  
9 things referenced in the operating plan should be  
10 shown on the site plan so it can be properly



11 evaluated by DEM.

12 I ask that DEM, upon your review of my draft  
13 comments, comments made today, not my draft, my  
14 final comments both written and proposed in this  
15 hearing, are evaluated and used to be included in  
16 permit conditions for this site if DEM elects to  
17 approve the application. There are a lot of  
18 conditions that should be applied and adhered to,  
19 and I believe that DEM's monitoring of that site  
20 based on very clear and explicit permit conditions  
21 will make it easier for you guys to know when  
22 there are violations, as well as the public. And  
23 that concludes what I have.

24 MS. GRANDCHAMP: Thank you. Robin,

0113

1 any more comments?

2 MS. MAIN: Not at this time.

3 MR. BRIDEN: If time permits, I'd  
4 like to testify for no more than five minutes.

5 MS. GRANDCHAMP: Okay.

6 MR. BRIDEN: I'm James Briden. I'm  
7 the city solicitor for the City of East  
8 Providence.

9 I think it's important for your legal counsel  
10 to carefully review the certification set forth in  
11 a letter from Attorney William Maia. This is  
12 dated August 3, 2009. I think it's imperative  
13 that your legal counsel review this issue  
14 carefully and advise you and that you not accept  
15 this certification without that type of review.

16 The City of East Providence strongly  
17 disagrees with the conclusion of this  
18 certification and really the analysis that was  
19 provided in a previous letter of June 15, 2009.  
20 To accept this conclusion, and what I mean by that  
21 is it's not disputed that they exist, that  
22 operation exists because of a use variance, and a  
23 very well established principle of zoning law is  
24 that whenever you intensify a use that operates by

0114

1 way of a use variance, you have to reappear before  
2 the zoning board in order to seek a further  
3 variance. Well, that same principle applies in

4 this instance. Kind of the successor to the  
5 zoning board in this context would be the  
6 Waterfront Commission. And as a matter of law, it  
7 is necessary for this applicant to apply for a  
8 deviation which is really the term for variance or  
9 further variance before the Waterfront Commission.

10 This contention is not inconsistent with the  
11 decision mentioned earlier by Judge Fortunato. To  
12 reach a contrary conclusion to not require that  
13 that take place is to really make the Waterfront  
14 Commission irrelevant, no matter what degree of  
15 change or intensification is ever proposed. In  
16 fact, if you accept the certification and the  
17 conclusion, that could actually be used to make  
18 the very need to apply for a variance at the  
19 beginning unnecessary because the conclusion is  
20 basically that zoning is irrelevant.

21 And you can't pick and choose which  
22 principles of zoning law apply. If one is to  
23 accept and to contend that a use variance was  
24 required to begin with, then it is one must follow

0115

1 a very well established principle of zoning law  
2 which is when you intensify the use that is  
3 allowed by a use variance, you have to go back  
4 before that board.

5 So I would urge your RIDEM to have its legal  
6 counsel carefully review this issue, and the  
7 position of the City of East Providence is that  
8 this certification is clearly erroneous. Thank  
9 you.

10 MS. GRANDCHAMP: Thank you.

11 MS. MAIN: Laurie, if there's two  
12 minutes, I'd like to take that, but I'd rather  
13 have others go.

14 MS. GRANDCHAMP: Is there anyone  
15 else that would like to comment?

16 Okay. Robin will be our last commenter.

17 MS. MAIN: Again, Robin Main from  
18 Hinckley, Allen & Snyder on behalf of the City and  
19 the Waterfront Commission.

20 There are a couple of points that I would  
21 like to make to you today. There has been, to the

22 best of my knowledge, no review by the wetlands  
23 division of Pond View's application to withdraw  
24 water from Omega Pond. They were issued an  
0116

1 insignificant alteration permit quite a few years  
2 ago now; and as to that permit, several points.

3 First of all, we don't believe it was  
4 transferred properly as it must be from one  
5 facility operator to another. That's required by  
6 the wetlands regulations. That's never been done  
7 with TLA/Pond View.

8 Secondly, Pond View in its original  
9 application to the wetlands division cited to  
10 certain documents in the Records of Land Evidence  
11 in the City of East Providence that purportedly  
12 showed its right to withdraw water from Omega  
13 Pond. There are deficiencies in those documents.  
14 From my review, I do not believe that those  
15 documents clearly give Pond View the rights that  
16 it has told DEM that it does. So DEM should go  
17 back to TLA/Pond View and ask for further  
18 information on their water right withdrawals from  
19 Omega Pond. They are not a riparian landowner  
20 there. Therefore, any rights that they have to  
21 withdraw from Omega Pond have to exist by easement  
22 or otherwise; and to date, I have seen no proof  
23 that they may withdraw under the circumstances  
24 that they have contended to DEM that they have.

0117

1 We, also, as has been mentioned by Miss Marks  
2 from Audubon, questioned the need for a RIPDES  
3 permit given the type of SIC codes they most  
4 likely fall under and other water quality  
5 certification requirements. So, again, I think  
6 Omega Pond which is an extremely important natural  
7 resource in the area has been ignored by the  
8 Department in its review of this application.

9 And overall, I'd like to say as a concluding  
10 statement on behalf of the City and the Waterfront  
11 Commission that we would like to see DEM deny this  
12 application. There is very little support for the  
13 notice of intent that DEM has produced so far in  
14 this matter. We have shown today deficiencies in

15 the application. We will speak more to those on  
16 Monday night and we will be submitting written  
17 comments and we ask you deny the application.

18 MS. GRANDCHAMP: Thank you.

19 The time is 12:58 p.m. At this time, we are  
20 suspending the public hearing here at the DEM  
21 headquarters and will continue it Monday,  
22 October 25, 2010 at 5:00 p.m. at the Weaver Public  
23 Library in East Providence. Those individuals who  
24 have not yet had an opportunity to comment may do

0118

1 so on Monday evening or provide the comments in  
2 writing. The same proceeding for providing  
3 comments outlined previously will also be followed  
4 during the continued public hearing on Monday  
5 evening. Thank you.

6 (HEARING ADJOURNED AT 1:00 P.M.)

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1 C E R T I F I C A T E

2

3 I, Linda S. Taylor, a Notary Public in  
4 and for the State of Rhode Island, hereby certify that  
5 the foregoing pages are a true and accurate record of my  
6 stenographic notes that were reduced to print through  
7 computer-aided transcription.

8           In witness whereof, I hereunto set my hand  
9 this 16th day of November, 2010.

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LINDA S. TAYLOR, NOTARY PUBLIC/CERTIFIED COURT REPORTER

My Commission Expires 8/4/13

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1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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HEARING IN RE: \*

5 \*

TLA/POND VIEW \*

6 \*

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9 DATE: OCTOBER 25, 2010  
TIME: 5:00 p.m  
10 PLACE: WEAVER PUBLIC LIBRARY  
41 GROVE AVENUE  
11 EAST PROVIDENCE, RI

12  
13

14 PRESENT:  
15 LAURIE GRANDCHAMP  
SUSAN FORCIER, ESQUIRE

16  
17 ALSO PRESENT:  
18 KEVIN BRISTOW, ESQUIRE  
MELODY ALGIERS, ESQUIRE

19  
20

21  
22 RHODE ISLAND COURT REPORTING, INC.  
747 NORTH MAIN STREET  
23 PROVIDENCE, RI 02904  
(401) 437-3366

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0004

1 (HEARING RECONVENED AT 5:01 P.M.)

2 \*\*\*\*\*

3 MS. GRANDCHAMP: The time is 5:01  
 4 p.m. The location is the Weaver Public  
 5 Library, 41 Grove Avenue in the City of East  
 6 Providence. Tonight's hearing is a  
 7 continuation of a hearing that began on  
 8 Friday, October 22nd, 2010 at the DEM  
 9 Headquarters located at 235 Promenade Street  
 10 in Providence. Thank you for coming. My name  
 11 is Laurie Grandchamp and I'm the Supervising  
 12 Engineer in the Office of Waste Manager. With  
 13 me today is Susan Forcier, an attorney from  
 14 our Office of Legal Services.

15 Today we are holding a continuation of a  
 16 public hearing regarding the application of  
 17 TLA/Pond View for a 1,500 ton per day  
 18 construction and demolition debris processing



19 facility located at One Dexter Road in East  
20 Providence, Rhode Island. We will begin  
21 accepting comments from those individuals who  
22 have not yet had an opportunity to comment on  
23 the license application for the TLA/Pond View  
24 facility.

0005

1 MR. FAZIOLI: Thank you. Good  
2 evening, my name is William Fazioli,  
3 F-A-Z-I-O-L-I. I am the Vice Chairman of the  
4 East Providence Waterfront Commission. I was  
5 a former City Manager of the City some time  
6 ago and I just wanted to provide some  
7 testimony. I understand I have a five-minute  
8 limit, so I'll be brief. I know you've heard  
9 some of these comments and issues before, so  
10 I'll just get to the point as it speaks to the  
11 Waterfront Commission.

12 Just to give you some background, the  
13 Waterfront District was established or was  
14 adopted by the City first initially in 2003,  
15 and it was finally adopted in 2006 through the  
16 work of the State General Assembly and the  
17 signature of the governor to create a  
18 redevelopment district within our City of  
19 about 300 acres of waterfront property that  
20 has been largely been underutilized. It had  
21 had former uses for heavy industrial  
22 manufacturing, commercial, petroleum, and  
23 storage facilities that the City -- realizing  
24 that those industries have left the City or

0006

1 have long been gone. The City is looking to  
2 revitalize that opportunity, to bring in new  
3 jobs, expand the tax base and so on.

4 I was City Manager when the plan was  
5 adopted by the City. We've been, again, in  
6 place since 2006, and we've worked with a  
7 number of new industries to come into the City  
8 to reignite our economy. As you know, the job  
9 base here in the City is contracting and we  
10 hope to bring in some particular industries  
11 that we feel will be beneficial in a new

12 economy. I'll get into the specifics as I get  
13 a little further into the presentation.

14 Again, you know, most of the property is  
15 still underutilized. We did re-zone it to  
16 allow for mixed use development and high-tech  
17 manufacturing in certain areas as well. In  
18 the area that the applicant is located, it's  
19 still a heavy industrial area that is being  
20 reused with some additional companies.

21 When I was City Manager, we were  
22 instrumental in bringing Aspen Aerogels, a  
23 high-tech manufacturing firm that brought in  
24 very good high paying jobs, about 80 jobs, a

0007

1 company that hopes to expand even further to  
2 actual manufacturing. It's a wonderful  
3 product they have. I'm not sure if you're  
4 familiar with it, but it's innovative  
5 technology that has global applications.

6 We're just concerned that the uses that  
7 we identified in the redevelopment plan and in  
8 the City's Comprehensive Plan are consistent  
9 with the uses that are going on now. We don't  
10 want the area to become too overly  
11 industrialized to part of an economy that's  
12 not going to be able to move the City's  
13 economy forward, in the direction we want  
14 it.

15 We're concerned about not just the effect  
16 of the applicant's activities there, but  
17 offroad, the traffic, from what I understand,  
18 tripling the amount, the tonnage per day will  
19 increase the truck traffic from 70 to 200,  
20 times two, that's 400 trips in and out of our  
21 City roads that will be going through an area  
22 that, frankly, we're trying to redevelop into  
23 a different use than what is currently there  
24 right now.

0008

1 So we just wanted to state for the record  
2 that we object to the applicant's request for  
3 a license expansion. I know you have a long  
4 night planned for yourself, so I don't want to

5 get into it. I know you've heard a lot of it  
6 before.

7 MS. GRANDCHAMP: Thank you.

8 MR. PIMENTEL: This is my counsel,  
9 he's the City Solicitor. I'm the City Zoning  
10 Officer, Edward Pimentel, P-I-M-E-N-T-E-L.  
11 Basically, it was then Pond View, now I  
12 believe -- I guess it's still a Pond View  
13 operation, but when they were expanding from  
14 the 150 tons to 500 tons, there was a request  
15 made by the City at that time, as I recollect.  
16 I wasn't here when the initial operation was  
17 approved by the Zoning Board of Review, but I  
18 was here when the initial expansion occurred.

19 There was a request made -- I believe it  
20 was an Air Certificate for Zoning, but I know  
21 a violation went out then, was this in line  
22 with the parameters of the initial zoning  
23 decision? We did an analysis reviewing the  
24 requisite transcripts and the testimony

0009

1 provided over several hearings back in '97  
2 when the application was first adopted. We  
3 reviewed the site plan and all the other  
4 documentation that was submitted, and it was  
5 our opinion then that it fell or exceeded the  
6 parameters of what the Zoning Board had  
7 approved back in '97. That went to the Zoning  
8 Board of Review on appeal and there was an  
9 interesting dichotomy in that there was both  
10 an appeal and a use variance sought.

11 When it was brought to attention of the  
12 applicant that they were invoking the use  
13 variance and that they were agreeing that in  
14 fact it went beyond the parameters, then that  
15 was withdrawn and they ended up going on to  
16 Superior Court and there was a Superior Court  
17 decision issued.

18 Basically, I mean, I have to be  
19 consistent and I have to hold the same  
20 opinion, because if threefold was beyond the  
21 parameters of the scope of that decision,  
22 clearly, a ten-fold increase beyond the

23 150 tons is beyond the parameter and the scope  
24 of that decision.

0010

1 I mean, my opinion as it was then and it  
2 is now is that although the Board of Review on  
3 authority has changed; whereas, before I said  
4 it had to go back to the Zoning Board for a  
5 modification on that decision, now clearly it  
6 would have to go to the Waterfront Commission  
7 in that it's no longer zoned Industrial 3  
8 under the general zoning rights, it's now  
9 within the Waterfront District, specifically  
10 the Dexter Road subdistrict. And that's what  
11 our position is.

12 What was interesting was they did seek  
13 out that opinion at that time and they haven't  
14 sought out that opinion this time, that's why  
15 I was requested to come in and give the  
16 opinion, since it was sought from us initially  
17 from the applicant. And that's where we stand  
18 from the zoning perspective.

19 MS. GRANDCHAMP: Thank you. It is  
20 5:09 and we're going to suspend the hearing  
21 for approximately five minutes so we can move  
22 into a larger room.

23 (BRIEF RECESS)

24 MS. GRANDCHAMP: It is 5:16 p.m. and

0011

1 we are going to continue the hearing. When I  
2 call your name, please come up to the podium  
3 to speak. We're asking that everyone limit  
4 their time to five minutes so that way we  
5 allow everyone the chance to speak. We do  
6 have a lot of people that are interested in  
7 speaking and we only have this room until  
8 7:00. The first person is Donna Dellefemine.

9 MS. DELLEFEMINE: Hi, I'd just like  
10 to say that not only am I opposed to the  
11 expansion, I'm opposed to the operation of  
12 this facility. Twice during the summer the  
13 stench was so bad in our neighborhood, and I  
14 live up on the top of Wilson Hill, where we  
15 called the fire department because it was a

16 gassy smell. And if that's not a pollutant,  
17 I'm not sure what DEM or the City thinks is.  
18 This facility definitely is polluting our  
19 neighborhood and I'm totally against it.

20 MS. GRANDCHAMP: Thank you. The  
21 next person is Mark Hedden.

22 MR. HEDDEN: Thank you. My name is  
23 Mark Hedden. I also oppose the expansion and  
24 the operation of TLA/Pond View. I'm a

0012

1 resident of 108 Roger Williams Avenue. I feel  
2 it's the responsibility of our community's  
3 health, environmental health, and it should be  
4 our government's own DEM that's, you know,  
5 monitoring all of this and is responsible for  
6 it. That responsibility as property owners,  
7 residents, we expect it. It's come into  
8 question. You know, we're starting to  
9 question our own government agencies.

10 I just want to make sure that DEM's  
11 acting in the best interests of the residents  
12 and the people of the community. In my paper  
13 I've submitted for their review, I've cited  
14 ten different articles that are out of their  
15 own operations of landfills, the management of  
16 landfill or recycle centers. Of those ten  
17 articles that I've cited, I've gone through  
18 the entire booklet reading each one, and  
19 there's doubt in ten of those. Unfortunately,  
20 I can't address them to you people here, you  
21 would need the pamphlet for each one of those  
22 permits, or the regulations. It's DEM's  
23 SW0401 manuscript.

24 The rules are -- one was changes

0013

1 regarding the operation. 150 ton to 500 ton  
2 to 1,500 ton, you know, what's next? The  
3 zoning regulations, addressing the impact of  
4 activities on operation. Groundwater testing,  
5 by whom? The paper is out in the library, you  
6 can all see it later, if you want, Pond View  
7 is responsible for that; DEM doesn't. They're  
8 not responsible for that.

9 Our concerns are air quality, noise  
10 pollution, offensive odors, dust, fibrous  
11 pollutants and traffic from the operation of  
12 the facility. Of all of those things that  
13 I've just addressed, DEM says their concerns  
14 are with the water and the air. Of those two  
15 concerns that they have or that they say  
16 they're involved with, those two concerns,  
17 they monitor neither. They don't take any air  
18 samples, air quality.

19 There hasn't been any reference to the  
20 odors even though the odors are one of the  
21 statutes that are listed in the operational  
22 procedures in that manual by the state.  
23 There's also a radius plan. They're supposed  
24 to look at everything within a half-mile of

0014

1 the facility from what I understand. I'd like  
2 to see some of those results.

3 Now, in my paper that I submitted,  
4 hopefully -- I ask that you e-mail me, you  
5 know, with some of those concerns. I'd really  
6 be interested in it. I'd like to know if  
7 there's any testing on the toxins on the  
8 rollaways from TLA/Pond View. TLA/Pond View  
9 claims no responsibility for the exact  
10 contents. They're relying on the contractors  
11 themselves to police whatever's inside the  
12 rollaways. They do inspect them when they're  
13 emptying them out, but they're already on the  
14 property.

15 DEM also says that they're only  
16 responsible for the facility itself, they're  
17 not responsible for how the material gets to  
18 the site. That's a huge impact on our  
19 neighborhood, never mind -- when it's 500 ton  
20 to 1,500 ton. That's absurd.

21 We've just had evidence this past week  
22 that many of the rollaways haven't been  
23 covered. Well, I'm sorry, they're supposed to  
24 be covered and they haven't been. Well,

0015

1 that's an issue. Who is policing that? So as

2 far as that goes, when DEM isn't monitoring  
3 any of those activities and TLA/Pond View is  
4 monitoring the only other thing, which is  
5 water, then, you know, how are they granting  
6 this permit?

7 A little side note, since 1988 -- I mean,  
8 since 1998 every home but one in proximity of  
9 my house, there are six homes, every one but  
10 one, because my neighbor's pretty young,  
11 hopefully, he won't succumb, but there's been  
12 a death of an elderly person since 1998. I  
13 think that -- I think, you know, you've got to  
14 investigate this stuff. I think you've got to  
15 look at the plume and then say, hey, let's do  
16 a study and find out how many elderly have  
17 passed away in this area. I think you'd be  
18 pretty surprised.

19 I'm a nationally ranked tennis player,  
20 I'm a tennis pro. Never smoked, always been a  
21 healthy athlete. Since 1998 -- prior to 1998  
22 I've never had a sinus infection, bronchitis  
23 or pneumonia. Since 1998 -- I just got my  
24 records from the East Providence Medical

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1 Center. From 1998 to 2006 I have had 22 cases  
2 of medicated either bronchitis or sinusitis,  
3 and I've had two cases of pneumonia. This is  
4 all from '98 to 2006.

5 Since 2006 to 2009 or '10, I've been  
6 treated by a person in Barrington. And just  
7 this past year, I've had two cases of  
8 sinusitis that I've needed medication for, and  
9 one case of pneumonia.

10 We really, really have to take a look at  
11 this. Here's my questions for you: If this  
12 is a result of just 150 tons per day, I'd like  
13 to think -- I'd like you to think about what  
14 1,500 tons is going to do? What's it going to  
15 accomplish? My taxes are over \$4,000 a year  
16 for the privilege of living on the other side  
17 of the pond from Pond View. Quality of life?  
18 That's not a quality of life that's worth  
19 paying \$4,000 for, I'm sorry.

20 Tell me if the quality of life, you know,  
21 if this quality of life is expected and  
22 granted by the Constitution? We're supposed  
23 to be looking at our government, our local  
24 government.

0017

1 Here's another one, e-mail me why the  
2 City of East Providence, the laws and  
3 legislations mean nothing. It's absurd to  
4 think that, you know, East Providence has had  
5 complaints about Pond View and we're trying,  
6 all this effort, and here we are again. You  
7 know, it's becoming a very, very frustrating  
8 matter.

9 And, you know, I mention again, please  
10 e-mail me any of the information that's in my  
11 paper. I e-mailed it to DEM prior, so it's  
12 already on record. I just think that, you  
13 know, these steps -- and many of the people  
14 that are out here won't know what the statutes  
15 are because I don't think they were privy to  
16 the DEM document that mentioned about the  
17 regulations regarding the landfill issues.  
18 Thank you.

19 MS. GRANDCHAMP: Thank you very  
20 much. David Sullivan.

21 MR. SULLIVAN: Hi, my name is David  
22 Sullivan. I'm running for State Senate,  
23 District 14, but I am a resident. I live  
24 about two miles from the facility. I'd just

0018

1 like to say that I'm very concerned about  
2 what's going on there. And win or lose the  
3 election, I'm going to be behind anything it  
4 takes to move this facility and to make it  
5 safe for the people that live there.

6 I'm very concerned about their health and  
7 I'm very concerned about nothing's been done  
8 and it needs to change. Thank you.

9 MS. GRANDCHAMP: Thank you. Anibul  
10 Raposa. Am I not pronouncing it correctly?  
11 A-N-I-B-U-L? Richard Brown.

12 MR. BROWN: Thank you. I'll try and



13 be more coherent than my handwriting. My name  
14 is Richard Brown. I'm a resident of East  
15 Providence. I live at 332 Pleasant Street in  
16 the Rumford section. I'm the City Manager of  
17 East Providence and I've been here for a  
18 little over four years.

19 I have about 35 years of experience in  
20 local government. Prior to coming to East  
21 Providence, I was City Manager in New London,  
22 Connecticut, for almost 14 years and City  
23 Manager in Petersburg, Virginia, for about  
24 nine years. My educational background is a

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1 Master's in Public Administration from the  
2 University of Tennessee and a Bachelor's  
3 Degree from the University of Virginia.

4 Let me first start out by saying that  
5 East Providence is dedicated to supporting  
6 business and economic development. City  
7 officials and elected officials spearheaded  
8 the development of the East Providence  
9 Waterfront District Commission in the early  
10 2000s. As you heard from Jeanne Boyle, the  
11 City's Planning Director, the Waterfront  
12 Commission is a separate and distinct legal  
13 entity from the City. The Waterfront District  
14 encourages mixed use development and the mixed  
15 use development contains aspects of  
16 residential development as well as the  
17 development of light industry, including  
18 high-tech, that will provide the City as well  
19 as the State with a strong and vibrant tax  
20 base now and into the future.

21 In fact, just a couple of meetings ago,  
22 the last meeting, the City Council approved a  
23 tax increment financing plan that will allow  
24 for mixed use development in the Waterfront

0020

1 District. That development will exceed over  
2 167 million dollars and will include  
3 townhouses, condominiums and commercial  
4 development.

5 The City opposes the dramatic expansion

6 of TLA/Pond View to triple its existing  
7 disputed size. Mayor Larisa has spoken as to  
8 why the process should not even be allowed to  
9 continue. Deputy Mayor Cusack in his remarks  
10 presented a resolution from the City Council  
11 opposing the expansion of TLA/Pond View.  
12 Various experts have testified as to the  
13 concerns with the application and the negative  
14 implications of the proposed expansion.  
15 Neighbors have testified as to how Pond  
16 View/TLA has had a negative impact on their  
17 quality of life. The City has received  
18 numerous complaints concerning nuisances  
19 caused by TLA/Pond View, including odor and  
20 noise, and any further intensification of  
21 TLA/Pond View is not compatible with the  
22 surrounding area.

23 The City and Waterfront Commission's  
24 traffic expert has commented to you on the

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1 tremendous increase in truck traffic if  
2 TLA/Pond View were allowed to increase to  
3 1,500 tons per day and the increased burden on  
4 the City's already choked roads. Neighbors  
5 have also again commented on noise and odor  
6 and you will hear from the City's police chief  
7 on concerns directly related to traffic that  
8 come under his purview.

9 Now, originally, I had planned to ask DEM  
10 if they were to grant the increase to 1,500  
11 tons per day, that they take certain  
12 precautions in protecting Omega Pond,  
13 monitoring the wetlands, monitoring dust and  
14 noise, and ensuring that the appropriate  
15 easements to draw water from Omega Pond were  
16 in place.

17 I am reluctant to make that argument very  
18 strongly because, quite frankly, we are  
19 concerned with DEM's desire and ability to  
20 regulate the activities at TLA/Pond View.  
21 Again, the City opposes the dramatic expansion  
22 of TLA/Pond View and demands that RIDEM deny  
23 that application.

24 We would also like to thank the Rhode

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1 Island Attorney General's Office, the  
2 Conservation Law Foundation, the Audubon  
3 Society and Save the Bay for voicing their  
4 opposition and providing public comment  
5 against TLA/Pond View's expansion; and of  
6 course, we'd like to thank all of the  
7 neighbors and interested parties in East  
8 Providence who appeared at the one-to-one  
9 sessions, who were there Friday for the public  
10 hearing and returned again tonight to  
11 participate in this public hearing.

12 We would ask that RIDEM not put blinders  
13 on the substantive comments and opposition to  
14 the TLA/Pond View facility that these  
15 organizations as well as the City itself and  
16 the Waterfront Commission make against the  
17 TLA/Pond View expansion. And we ask you to  
18 deny this application. Thank you.

19 MS. GRANDCHAMP: Thank you. Gerald  
20 Cousineau.

21 MR. COUSINEAU: I'm opposed to the  
22 expansion of this facility and I'd like to  
23 look at it from a traffic point of view.

24 We've heard references to it. I'm going to

0023

1 try to be specific. Any of the truck traffic  
2 coming into this facility from the north;  
3 namely, Pawtucket, has to come through one of  
4 two city streets, one of those streets is  
5 Newport Avenue. Newport Avenue is used  
6 extensively by this traffic, and I also would  
7 like to point out that most of these trucks  
8 are from Massachusetts. I question why Rhode  
9 Island, a Rhode Island facility has to  
10 accommodate Massachusetts trash?

11 The trucks that come down Newport Avenue  
12 used to be able to go onto North Broadway over  
13 to Massasoit and then over to Dexter. They no  
14 longer can do that because there's a weight  
15 limit that's been placed on the bridge at  
16 North Broadway. In fact, there are plans to

17 replace that bridge because it's structurally  
18 unsound.

19 I understand that the plans will go all  
20 the way from Greenwood Avenue, which is  
21 technically the end of North Broadway, down  
22 onto the other side of where the Henderson  
23 Bridge comes into Broadway. That process  
24 appears to be getting close, because there

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1 were surveyors there today and they were there  
2 last week. I am assuming that that's in the  
3 imminent future.

4 With that being blocked off, the only  
5 alternative is for those trucks on Newport  
6 Avenue to somehow get over to Pawtucket Avenue  
7 so that they can get onto Roger Williams  
8 Avenue. Roger Williams Avenue is a two-lane  
9 road. It's residential almost the whole way;  
10 that's an awful lot of traffic. Once those  
11 trucks get through Roger Williams Avenue, they  
12 come onto North Broadway, which will be part  
13 of that reconstruction effort, along with the  
14 rebuilding of the bridge, and then onto  
15 Massasoit.

16 Now, if the trucks are coming from the  
17 south and they're coming 195 west from  
18 Providence, I assume that what they do is get  
19 off at the first exit, go down onto the road  
20 that runs along the river up onto Brow Street  
21 and then onto Massasoit Avenue. In that  
22 particular case they don't really go through  
23 any residential areas, but if they're coming  
24 195 west, they're coming from Massasoit. They

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1 must have to get off at Broadway and then come  
2 through Broadway to Massasoit.

3 There really is no real way to get in and  
4 out of this facility, especially the way in,  
5 with the heavy loads; and of course, now we're  
6 talking about an expansion that would triple  
7 the number of trucks coming in, and we know  
8 that they are all carrying a great amount of  
9 weight. So from a traffic point of view, I am

10 opposed to this expansion.

11 I might also point out I live about a  
12 mile from the facility and the back of my  
13 house faces west. I can tell you that the  
14 dirt on the back of the house is greater than  
15 the dirt on the front of the house, which  
16 faces east; and of course, we know that the  
17 Pond View/TLA facility is down in that  
18 westerly direction. I am opposed to the  
19 expansion. This facility is definitely in the  
20 wrong location. Thank you.

21 MS. GRANDCHAMP: Thank you. Paul  
22 Ricchi. If you could, state your name and  
23 also your address.

24 MR. RICCHI: Paul Ricchi, 32 River

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1 Woods Court where I have lived since 1999. I  
2 want to speak in opposition to the expansion  
3 of the facility by TransLoad America of New  
4 Jersey. I really can't understand how  
5 anyone -- and we haven't heard that yet -- who  
6 is not financially invested in TransLoad  
7 America could come here and speak in favor of  
8 this expansion. Any of us who read the  
9 newspaper know that often in this state things  
10 aren't done in an open way, there's not a lot  
11 of transparency, and TransLoad America could  
12 turn the tables there.

13 A competent, important company doing  
14 things that pose potential risk should convene  
15 a meeting and advertise it and have it in a  
16 large space and make a thorough presentation  
17 as to exactly what they're going to do and  
18 how they're going to deal with all the  
19 issues that have been raised here tonight, and  
20 I'm sure more issues that will be raised  
21 later.

22 I can't imagine this going forward  
23 without a more thorough examination of the  
24 company, its plans, and its records. Not just

0027

1 by any state agency, but also by the people  
2 who will be directly infected. That's a slip.

3 Not directly infected, I hope. Directly  
4 affected. Thank you very much.

5 MS. GRANDCHAMP: Thank you. Nancy  
6 Gage.

7 MS. GAGE: Nancy Gage, 49 Roger  
8 Williams Avenue. I live directly across the  
9 pond from the Pond View facility. We are  
10 constantly bothered by the noise pollution, I  
11 think it's when they're rolling off their  
12 Dumpsters. It sounds like this huge  
13 earth-shattering thing and we hear it all  
14 through the day. It starts very early in the  
15 morning. It used to be on Saturdays, although  
16 I think I heard that recently they're no  
17 longer doing it on Saturday, but even when  
18 they had limited hours, they continued to  
19 operate past their limited hours. It was our  
20 understanding that they were to have some  
21 enclosure, I don't know that that enclosure  
22 has ever been taken care of.

23 There is dust all over our cars. We have  
24 experienced the same gas smell that another

0028

1 neighbor has and we don't live really in the  
2 same area as she does, yet we weren't able to  
3 pinpoint what that came from. We did call the  
4 fire department on a couple of different  
5 occasions this summer.

6 So all in all, I don't think that DEM  
7 should be giving their approval to more  
8 tonnage when they have not been good  
9 neighbors. It is DEM's responsibility to  
10 police this company, which I don't think that  
11 they have, and I'm not sure that they're  
12 listening to the neighbors because I think for  
13 the most part, all of us who are here this  
14 evening are opposed to this facility, yet it  
15 seems often we come to speak in front of DEM  
16 and just as often DEM approves something that  
17 is completely opposed by the neighborhood.

18 Thank you for your time.

19 MS. GRANDCHAMP: Thank you. Wayne  
20 Gage.

21 MR. GAGE: Wayne Gage, 49 Roger  
22 Williams Avenue. I've lived at that address  
23 since 1985. And since this facility has  
24 started, I've noticed every winter when Omega  
0029

1 Pond freezes over, it's covered with a brown  
2 dust, scummy-like substance. Now, if it  
3 covers the ice in the winter, it's in the air  
4 all the time. It's in the water in Omega  
5 Pond. It's on my cars; it's on my house.

6 This facility has been frankly a disaster  
7 for this neighborhood and it has definitely  
8 affected the quality of life. I really do  
9 feel that DEM has failed us in this policing  
10 endeavor that they're supposed to be doing.  
11 It's having a disastrous impact upon the  
12 people who live in this neighborhood and the  
13 surrounding areas. I'm vehemently opposed to  
14 its expansion in any form and implore DEM to  
15 simply do what they have to do and monitor  
16 this facility. Because what goes in the  
17 air -- not to mention the noise and the  
18 smells, which I have called the fire  
19 department for and the police department.

20 One day this cloud came across Omega  
21 Pond, I thought there was a fire in the  
22 neighborhood. The policeman showed up, took a  
23 ride around. It was something from that  
24 facility. So really, I think it's time now

0030

1 that we stop this expansion and we take a  
2 good, long look at this and have something  
3 done to improve our quality of life, our  
4 property values. It's all important to us. I  
5 would ask to be on the record as opposing  
6 this. Thank you.

7 MS. GRANDCHAMP: Thank you. Jedd  
8 and Jenna Pineau.

9 MR. PINEAU: My name is Jedd Pineau,  
10 19 River Woods Court. I'm just saying I'm  
11 opposed to this as well, to the noise and the  
12 dust that comes all over the windows, and  
13 especially the smell. In the summertime you

14 can't even go out on your deck and enjoy a  
15 meal out there because of the smell. You have  
16 to keep your windows closed during the summer  
17 because it just comes in and stinks out the  
18 whole house and everything else. That's it.

19 MS. GRANDCHAMP: Thank you. John  
20 Fahey.

21 MR. FAHEY: John M. Fahey,  
22 F-A-H-E-Y, 2535 Pawtucket Avenue, East  
23 Providence, Rhode Island. I'm not an abutter  
24 like some of these folks that already spoke

0031

1 here. I spoke at the Council meeting when  
2 this issue first came to my attention.  
3 Although I was aware of the background, this  
4 has been an issue for quite a while at Pond  
5 View. What intrigued me and made me speak up  
6 at that meeting was the fact that the  
7 resolution as presented by the City, I wasn't  
8 aware of the objections they were raising,  
9 which were amplified by the speakers here  
10 about noise and other pollutants; dust, gas,  
11 noise, odors, whatever.

12 My interest is -- and speaking of this,  
13 I'm not an abutter in that sense -- property  
14 rights and property use. I just want to make  
15 two references for a frame of reference so  
16 you'll understand where I'm coming from.  
17 Noise pollution was one of the mentioners.

18 I live on Pawtucket Avenue and mention  
19 was made of the increase in traffic with  
20 trucks and so forth. Well, for the first time  
21 this morning, with that in mind, I said, gee,  
22 I wonder what's going on outside in front of  
23 my house on Pawtucket Avenue? In a matter of  
24 less than ten minutes, I counted over a

0032

1 hundred vehicles going by the house. That's  
2 in ten minutes, less than ten minutes.

3 Now, that vehicle of traffic was  
4 automobiles, trucks, also heavy trucks, school  
5 buses and public safety equipment, okay. So  
6 that's just one thing I want you folks to keep



7 in mind when it comes to noise pollution and  
8 the frequency and intensity of it. The other  
9 aspect here is that there's odors and gas,  
10 noxious objectionable fragrances. Keep in  
11 mind that the City approved this operation  
12 from day one with allowing the variance, okay,  
13 and we'll get into some aspects of that  
14 briefly later, but when I make reference to  
15 the sewage treatment plant, where was the City  
16 for all those folks down there, defending them  
17 on the implication of safety and health, their  
18 welfare, when it came to the noxious fumes  
19 they were emitting from that facility? Please  
20 just keep that in mind, okay.

21 So after the meeting, the Council  
22 meeting, I said, well, all these people can't  
23 be wrong. Let me go down and see for myself  
24 what's going on here. Last week I went down

0033

1 twice and today I went down twice. Last week  
2 I went in the early afternoon, it was probably  
3 around 1:00 or thereafter, and another day  
4 later on after 3.

5 Now, I don't know what the legal  
6 classification for the thing is, but I  
7 wouldn't call it a landfill. It's like a  
8 transfer station. They receive goods and  
9 products, junk, stuff we produce and they  
10 transfer it out. If that's a landfill, it's a  
11 landfill. I don't think it is.

12 But anyway, I go down there. I parked on  
13 Dexter Street. The trucks that I saw come all  
14 had canvas covers on them. I went inside  
15 their yard, the facility itself. I worked for  
16 the Federal government for almost 40 years and  
17 I'm familiar with manufacturing operations,  
18 processes, you name it, across the board, all  
19 the industries and the like. What I saw was  
20 what I would normally expect to experience in  
21 a situation or a facility like this. They had  
22 machinery moving around and they were doing  
23 their thing, processing, separating, grinding  
24 and what have you.

0034

1 I, to me, didn't detect the noise level  
2 to be that bad. When I was outside their  
3 gate, outside their property on Dexter Street,  
4 I could hear a little bit. When I went  
5 inside, around through the gate, I could hear  
6 a little bit more that I would normally expect  
7 to see when I see heavy equipment and  
8 machinery going around doing their operations  
9 and doing what they're supposed to be doing.

10 Then I went back that day --

11 AUDIENCE: We're going to be here  
12 until three o'clock in the morning.

13 MR. FAHEY: Then I went back that  
14 day and it was the same. I said, look, I'll  
15 take a ride up to the surrounding neighborhood  
16 area and see what I see. I asked a gentleman  
17 who was cleaning his car. I said, hey, what's  
18 going on around here? I hear there's an issue  
19 with Omega Pond. I said, what's your  
20 observations? And he says, well, there's  
21 constant noise all the time. I says, okay,  
22 thank you very much.

23 So then I went back again today and I  
24 experienced -- I parked on Dexter Street

0035

1 again -- trucks coming down, covered, one  
2 smaller truck, which was not covered. I don't  
3 know what the disposition of that was, whether  
4 they received it, turned it back or whatever,  
5 but then I noticed on one of the trucks that  
6 was going by that it bounced on Dexter Street  
7 and made a loud noise, and also other trucks  
8 either coming or going on Dexter Street kicked  
9 up dirt and dust on Dexter Street. In all my  
10 visits to the Pond View site itself, I never  
11 saw or detected dust. I have asthma to a  
12 limited degree, respiratory problems.

13 So my only purpose here is support what's  
14 right. Also, at the Council meeting I asked  
15 was there any issues of health, safety and  
16 welfare involved here?

17 MS. GRANDCHAMP: Excuse me, sir,

18 we're at the five-minute mark.

19 MR. FAHEY: All right. With that,  
20 I'll conclude. I don't know where I stand  
21 right now with supporting or objecting to this  
22 facility, but obviously if there's safety,  
23 health and welfare issues involved and the  
24 guidance is not available for controlling this

0036

1 type of facility, that should be taken into  
2 consideration in your decision.

3 MS. GRANDCHAMP: Okay, thank you.

4 MR. FAHEY: You're welcome.

5 MS. GRANDCHAMP: Norma Ladeira.

6 MS. LADEIRA: First of all, I think  
7 the City made a big mistake by letting this  
8 company come into the City of East Providence,  
9 and I'm opposed to the whole facility. Norma  
10 Ladeira, 33 Garfield Avenue.

11 MS. GRANDCHAMP: Armando Ladeira.

12 MR. LADEIRA: I've been living in  
13 East Providence over 40 years. I never face  
14 something such a messy as this place. We see  
15 this in China, we see this in India, we see  
16 this from our neighbors in the South, Mexico.  
17 Number one polluters in the world, all right.  
18 Are we becoming one of them? I don't think  
19 so. I love my city and I want my city to be  
20 like an American, a patriot. A patriot. I'm  
21 telling you right now, I'm sick and tired of  
22 this. I wish those guys would move to China.  
23 Thank you.

24 (APPLAUSE)

0037

1 MS. GRANDCHAMP: Charles Machado.

2 MR. MACHADO: I live at 42 Larchmere  
3 Drive, which is east of Pond View, and I'm  
4 also opposed to the expansion of Pond View.  
5 Years ago when Pond View first came, I was at  
6 the city hall meetings and we were assured  
7 when they licensed Pond View to operate that  
8 they would have full compliance and  
9 oversight. It doesn't appear that that  
10 happened.

11 At the present time there is noise  
12 pollution and there is air pollution. And if  
13 no one takes the time to oversee the operation  
14 and gives the compliance to increase their  
15 facility, what will happen in the future?  
16 We'll be here again and again and again and  
17 nothing's happening. Thank you.

18 MS. GRANDCHAMP: Thank you. Holly  
19 Campbell.

20 MS. CAMPBELL: My name is Holly  
21 Campbell, I live at 44 Algonquin Road. I have  
22 been a lifelong resident of East Providence.  
23 I'm opposed to the existence of Pond View and  
24 especially the expansion that they are

0038

1 applying for.

2 First of all, I'm surprised and  
3 disappointed that we're even here again.  
4 Several years ago I was at meetings where the  
5 DEM was at a table as you're sitting now.  
6 Obviously, you're new faces, but most of us  
7 are not. I think one of the things you need  
8 to consider is what was said before and why  
9 it's been rejected before.

10 I don't understand -- when I have these  
11 hearings, I feel like we're going to the  
12 little boy who keeps on asking for something,  
13 you say no, you say no, and finally, you give  
14 in and say yes. Is that what is going on here  
15 and is that what DEM is doing? You know,  
16 you're tired of saying no, you're tired of the  
17 situation, so are you just going to say yes?  
18 And that is a big concern of mine.

19 I'm very concerned about the noise  
20 pollution as well as the dust that appears on  
21 my windowsills, on my car, on my -- there's a  
22 difference between pollution and this dust. I  
23 have a glass patio table, I'll rinse it off.  
24 No sooner am I done doing that, there's a film

0039

1 there. That's just not natural. That's not  
2 pollen.

3 Also, again, being a lifelong resident of

4 East Providence and only five years of my  
5 residency in East Providence was in the 02914  
6 zip code, I've been in the 02916 zip code for  
7 35 years. Bourne Avenue most of my life  
8 now Algonquin Road, both neighboring Pond  
9 View.

10 I've always had seasonal allergies,  
11 they're inherited, but I'm at the point right  
12 now where I am taking a nasal inhaler -- not  
13 an inhaler, a nasal spray and Zyrtec every  
14 day. I have never had to do that 365 days out  
15 of the year. Is it related? I don't know.  
16 Can I say that it is? Not for sure. Perhaps  
17 that's something DEM can look into.  
18 Definitely, there's an air quality concern.  
19 Absolutely.

20 The traffic is another thing. Those  
21 trucks that go in reverse and that beep, beep,  
22 beep is enough to send you into an asylum.  
23 That just is intolerable at times. I'm very  
24 concerned about where this stuff is coming

0040

1 from. This TransLoad America is touting  
2 themselves as wanting to be, you know, a big  
3 procurer of taking in this waste, but from  
4 where, you know? And that is a concern of  
5 mine.

6 Also, if it's construction and demolition  
7 waste, well, construction waste could consist  
8 of treated wood that has lead paint in it.  
9 Well, if you go into a home to abate the lead,  
10 you have to wear and follow certain  
11 procedures, you have to wear certain  
12 equipment.

13 The floods that happened in March. That  
14 mold on the properties, now that would -- is  
15 that construction debris if you take that out  
16 and throw it out? Well, if something has to  
17 be remediated for mold, they're almost in  
18 Hazmat suits in doing that.

19 This stuff is being thrown into a  
20 Dumpster, driven down our streets, whether  
21 it's with a tarp or without a tarp, I saw a

22 truck go in there today without a tarp, but  
23 that's going there, then it's there. And how  
24 is that being handled? If it has to be

0041

1 handled a certain way to be put in the  
2 Dumpster or disposed of, where is it -- how  
3 is it being handled when it's being recycled  
4 or ground -- the grinding of it? I think  
5 that's something that DEM should really  
6 consider.

7 And if you're going to 1,500 tons, but  
8 you're not going to grind on Saturdays, thank  
9 God, when are they going to do it? They're  
10 probably going to try and expand hours. And  
11 then in addition to that, it's going to be  
12 stored where and how? It seems pretty much  
13 open from what I can see other than -- but I  
14 don't know for sure. That's your  
15 responsibility, in my opinion, to check it  
16 out, or the City.

17 So obviously, I reiterate my opposition.  
18 I have sent an e-mail because initially before  
19 this meeting was scheduled, I had a concern  
20 that I wasn't going to be able to attend the  
21 October 20th meeting, so I did send an e-mail  
22 with some bullet points. I'm elaborating on  
23 that e-mail now.

24 And just in summary, I really believe

0042

1 that there's an air quality situation here,  
2 the noise pollution and the traffic. And one  
3 last thing, that place is located -- there's  
4 like elementary schools, you've got Myron J.  
5 Francis, you've got Orlo. And, you know, if  
6 you don't want to think about us residents who  
7 are paying taxes, you know, think about the  
8 little children who are going to school there  
9 and out at recess. Thank you.

10 MS. GRANDCHAMP: Thank you.

11 (APPLAUSE)

12 MS. GRANDCHAMP: Don Rogers.

13 MR. ROGERS: Thank you. I'm Don  
14 Rogers, I've lived at 11 Sutcliff Circle since

15 2001. Everyone before me has spoken well to  
16 the reasons to oppose this expansion. I also  
17 rise in opposition to this expansion. I did  
18 want to clarify, though, that our position --  
19 we live near the previous speaker,  
20 Ms. Campbell, east of the facility. We are  
21 usually upwind. We do not have as much  
22 exposure to the dust and the smells, but it's  
23 not zero and certainly detectable even where  
24 we are on a frequent basis. And I can only

0043

1 feel for the people who live along Roger  
2 Williams in the direct airstream that usually  
3 comes from the facility.

4 We are daily affected by the noise  
5 pollution of the facility and it's not the  
6 truck traffic on the road, it is when the  
7 trucks are in reverse in the facility and the  
8 beeping, but it's also the slamming of the  
9 dump gates and it's the rumble of the  
10 earth-moving machinery. It is substantial.  
11 And we're really not that close to that  
12 facility, we're a good -- I would say a good  
13 quarter of a mile away.

14 There's a small buffer of trees in  
15 between us and year-round we are awoken by  
16 these noises earlier than their published  
17 hours that we've seen listed, their limited  
18 hours, sometimes as early as 5 in the morning,  
19 frequently as early as 5 in the morning. It  
20 usually does affect our sleep, myself and my  
21 family, and it's troublesome. It reflects to  
22 the nature of the business owners and the  
23 representatives and how they treat the City,  
24 which is generally with really poor levels of

0044

1 respect and concern and courtesy. Every  
2 interaction I've seen them have with the City,  
3 whether official or unofficial channels, has  
4 been completely uncivil.

5 And currently, my understanding is that  
6 the last approved limits, which the City  
7 imposed upon them for processing, was 150 tons

8 and they're operating at 500 tons more than  
9 what the City was hoping for. That may be  
10 outdated, but if that's the case, then rising  
11 to 1,500 now is increasing by ten-fold what  
12 the City would be wanting them to be doing.  
13 So I do oppose it, and thank you.

14 MS. GRANDCHAMP: Thank you. Joel  
15 DaMelo or DeMelo, D-E-M-E-L-O. I can't read  
16 this next one. It begins with a "K." It  
17 looks like it ends with an "L" for the first  
18 name.

19 MR. MACHATA: I think it's me.

20 MR. GRANDCHAMP: The e-mail address  
21 starts with B-B-J.

22 MR. MACHATA: That's me. Doctors  
23 have bad handwriting.

24 MR. MACHATA: Karl Machata, sorry

0045

1 about my handwriting, M-A-C-H-A-T-A, but you  
2 know what they say about doctors. Anyway,  
3 this is not a new event for me to be here.  
4 This is a bigger venue than we've had in the  
5 past. For a lot of people who haven't been  
6 here before, I just want you to know that this  
7 has been an ongoing process with multiple  
8 industries in the area.

9 I've been affiliated with a group called  
10 the East Providence Coalition. And throughout  
11 the years -- and we're not against business.  
12 We're pro the City of East Providence. You  
13 know, I love the City of East Providence and I  
14 think, you know, a lot of elected officials  
15 are here. I think we have a very good town  
16 government and, you know, they've helped us in  
17 many ways. We've got a good police  
18 department, a good fire department, but there  
19 have been many industries in the area that  
20 have been polluting.

21 I remember Chinnet, it was a big to-do  
22 with them and they were really a big, stinky  
23 mystery with the plastics industry that really  
24 was polluting another neighborhood closer to

0046



1 Newport Avenue. There was another facility  
2 very close to Pond View that was called Ocean  
3 State Steel. I'm not sure if people remember  
4 that, but that was in the early '90s and that  
5 actually lead to the creation of the East  
6 Providence Coalition.

7 I have to say our interactions with the  
8 Rhode Island DEM were very similar to the  
9 interactions with Rhode Island DEM now. Very  
10 adversarial. DEM would say they had not  
11 gotten any phone calls from us. We had  
12 registered hundreds of phone calls, then we'd  
13 call them and they'd have no logging of even  
14 two phone calls. And then we'd also -- with  
15 this facility, we have done video monitoring  
16 of pedestrians right at Dexter Road and  
17 monitoring the people, the trucks that come in  
18 and out, and we had verified that they were  
19 three to four times over the tonnage, this was  
20 five or six years ago. DEM would not take our  
21 word for it and then would go and do their own  
22 verification and would not come up with  
23 similar figures that we would have.

24 I have to say my experience with Ocean

0047

1 State Steel led me to believe that the  
2 citizens were actually more scientific and  
3 more rigorous in their studies of the  
4 pollution in the neighborhood than DEM. I was  
5 very disappointed in them, but DEM did respond  
6 slowly.

7 There is now an air monitoring -- they  
8 say there's no air monitoring facility in East  
9 Providence, that's not true. My house is the  
10 closest house to the monitoring facility that  
11 led out of the Ocean State Steel interaction.  
12 And actually, it's a noisy polluter, but, you  
13 know, I can handle it.

14 You know, I think it's a good thing for  
15 the community, so I'm willing to put up with  
16 the noise from the air quality station, which  
17 is Glen Line Field, right next to the Myron J.  
18 Francis School, but I think, you know, this

19 whole process --  
20 I mean, it's politics. It's money versus  
21 pollution. You've got people -- fancy  
22 lawyers, you know, in pin-striped suits,  
23 well-tanned that have money and are making --  
24 you know, certainly, TLA/Pond View is making a  
0048

1 lot of money. They've got a lot more money  
2 than us. And if money is going to be the  
3 thing that's going to carry the day, Pond  
4 View/TLA is going to win. And that's  
5 unfortunate.

6 I think we all know it's a polluting  
7 facility. They have not been in compliance.  
8 I'm not against business. I think East  
9 Providence needs business, but just think  
10 about it, would we rather have a recycling  
11 plant that's constantly polluting our  
12 neighborhood? And not unlike Mr. Fahey, I'm a  
13 bald older guy, and I think my hearing's not  
14 so good from going to too many rock concerts  
15 as a kid, but I tell you, the noise pollution  
16 is very real for me and the particulate is  
17 what gets to me.

18 Every morning I know there's particulate  
19 matter on my windows that I have to clean off,  
20 and on my cars. I think it's not always when  
21 you're closest to the plant that you get the  
22 noise. There is a weird dynamic. I live at  
23 the top of the hill, so I think the pond  
24 itself and that little concavity amplifies the  
0049

1 sound for us at the top of the hill, and for  
2 people on Roger Williams in particular. I  
3 think, you know, sound waves being what they  
4 are, there are certain dead areas, so you  
5 don't get the pollution.

6 I would just ask DEM to consider, you  
7 know, the magnitude of the neighbors' reaction  
8 to this and not just go with money. I realize  
9 that you're going to have to follow statutes  
10 and laws and laws are going to carry the day,  
11 but I think common sense should enter in here,

12 too. We've got a big polluter in a  
13 residential area.

14 (APPLAUSE)

15 MR. MACHATA: Let's hope the  
16 neighbors carry the day because I think East  
17 Providence is a great place to live. I'm  
18 lucky enough to live in one house in East  
19 Providence and another house in Narragansett,  
20 but, you know, in the summer it's tough to be  
21 in East Providence because of the pollution,  
22 no offense.

23 MS. GRANDCHAMP: Thank you.

24 (APPLAUSE)

0050

1 MS. GRANDCHAMP: The next name I  
2 cannot read. It appears the person is from  
3 Save the Bay. "S" period -- it could be Paul.  
4 I think the last name begins with an "I."  
5 Okay, Ed Hebert. It appears another person  
6 with the name Hebert is next also.

7 AUDIENCE: The Heberts are not here.

8 MS. GRANDCHAMP: They left, okay.  
9 John --

10 MR. STANIERA: Staniera?

11 MS. GRANDCHAMP: Yes.

12 MR. STANIERA: I know it's not my  
13 penmanship. I was an English teacher, now  
14 come on.

15 MS. GRANDCHAMP: I'm just very bad  
16 at this.

17 MR. STANIERA: John Staniera,  
18 65 Roger Williams Avenue, directly across from  
19 Pond View, unabated. My concern is my own  
20 health with the post-polio getting worse, my  
21 lungs are getting worse. In the past five  
22 years I have had a greater incidence of  
23 pneumonia and other problems that can prove to  
24 be very life threatening. I didn't have them

0051

1 before. I'm not a townie because I've only  
2 lived here 30 years.

3 AUDIENCE: You are.

4 MR. STANIERA: Well, I wasn't born

5 here, what can I say, but I would like to  
6 stay. I'm just going to simply say the  
7 largest single asset I have for my retirement  
8 is my home. Now, it's bad enough as is with  
9 the economy going sour, and my home as far as  
10 equity goes is reduced by at least one-third.  
11 And I'll be quite honest, I have some doubts  
12 if I could sell it now. The particulate and  
13 dust levels are unbelievable. I don't know  
14 about being louder up the hill because I don't  
15 think it is than directly across the pond from  
16 them on the same level.

17 And I'm sorry, there is not evidence of  
18 any attempt by Pond View to filter the air  
19 before it's released. And if they're dealing  
20 with housing materials, they're dealing not  
21 only with lead, but with asbestos. And these  
22 things are a serious threat to me and they are  
23 to everybody else.

24 So for my own sense of life, for my own

0052

1 sense of what little retirement I have being  
2 reduced already, I'd hate to see Pond View  
3 take what little left I have. I think it's  
4 DEM's responsibility to do this and it's not  
5 mine. And it's hard, I understand, but it  
6 needs to be done, all right.

7 In my case, just say it's one little old  
8 guy across the street, but to me that's very  
9 important. Thank you.

10 (APPLAUSE)

11 MS. GRANDCHAMP: Thank you. John  
12 Lynch.

13 MR. LYNCH: I'm John Lynch, 104  
14 Wilson Avenue in Rumford. I've got to tell  
15 you, as a neighbor it's hard to get up and  
16 speak after that gentleman just spoke because  
17 I think he speaks volumes for all of us in the  
18 room here.

19 I did want to say that I'm not only a  
20 resident and taxpayer, I'm right up the hill  
21 on Wilson Avenue, but I'm also a business  
22 owner, so I'm sympathetic obviously to Pond

23 View here in East Providence. After what  
24 Dr. Karl said, we're not here opposing a

0053

1 business, we're opposing this business  
2 operation.

3 I'm also a past member of the Waterfront  
4 Commission, so I've acknowledged Richard  
5 Brown's comments earlier. I think he summed  
6 up the City's position pretty well. That's  
7 always been an issue of Pond View, the  
8 development of the waterfront. The taxes  
9 going forward for the City of East Providence,  
10 they're never going to come to fruition with  
11 an operation like Pond View on Omega Pond.

12 I would invite DEM anytime that they're  
13 available to come to my house and sit on my  
14 front porch because you'll either be covered  
15 in dust or I'll be power washing when you're  
16 sitting there. It's a frequent occurrence at  
17 our house, you know, it happens on a regular  
18 basis.

19 I'm sitting here listening to some of the  
20 other trials and tribulations of people and  
21 wondering myself, is the affliction affecting  
22 my youngest kids, two of which have asthma? I  
23 don't know because I'm not a medical doctor,  
24 but I have to sit here and wonder.

0054

1 It's definitely a quality of life issue.  
2 There's no doubt there's a noise issue on  
3 Wilson Avenue. There's no doubt there is dust  
4 year-round. Someone said it earlier, go down  
5 when the frost is on Omega Pond and there's a  
6 film on the pond. So in the wintertime, it's  
7 sitting right there for everyone to see. If  
8 DEM can't see it, maybe one of these neighbors  
9 would be kind enough to point it out to you;  
10 and if it's not frost, it's in the water, it's  
11 in the air, it's somewhere.

12 I still can't get over the fact that this  
13 is operating at 500 tons. I was an early  
14 supporter of Ken Schneider and the work that  
15 his group was doing. When it was doing 150

16 tons, I think it was wrong then, it was wrong  
17 at 500, and it's ten times wrong at 1,500.

18 Thank you very much.

19 (APPLAUSE)

20 MS. GRANDCHAMP: Thank you. Ken  
21 Schneider.

22 MR. SCHNEIDER: Hi, my name is Ken  
23 Schneider. I live at 33 Edward Avenue in  
24 Rumford and I am the co-president of the East

0055

1 Providence Coalition which is an organization  
2 of about 200 families, with the majority of  
3 the people living in Rumford and a lot of  
4 those people living around the Pond View  
5 facility. As an organization, in 1998 we  
6 pleaded with the Zoning Board of Review not to  
7 grant any variances to Pond View. We knew as  
8 citizens that this was the wrong facility in  
9 the wrong location. Pond View stated that  
10 they would be good neighbors, and they also  
11 would sell the residents mulch at a discount  
12 as part of their good neighbor policy.

13 Pond View has not been a responsive  
14 neighbor since they opened and they never did  
15 sell us the mulch at a discounted price  
16 because there were too many contaminants in  
17 it. We didn't want it and they couldn't sell  
18 it to us.

19 Since 1998 the neighbors have complained  
20 of excessive noise, black soot, noxious odors  
21 and tremendous truck traffic, which you  
22 already heard about. Many of the neighbors  
23 have complained about respiratory problems as  
24 well which you already heard about. This

0056

1 facility is located only a couple of hundred  
2 feet from the residential neighborhoods.

3 In an e-mail dated 9/30/2010, just 26  
4 days ago from the director of DEM, Michael  
5 Sullivan writes, and I quote, "I would agree  
6 the overall operation is improperly sited and  
7 is a commercial use in a residential setting."  
8 Is it part of DEM to protect the citizens?

9 That's one of my questions.

10 If Pond View is such a good neighbor, why  
11 not require all the trucks that are coming and  
12 going out of this facility to travel on Route  
13 195 to your facility as opposed to driving  
14 through our neighborhoods, especially Roger  
15 Williams Avenue, where a lot of the houses are  
16 literally 5 feet from the road.

17 These trucks come rumbling through the  
18 streets, they're banging -- they're almost  
19 worse when they leave, when they're empty,  
20 because they're banging and clanging. They're  
21 shaking the houses. They're shaking the  
22 windows. And I don't live on Roger Williams  
23 Avenue, but it's got to be really bad down  
24 there.

0057

1 Somebody had mentioned the Ocean State  
2 Steel property, another unbelievable polluter,  
3 thank God they're gone. There were developers  
4 that were going to come in and take over the  
5 Ocean State Steel property, put up some  
6 beautiful condos, which it's a beautiful piece  
7 of property overlooking the Seekonk River.  
8 There was a small church, I think it's the  
9 Hope Church down on Roger Williams Avenue.

10 When one of the developers was there, I  
11 asked the question, "Do you think you're going  
12 to sell expensive condos overlooking Pond View  
13 Recycling?" He hesitated and he said, "I  
14 trust the City to do the right thing." That's  
15 what his response was. His response was no  
16 response.

17 A few years ago I called the EPA in  
18 Boston out of frustration. After outlining  
19 the situation with Pond View, I was asked a  
20 very puzzling question. Is Rumford a run  
21 down, depressed area? This question shocked  
22 me. And I said, "No, it's a nice place to  
23 live." I asked why did you ask me that  
24 question? And the response was very simple:

0058

1 These kind of companies usually locate in

2 depressed, poor areas as they figure there  
3 will be less resistance from the people.

4 Do we live in a depressed area? I think  
5 not. Living in this area and being affected  
6 by Pond View, we feel they are out of control  
7 with the pollution already and we are  
8 extremely fearful of the expansion if it is  
9 granted, that our quality of life and our  
10 health will be affected in a dramatic way.

11 If the employees, according to the  
12 manager, Jack Walsh, wear masks while at work,  
13 what is in the air and how is it affecting the  
14 neighbors that are only hundreds of feet away?  
15 In last Friday's Journal there was an article  
16 about the expansion of Pond View. Jack Walsh  
17 again stated to the paper that Pond View is  
18 closed on Saturdays, since they recognize  
19 people are home. That sounds very nice, but I  
20 interpret that statement as saying we know we  
21 are loud, smelly and produce dust, we know we  
22 bother the neighbors and so we're going to  
23 give you a break on the weekend, but if you're  
24 home during the week, too God damn bad.

0059

1 I understand that as we speak DEM is  
2 considering another similar facility in  
3 Johnston. Vinagro is proposing a 2,500 ton  
4 per day operation. I also understand that  
5 this facility is going to be totally enclosed,  
6 that's my understanding. So I would say that  
7 these type of operations can operate in a safe  
8 manner. If a 2,500 ton operation can be  
9 totally enclosed, there's got to be a better  
10 way of doing it than the way these guys are  
11 doing it.

12 So my questions are: Why is there only  
13 one visit to Pond View per month? How does  
14 DEM really know what is going into Pond View  
15 except for the honor system? What checks does  
16 DEM have to ensure that the weight limits for  
17 intake to Pond View are adhered to? What  
18 tests are done -- what tests does DEM perform  
19 to make sure that Pond View is not polluting



20 the air and the neighborhood?

21 And there's a woman, Joann Verabe  
22 (Phonetic), right there; and if anybody wants  
23 to get on an e-mail list, the blonde lady in  
24 the back of the room, or you can come to me,

0060

1 just so we can keep in contact with each  
2 other. Thank you.

3 MS. GRANDCHAMP: Thank you.

4 (APPLAUSE)

5 MS. GRANDCHAMP: Joe Tavares.

6 MR. TAVARES: Hello. My name is Joe  
7 Tavares. I'm the East Providence Police  
8 Chief. Again, the reason I'm here is to bring  
9 the police perspective. Obviously, I like  
10 being a straight shooter. I like getting  
11 along with businesses, along with the public,  
12 but I'd be remiss if I didn't stand and  
13 give a position as it relates to traffic  
14 concerns.

15 Again, this situation involves increased  
16 operations which will result in increased  
17 traffic. Again, real common, easy to  
18 understand. Increased operations means  
19 increased traffic. Traffic is already an  
20 issue in some of these neighborhoods, as you  
21 already know. Unlike a facility that's off  
22 the highway, easy access on and off, this  
23 makes it difficult, particularly from the  
24 north end. Again, in many instances you're

0061

1 going to have trucks traveling through  
2 residential areas. I've brought myself up to  
3 speed. I've been here a little over a year as  
4 the police chief. Many issues I've taken on,  
5 and again, I've attempted to bring myself up  
6 to speed the best I can.

7 I can tell you in the short period of  
8 time I've been here one of the most common  
9 complaints is the Roger Williams area, the  
10 Roger Williams Avenue area. So again, we've  
11 got large trucks -- now, there's complaints of  
12 speeding, we've looked into those. We've

13 continued to.

14 I see some of the statistics and some of  
15 the traffic engineering reports that have been  
16 generated and I continue to analyze these  
17 reports because I want to speak with facts and  
18 not just emotions, but I can tell you I do  
19 have a concern, particularly from the north  
20 end. You talk about maybe not a lot of  
21 accidents, but what is that impact when there  
22 is an accident? Again, you've got pedestrian  
23 traffic, school-age children and other traffic  
24 that when that accident does occur with a

0062

1 large truck, it could be detrimental.

2 As it relates to Roger Williams Avenue,  
3 we had a horrific accident involving a police  
4 officer with glare. Now, that was only a car  
5 and it broke his legs in many places. And I'm  
6 glad to report he's back to work this month,  
7 but he was out for nine months. It could have  
8 been a real tragedy with a larger vehicle. So  
9 I don't take these things lightly.

10 Obviously, we want to support business,  
11 but we have to step up when in fact there's an  
12 issue with public safety in this case, because  
13 there's not that easy access and there are  
14 other issues. We talked about quality of  
15 life, noise, health. I'm not here to speak  
16 about that. I'm here to speak more as it  
17 relates to traffic. You listen to everybody's  
18 concern, but from a police perspective it's  
19 the traffic issues.

20 Once again, where that business is  
21 located, to get to that business, particularly  
22 from the north end, it shows some  
23 problematics. Again, some of the  
24 responsibility is going to be on the police

0063

1 department. I will be sending officers to  
2 traffic enforcement training. We will be  
3 taking a closer look at those vehicles.  
4 Whether the business, this business and any  
5 other business is expanded or kept the same, I

6 want to take a closer look at the conditions  
7 of the vehicles and be fair to everybody.

8 In addition to the north end, we have  
9 some issues from the opposite, you know, the  
10 southern end. We've had issues of  
11 cut-throughs in other areas, and I'm not  
12 looking at just in the ideal conditions, but  
13 during seasonal snow issues, what happens when  
14 we have a serious accident and the increase in  
15 truck travel.

16 I've seen some of the numbers, and again,  
17 I'd like to speak accurately and with facts  
18 and not emotions. I have a little concern  
19 with some of the numbers I've seen. I think  
20 it's going to generate a bit more traffic than  
21 has been suggested, but I will follow up to  
22 DEM with some of these reports in writing.

23 My purpose today is to address the group,  
24 not only to let the people know that we will

0064

1 be taking a closer look at some of this  
2 traffic, but we've issued over 600 citations  
3 just on Roger William Avenue this year. And  
4 it's not just trucks, it's vehicles.

5 We get a lot of complaints making mention  
6 of the truck traffic. And they don't have to  
7 be going that fast to be noisy and disruptive,  
8 you know, because sometimes people will  
9 exaggerate the speeds. We don't have a real  
10 bad speed issue involving big trucks, but just  
11 the same, loud, and, you know, they do shake  
12 up the neighborhoods. We want to avoid that  
13 type of traffic, particularly from the north  
14 end.

15 As it relates to the southern end, again,  
16 it's better than the north, but there's still  
17 some problematic areas that we have to work  
18 on. We'll be working on those issues with  
19 coverage, the trucks being covered. Like I  
20 said, we'll be increasing enforcement, but  
21 also there's the issue as far as police  
22 resources. It will be taking some police  
23 resources to pursue those enforcement issues

24 along with the accidents. And again, my

0065

1 purpose is let's use some good common sense so  
2 we don't have a tragedy with one of these  
3 pedestrians, bicyclists, school-age children  
4 and take a hard look if this is where we want  
5 to grow. Thank you.

6 (APPLAUSE)

7 MS. GRANDCHAMP: Thank you. Ralph  
8 Marzialo.

9 MR. MARZIALO: I'm Ralph Marzialo, I  
10 live at 12 River Woods Court. I've only been  
11 a resident of East Providence for about four  
12 years. I just learned of this last night. A  
13 gentleman, Paul, came to my house and told me  
14 about what was going on. I had no idea, but I  
15 did realize there's been a lot of traffic in  
16 the area. I'm definitely against this 100  
17 percent. I have a three-year-old and a  
18 nine-week-old, two boys.

19 I don't know how long I plan on living in  
20 East Providence, but definitely the smell is a  
21 concern, the gas. Me and my wife questioned  
22 the gas many times. We never knew what it  
23 was. We called the fire department, called  
24 the gas company and nobody had an answer for

0066

1 us, but now after hearing all of this, I  
2 understand what it's about and I'm 100 percent  
3 against it.

4 MS. GRANDCHAMP: Thank you.

5 (APPLAUSE)

6 MS. GRANDCHAMP: Rosemary Cluley.

7 MS. CLULEY: My name is Rosemary  
8 Cluley. I live at 6 Wilson Avenue, Rumford.  
9 We've lived there for over 30 years. And when  
10 we moved there, there was no Pond View. It  
11 seemed to come up overnight and the pollution  
12 came with it. Everybody has articulated very  
13 well the problems with Pond View, and we're  
14 very much opposed to the expansion and would  
15 hope that they would close it right down. It  
16 certainly doesn't belong in an area as densely

17 populated as Rumford. Thank you.

18 MS. GRANDCHAMP: Thank you.

19 (APPLAUSE)

20 MS. GRANDCHAMP: George Cluley.

21 MR. CLULEY: George Cluley. I live  
22 at 6 Wilson Avenue, and that was my mother  
23 speaking. I'm totally -- sorry, mom. I'm  
24 totally against this expansion. A lot of my

0067

1 neighbors already said most of the stuff I  
2 wanted to say. One in particular is if you  
3 come there in the wintertime and the pond is  
4 frozen, you'll see it covered with dust that  
5 we're breathing in every day. That's all I  
6 have to say about it and I'm totally against  
7 it. Thank you.

8 MS. GRANDCHAMP: Thank you.

9 (APPLAUSE)

10 MS. GRANDCHAMP: Paul Yattau.

11 MR. YATTAU: Paul Yattau, 104 Roger  
12 Williams Avenue. I just want everybody to  
13 know I'm opposed to TLA/Pond View. I don't  
14 want the expansion. I look in the audience  
15 here and I can see that these people are from  
16 all over the neighborhood. They're not right  
17 across from the pond. They're from everywhere  
18 and they're all coming here to tell you people  
19 that are on the board that we don't want them  
20 in our backyard.

21 I'm speaking out of anger. And I just  
22 want to let you know that I was at DEM the  
23 other day and you guys have a beautiful  
24 courtyard. It's beautiful. It has a big

0068

1 fountain. You can go down there whenever you  
2 want, but we can't go in our backyards and  
3 enjoy our backyards.

4 MS. GRANDCHAMP: Thank you.

5 (APPLAUSE)

6 MS. GRANDCHAMP: First name is  
7 Ricky, the last name begins with "T."

8 MR. TIBURICO: Ricky Tiburico,  
9 T-I-B-U-R-C-I-O, 232 Roger Williams Avenue.

10 I'd like to thank everyone for attending  
11 tonight. I'm here on behalf of my family and  
12 neighbors who couldn't make it. We live on  
13 Roger Williams Avenue, directly across from  
14 Omega Pond -- Pond View, I mean. We're not  
15 only concerned with Pond View being a public  
16 nuisance, but we're also concerned with the  
17 health and safety of our family, neighbors and  
18 the environment.

19 We've lived in East Providence for over  
20 30 years, since the late '80s. Our families  
21 worked in Rumford, at the Phillipsdale  
22 Complex, watching East Providence clean up  
23 after polluters like Ocean State Steel. East  
24 Providence has done well at times cleaning up

0069

1 the city. An example would be when they  
2 recently implemented a law requiring  
3 homeowners to take out their recyclables or  
4 their trash wouldn't be picked up.

5 On the other hand, Pond View has been an  
6 ongoing problem for years that's rarely been  
7 dealt with. Besides the whole neighborhood's  
8 testimony about the noise, the smells, air  
9 pollution, et cetera, DEM can agree that just  
10 the rain water from Pond View washing into the  
11 Pond is certainly enough to dirty the pond  
12 water.

13 My father was prohibited by DEM to build  
14 a soffit on his roof because the extra rain  
15 water would run into the pond, the natural  
16 rain water. Also, during the construction of  
17 our home, DEM denied the construction of a 10  
18 by 15 foot sun deck because of the wetland  
19 regulations. Are we seriously considering the  
20 expansion of operations here?

21 When the hard working taxpayers are  
22 penalized for not recycling, big companies can  
23 pollute the neighborhood, even the most  
24 uninformed person can see there's problem.

0070

1 It's a classic case of who pays more in  
2 taxes.

3 On a more personal experience, I've seen  
4 various materials floating on Omega Pond,  
5 plastic wrapping paper, bottles, tennis balls  
6 and more. The past few winters we've noticed  
7 a yellowish layer of dust settling on the pond  
8 and only noticeable when the pond freezes.

9 Also, I have dumped in Pond View, I do  
10 construction. And just because Pond View's  
11 attorney, Kevin Bristow, says they only  
12 process wood and metals doesn't mean it's  
13 true. When you pull up to the dump, no one  
14 regulates or monitors your waste, so the truth  
15 is anyone could be dumping anything.

16 Even DEM agrees that the overall  
17 operation is improperly sited and is a  
18 commercial use in a residential setting. Why  
19 then did taxpayers pay for a park like Freedom  
20 Green on the corner of Broadway and Centre  
21 Street to make Rumford a nicer place and enjoy  
22 recreation? It's contradicting everything  
23 they allow, 1,500 tons of waste daily through  
24 our city.

0071

1 And just because DEM hasn't found any  
2 violations doesn't mean there aren't any. Are  
3 we waiting for when it's too late? We've got  
4 to clean up a mess and be preventative. We  
5 don't just shut down pollutant giants like  
6 Ocean State Steel to replace them with Pond  
7 View.

8 Regardless of what company used to  
9 produce there or what companies around there  
10 are doing, something needs to be done before  
11 Rumford is known for its foul smell and  
12 disturbances. Thank you.

13 (APPLAUSE)

14 MS. GRANDCHAMP: Tony Ormonde.

15 MR. ORMONDE: Is anyone here for  
16 this expansion other than these two gentlemen?  
17 I wonder. My name is Tony Ormonde and I live  
18 at 15 Omega Way in the Rumford section of the  
19 city. I am a direct abutter to Omega Pond and  
20 I am one house in from Roger Williams Avenue.

21 I see it, smell it, hear it and feel it from  
22 both sides. I don't think I need to express  
23 any further everything that's been testified  
24 here this evening. It's real. These people  
0072

1 are not making this stuff up. It's taken me  
2 ten years to get up and speak in opposition to  
3 this company.

4 I've been there. I've dropped off  
5 shingles and drywall and I've seen what goes  
6 on in there. There's no way this company can  
7 sustain what they're doing now, never mind  
8 expand ten times more. I'm strongly in  
9 opposition of this. And lastly, I just want  
10 to say I have a two-and-a-half year old  
11 daughter and I don't think she wants it there  
12 either. Thank you.

13 (APPLAUSE)

14 MS. GRANDCHAMP: Thank you. Brian  
15 Coogan.

16 MR. COOGAN: Brian Coogan, 165  
17 Grosvenor Avenue. I'd just like to say to all  
18 these people I'm not there, I can't say one  
19 way or another what goes on there. I know  
20 most of you in the audience do tell me, but  
21 what I'd like to say to the people here today  
22 is where have the politicians been? I know  
23 two who made an appearance and then left.

24 You know, there's other things we can do  
0073

1 with Pond View. We can enclose it, we can put  
2 in a berm. We can have these meetings. It  
3 shouldn't have to come to a head like this. I  
4 think that -- it's too bad it came to a head  
5 like this, but we also can sit down with Pond  
6 View. Whether they get the expansion or do  
7 not get the expansion, they're there. They're  
8 there to stay; you're there to stay.

9 What I recommended to the City Manager  
10 and to the Planning Department is sit down  
11 with the neighbors, don't let this get out of  
12 hand. What they like to do is hirer these  
13 \$400 an hour lawyers, and a few of them.



14 There's a reason why this keeps going on.  
15 It's political. As a political person, I can  
16 tell you it's political. You people shouldn't  
17 have to be here tonight talking about this and  
18 leaving work early and running down here.

19 It was 3 to 2 on the City Council for a  
20 resolution. What needs to be done, I'm not  
21 really sure, but I would like to, you know,  
22 maybe get an e-mail from Mr. Schneider and sit  
23 down with Mr. Schneider and get the  
24 neighborhood together and try to work

0074

1 something out whether they get the expansion  
2 or not.

3 I just feel as though where are the  
4 political people during the off year? I  
5 talked to Mrs. Greaves tonight, she tried to  
6 get ahold of the Mayor, the Assistant Mayor,  
7 she can never get ahold of them. Now that  
8 it's an election year, she can get ahold of  
9 them. I think she's still here, but that's  
10 all I can say. Thank you.

11 (APPLAUSE)

12 MS. GRANDCHAMP: Daniel Daponte.

13 MR. DAPONTE: Thank you very much.

14 Good evening, my name is Daniel Daponte. I'm  
15 here tonight in my capacity as the State  
16 Senator that represents Pond View and the  
17 surrounding neighborhoods. I want to first --  
18 I'd like to begin by thanking DEM for at least  
19 granting my request to have this meeting here  
20 in East Providence, so that the folks that are  
21 most affected by the ultimate decision that  
22 will be made can have an opportunity at a time  
23 that's somewhat more convenient than 10 a.m.  
24 on a Friday to be heard. At a time like this,

0075

1 where we have very high unemployment and very  
2 challenging economics, it's difficult to get  
3 up and oppose something that will hopefully  
4 create jobs.

5 I have knocked on many doors, many of  
6 these folks are here. I've sat in living

7 rooms. I've swiped my finger across  
8 windowsills and toilet tops, quite frankly,  
9 and what I've heard greatly concerns me, not  
10 just as their representative or one of their  
11 representatives, but the testimony of the  
12 folks that have been affected by this. Noise,  
13 odor, dust, these are all, you know,  
14 nuisances, but what's been most concerning is  
15 hearing folks that start to talk about health  
16 issues that may or may not be as a result of  
17 this facility.

18 One of the doors that I knocked on, a  
19 gentleman who is actually here tonight and  
20 works in the environmental field said  
21 something that made a great deal of sense to  
22 me and I think should be something -- I would  
23 urge DEM to strongly consider as they proceed.  
24 He said it would be one thing if we knew what

0076

1 we were breathing in, but we don't. And if it  
2 was something that was not hazardous and it  
3 was just a nuisance, that's one thing; but if  
4 it in fact is hazardous and is much more than  
5 a nuisance and health hazard, that's something  
6 entirely different.

7 I am pro business, I am pro growth, I am  
8 pro jobs, but I must tell you that as part of  
9 this process -- I would urge you that as part  
10 of this process, if these issues are not  
11 seriously addressed and dealt with as part of  
12 this process, the noise, the traffic, the dust  
13 and the health issues, I would have to  
14 strongly oppose the expansion from 500 to  
15 1,500 tons.

16 In one gentleman's living room he had  
17 pictures, one of which I was, quite frankly,  
18 pretty surprised by. The middle of winter, a  
19 broom up against a tree and someone literally  
20 got out there and was able to sweep a small  
21 pile of dust. So if that's what's happening  
22 in the wintertime, it's likely that it's  
23 happening all year-round. I think at least at  
24 a minimum there should be ongoing testing of

0077

1 what's in the air, what's going in there and  
2 what's coming out. Thank you.

3 MS. GRANDCHAMP: Thank you.

4 (APPLAUSE)

5 MS. GRANDCHAMP: Andrew Caruolo or  
6 Carvalho.

7 AUDIENCE: He left.

8 MR. GRANDCHAMP: He left, okay.

9 Joseph Colin.

10 MR. COLIN: My name is Joseph Colin.

11 I live at 16 Omega Way, which is across from  
12 the pond. And also, I have to say the same

13 thing as everybody else. We have to deal with

14 the noise early in the morning. Actually,

15 those machines wake me up at 6:00 every day.

16 I'm working most of the day, so I don't get to

17 smell it, but when I don't work, I know what

18 you guys are talking about. It's a smell so

19 strong that you can't even breathe. If you

20 guys ever have some time to come over and just

21 spend some time, I don't think you guys will,

22 but that will give you a better idea of what

23 we have to go through.

24 It was my mistake by not checking around

0078

1 when I bought that house back in 2005. I paid

2 like an extra 100,000 just because I was going

3 to be facing the water. Now, big mistake. I

4 have to live there and I don't think I will

5 ever recover any of that money because nobody

6 wants to buy it. Thank you very much.

7 MS. GRANDCHAMP: Thank you.

8 (APPLAUSE)

9 MS. GRANDCHAMP: Ronnie, it begins

10 with an M-A. Mr. Ronnie M-A-B-R? The next

11 person is Frances Keating.

12 MS. KEATING: Frances Keating. I

13 live at 4 Linden Avenue in Rumford. I've been

14 a lifelong resident of Rhode Island -- sorry,

15 of Rumford, 60 years' worth. I lived on Roger

16 Williams Avenue for many, many years until I

17 got married, and I own a couple of pieces of

18 property with my sisters, the homestead I own.  
19 My sister Linda, who lives in New  
20 Hampshire right now, she is co-owner to some  
21 of the property on Roger Williams Avenue, so  
22 we know when it was a really nice place to  
23 live and we know all the noise that happens  
24 now because I'm on 4 Linden Avenue, which is

0079

1 three houses -- three streets up from Pond  
2 View.

3 She, my sister, Linda, has asked me to  
4 read this letter to Mr. Deenan. "I am writing  
5 to you to let you know that I am not in favor  
6 of TLA/Pond View's request for a license to  
7 expand their capacity in any way. I co-own  
8 two pieces of property, 78 and 80 Roger  
9 Williams Avenue, with my sisters.

10 Month-to-month tenants occupy both properties.

11 Presently, Pond View causes noise and  
12 dust on the cars, houses, patio and patio  
13 furniture. At one time it was a quiet,  
14 pristine, and odor-free neighborhood, but that  
15 has all changed.

16 In fact, I always know when my husband is  
17 bothered by the noise because he never uses  
18 bad language. He gets up at 6:00 in the  
19 morning and bangs the window down and starts  
20 with bad language, so I know what's happening  
21 on Pond View.

22 Property values in East Providence and  
23 Rumford have already seriously declined in  
24 value. How much do you think tripling the

0080

1 size of TLA/Pond View will attract anyone  
2 looking to purchase a home in that area? My  
3 guess and experience in this matter is it will  
4 not be a big plus for property values. Most  
5 people don't want to live near dumps and they  
6 certainly don't want to live next to one of  
7 the biggest dumps in the state. If you  
8 approve this license, East Providence may be  
9 known as having one of the largest dumps in  
10 New England.

11 My sisters and I grew up on Roger  
12 Williams Avenue on the water side. Our  
13 grandparents lived in the house next door to  
14 us. There has been more than enough change in  
15 that area over the past 50 years; however,  
16 this will be the worst change yet. I am  
17 asking you to reconsider your position on this  
18 issue and to do whatever you can to prevent  
19 TLA/Pond View from expanding. Do you think  
20 you would be in favor of this license if you  
21 and your family lived on or near Omega Pond in  
22 Rumford? Please do not add to any already  
23 serious downturn in property values in that  
24 area. Don't you think we could all use a

0081

1 break?

2 Also, at the same time, you could help to  
3 restore a little faith in the system, that  
4 people with power can and will do the right  
5 thing." And that was written by sister, Linda  
6 Bischoff, from New Hampshire.

7 (APPLAUSE)

8 MS. GRANDCHAMP: Thank you. Pat  
9 Blenkiron.

10 MS. BLENKIRON: My name is Patricia  
11 Blenkiron. I live on Algonquin Road and this  
12 is very frightening to me. What we don't know  
13 is very frightening, how whatever facts we do  
14 know have been acquired is very frightening.  
15 My statement through e-mail to Mr. Deneen  
16 states that we are the City of East  
17 Providence, but in fact, it's the village, the  
18 area of Rumford that is critically impacted by  
19 this situation. The lack of trust that I have  
20 developed for the DEM, in the sense that I  
21 don't have a sense that they have a balanced  
22 view and this is why: When I came to this  
23 meeting tonight, it was confirmed. This is a  
24 meeting you can say what you want, but you

0082

1 can't ask questions. And while I was away on  
2 business on Friday and couldn't come, I don't  
3 know if you could ask questions on Friday

4 either.

5 I'm thinking about Woburn years ago, and  
6 how people fought and fought and they denied  
7 that there was a problem of toxic substances.  
8 And then in Buffalo, New York, some of you who  
9 might be older may remember how people fought.  
10 And here we are, and we don't know what we are  
11 fighting. We don't know what the parameters  
12 in the air that should be monitored are.

13 We were told at the City Council meeting,  
14 DEM did inspect and passed it, but we don't  
15 know what the criteria are. We don't know  
16 what the criteria were in 1997 and '98  
17 compared to what they are now for elements  
18 that would be very important in terms of  
19 health. I am really frightened. I don't want  
20 them to make a movie and show --

21 The week of the City Council meeting,  
22 when this was addressed, there was also in the  
23 paper a little notice that said they're  
24 beginning to get ready to stock the pond with

0083

1 fish so the residents can fish. Well, please  
2 don't. From the sounds of it tonight we don't  
3 want to fish, never mind eat the fish from  
4 Omega Pond.

5 MS. GRANDCHAMP: Thank you.

6 (APPLAUSE)

7 MS. GRANDCHAMP: Cheryl Greaves,  
8 Arcaves, Archives -- G-R-E-A-V-E-S. Karen  
9 Perry.

10 MS. PERRY: My name is Karen Perry.  
11 I live at 88 Algonquin Road and I attended a  
12 meeting a few weeks back. They had one on  
13 one, a few people from the DEM, Pond View, and  
14 they brought you into a room where you could  
15 ask a few questions, which you didn't get very  
16 many answers, but I did ask who monitors the  
17 air quality and was told by the DEM that's not  
18 in their rules. It is not monitored at all  
19 and I believe it should be monitored. I asked  
20 the fellow from the City that was there, and  
21 he told me that they no longer use the

22 facility at Glen Line to monitor air. It's  
23 for water -- I mean, for weather. I'm sorry,  
24 for weather.

0084

1 I think somebody needs to monitor the air  
2 quality. I have four people in my house with  
3 respiratory problems and a lot of dust and  
4 dirt in my yard as well, and a lot of train  
5 traffic behind my house. When a lot of the  
6 trains come by, they're not covered. I  
7 believe it adds to the quality of air being  
8 bad. That's all.

9 MS. GRANDCHAMP: Thank you.

10 (APPLAUSE)

11 MS. GRANDCHAMP: Margaret Dooley.

12 MS. DOOLEY: Good evening. My name  
13 is Margaret Dooley, I live at 74 Roger  
14 Williams Avenue. I live on the pond, on Omega  
15 Pond, directly across from TLA/Pond View and  
16 I'm opposed to the expansion which would  
17 increase the tonnage up to 1,500 tons a day.  
18 Currently, the operation is bringing in 500  
19 tons a day and I'm already affected by that  
20 tonnage. Loud noise, traffic, which includes  
21 speeding, trucks going -- Pond View trucks  
22 going down the street well over the 25 mile  
23 per hour speed limit, uncovered.

24 You know, I can even cite dates. You

0085

1 know, October 13th, October 11th. And I know  
2 that they're speeding because I followed them  
3 in my car.

4 Odors, dates; you know, October 8th,  
5 October 18th, October 19th. Dust, and I worry  
6 about the Omega Pond eco system. Even this  
7 year I've seen a change in the wildlife on the  
8 pond. On a good day it's a nuisance. On a  
9 bad day, I think about my health and then I  
10 think about moving. It seems to me that we've  
11 been having more bad days than good days  
12 lately.

13 Tonight I want to focus on the noise and  
14 the odors, and I have to say I feel like I

15 live on a construction site. When the wind is  
16 blowing across the pond, it is as if I myself  
17 are at the Pond View site. The noise is --  
18 it's just continuous noise and it is  
19 incredibly loud. I mean, I don't think you  
20 can imagine -- many of you know what I'm  
21 talking about because you have it in your  
22 yards, too.

23 Even with the windows shut, we have a  
24 noise issue. You know, there are nights when

0086

1 it goes well into the early evening and in the  
2 early morning.

3 I can give you an example, just recently  
4 on the 8th, I think I woke up that morning at  
5 about 6:00 in the morning. I was in a sound  
6 sleep and I was woke up by what was happening  
7 at Pond View. I tried to call everybody that  
8 I could find, your numbers. I've been to  
9 enough meetings about Pond View that I had  
10 just about everybody's contact information and  
11 I finally spoke to Steve at Pond View. He  
12 told me what I was hearing was called  
13 processing and that they have a permit to  
14 operate 24/7 for processing.

15 Well, what does that mean to us? What is  
16 the consequence of having this company having  
17 that permit? That permit means that they can  
18 process. The trucks, what you hear, all that  
19 banging, trucks running around, all that noise  
20 means that they can operate 24 hours a day  
21 seven days a week. You know, right now I  
22 understand they're operating 6 to 6 at night.  
23 Of course, there's also operating hours and  
24 there's also grinding hours. I'm not quite

0087

1 sure how the permits cover those hours.

2 My question is: Why does TLA need a 24/7  
3 permit to process? I would think we need to  
4 look at that. To me, more tonnage means  
5 longer operating hours or louder operating  
6 hours. And who is monitoring what is  
7 airborne?



8 We've heard a lot tonight about people  
9 speaking about what is in the air. You know,  
10 my roof has a black coverage of some sort of  
11 debris on it. The back of my house, if you  
12 rub it is pure black. You know, there are  
13 particles in my house and there's also some  
14 sort of smells in the air.

15 You know, again, three days in the last  
16 two weeks I have smelled and reported  
17 something that smelled like gas and something  
18 that smelled like something was smoldering.  
19 Again, what is it? We don't know. I have to  
20 close my windows during those days. You know,  
21 when people come over to visit me, we don't  
22 stay outside. When my family with young  
23 children come to visit, we don't stay outside.

24 So, quite frankly, I feel that with all

0088

1 the issues on the table right now with 500  
2 tons a day, how will the quality of my life,  
3 our lives be affected when there's an  
4 expansion to 1,500 tons a day?

5 I know that I'm opposed to the expansion.  
6 You know, my family has lived on Roger  
7 Williams Avenue in the Phillipsdale area for  
8 over a hundred years, and I make it my  
9 business every day to be a good neighbor.

10 In closing, I also want to say that a lot  
11 of us, a lot of people have collected our  
12 information, our e-mails, our phone numbers,  
13 and I'd like to see a coordinated effort by  
14 all the entities, the City, the State, TLA as  
15 well as the neighbors to have contact lists so  
16 when we have issues, we don't have to be  
17 hunting through the phone book, we don't have  
18 to be bringing out papers and trying to find  
19 the individuals that we need to talk to so we  
20 can try to resolve the issues.

21 I don't feel that that will be a win-win  
22 win-win for us at all. Thank you.

23 MR. GRANDCHAMP: Thank you.  
24 (APPLAUSE)

0089

1 MS. GRANDCHAMP: Stephen Witherell.

2 MR. WITHERELL: I'm Stephen

3 Witherell, 32 Roger Williams Avenue. We've  
4 been dealing with a lot of smells, dust, noise  
5 from the trucks going by. The smell is  
6 absolutely disgusting. You have to vacate the  
7 property until the smell is gone; and even  
8 after it's gone, it's still in the house for  
9 hours. I'm opposed. I'm disgusted.

10 MS. GRANDCHAMP Thank you.

11 (APPLAUSE)

12 MS. GRANDCHAMP: Ray Sovan, Sovin.

13 MR. JOVIN: My name is Ray Jovin.

14 MS. GRANDCHAMP: Jovin, I'm sorry.

15 MR. JOVIN: J-O-V-I-N. I've been a  
16 resident of East Providence since 1978,  
17 homeowner since 1982. I also work on Roger  
18 Williams Avenue, Steve's Automotive. There  
19 are days that we can't even work at the shop  
20 because of the smell. We have to close the  
21 doors. When it's 90 degrees, very humid  
22 outside, we can't close the doors.

23 Talking about DEM, we've called them.

24 They never return our phone calls. I was at

0090

1 the last meeting and they said that, oh, yeah,  
2 we return all our phone calls. They never  
3 did; neither does the City. We make all kinds  
4 of complaints, but nobody returns our phone  
5 calls about it.

6 I think it might be time to change our  
7 government in East Providence because it  
8 doesn't seem like they're for the people of  
9 East Providence anymore. They're for mainly  
10 business, I think that's wrong. They should  
11 listen to the people of East Providence and  
12 everything that's goes on, and I feel that  
13 they don't. That's all I have to say.

14 MS. GRANDCHAMP: Thank you.

15 (APPLAUSE)

16 MS. GRANDCHAMP: William -- I can't  
17 read the last name. It might start with a

18 "W." D-A --

19 AUDIENCE: Does it look like Conley,  
20 by any chance?

21 MS. GRANDCHAMP: No. You were  
22 earlier, you spoke on Friday. Good try.

23 MR. IACOVINO: I'll take that  
24 William spot. My name's Bill, but it's not

0091

1 that last name. I wasn't going to speak this  
2 evening, but I'd like to speak. I have 38  
3 units at River Woods Condominiums that I'm the  
4 treasurer of.

5 MS. GRANDCHAMP: Can you come over,  
6 please, and please state your name?

7 MR. IACOVINO: Sure. Bill  
8 I-A-C-O-V-I-N-O. I live right on Bourne  
9 Avenue, 192 Bourne Avenue. I'm the treasurer  
10 of River Woods Condominiums. And I know -- I  
11 was there when Ocean State Steel Mill was  
12 there and how long it took us to get that  
13 taken care of. And today, I'm listening to  
14 all of you people and two things come to mind:  
15 I have a daughter that has asthma and I'm  
16 paying \$800 quarterly for medication because  
17 of the smell. I can't say for the noise,  
18 because I can't hear that well, but the smell  
19 and odors, and we're affected.

20 I know of another unit owner in our  
21 complex that the wife ended up with medical  
22 issues, in the hospital. I don't know if it  
23 was in regards to this, but one of the things  
24 that triggered my mind, and that's why I

0092

1 wanted to come up here, is as the treasurer I  
2 end up seeing some of the -- not some, all of  
3 the costs in doing power washing for the  
4 units. There's 58 units there, 29 buildings.

5 Over the last several years it has  
6 increased dramatically, to the point -- I  
7 mean, to the point where the insurance for  
8 that complex is nearing the same price as us  
9 washing these units. We used to wash these  
10 units at 18 months, now we're washing them at  
11 12 months or less. There is a lot of stuff on

12 the side of these buildings, odors, smells,  
13 and it's on the buildings. Thank you.

14 MS. GRANDCHAMP: Thank you.

15 (APPLAUSE)

16 MS. GRANDCHAMP: The next person is  
17 Richard Dellefemine.

18 AUDIENCE: He left.

19 MS. GRANDCHAMP: He left okay.

20 Betty Anella.

21 MS. ANELLA: Hi, I'm Betty Anella.

22 I live at 83 Roger Williams Avenue. I've

23 lived there since 1996; my husband's lived

24 there for 30 years. Everything that

0093

1 everyone -- I do oppose the tonnage, the 1,500

2 increase that you're trying to give to ITLA or

3 whatever they are. The dust is what I want to

4 know about, what's in that dust that I'm

5 breathing in every day. And if something

6 should happen to my lungs in the next few

7 years due to breathing in that dust for 15

8 years, what are you going to do for me?

9 I -- my sister-in-law lives at the

10 airport, near the airport off of Post Road.

11 The airport actually had soundproof windows

12 they put in her home, air ventilation systems,

13 purifiers. And we're getting nothing and that

14 dust is unbelievable. It actually peels the

15 paint on my windowsill on the interior of my

16 home. And every week you can wipe it off and

17 you have to keep the windows closed.

18 I get up to go to the gym, at 5 or 6:00

19 to go to work, you can hear the machines

20 running. Now, is it loud? Well, at 5 or 6:00

21 in the morning with your windows closed, it's

22 not so bad, but in the summertime and you're

23 on vacation and you're hoping to sleep in till

24 maybe 7:00, you can hear those machines

0094

1 cranking across the street where you have to

2 get up and close the windows so you can go

3 back to bed. It is loud when your windows are

4 open in the middle of the summer and you want

5 to get some fresh air. There's no fresh air,  
6 there's none. So I am against it, I hope you  
7 put that down as well. My husband had to  
8 leave.

9 MS. GRANDCHAMP: Thank you.

10 (APPLAUSE)

11 MS. GRANDCHAMP: Joe Cabral. Tom

12 C-H-I-P --

13 AUDIENCE: C-L-U-P-N-Y, Tom Clupny.

14 MS. GRANDCHAMP: Okay.

15 MR. CLUPNY: My name is Tom Clupny,

16 C-L-U-P-N-Y, and I live at 30 Bourne Avenue.

17 I live at 30 Bourne Avenue which is about

18 three-quarters of a mile away from Pond View.

19 We have dust up there. The odor on some days

20 is terrible. And I can feel for the people

21 that live down on Roger Williams Avenue, in

22 that area there. It's got to be horrendous.

23 We have an air monitoring station up

24 behind Orlo Avenue School -- I mean, Myron

0095

1 Francis School. They say it's a weather

2 station, but let me tell you, there's enough

3 GCs in there and equipment to monitor dust,

4 dirt, you name it. I don't think we're

5 getting a true story from DEM. I'd like to

6 see bottle samples taken of that pond over

7 there as that dust settles on the frozen

8 lake.

9 (APPLAUSE)

10 MR. CLUPNY: We need to go down

11 there and take sediment samples and see what's

12 there. Construction debris comes in, it's

13 from old houses, old buildings. It's got lead

14 paint on it. I know they don't do lead

15 abatement on it before it comes in. These

16 guys rip these houses and buildings down,

17 there's asbestos in it. They throw it in the

18 tub grinders over there and start grinding,

19 and that stuff is airborne.

20 So, you know, I think DEM has failed us

21 miserably on trying to find out what is

22 actually in the air. I'd like to find out

23 what goes on in that air monitoring station up  
24 behind Myron Francis. It's not a weather

0096

1 station because they've got all kinds of  
2 equipment in there and you can hear the pumps  
3 running and you can see the filters up there  
4 where they're collecting particulate. So  
5 that's crap if they're telling you it's a  
6 weather station, it's not.

7 EPA put that in there to monitor, and  
8 DEM, they both put that in there to monitor  
9 the air quality basically from Ocean State  
10 Steel and Pond View, I believe. There were  
11 four of those stations put in Rhode Island.

12 Now, I'm vehemently opposed to any  
13 expansion. They've got 500 tons a day,  
14 they're running 12 hours a day. How are they  
15 going to process 1,500 tons? They can't do it  
16 unless they put more equipment in there, run  
17 longer hours, and then the situation is going  
18 to get even worse.

19 So I'm vehemently opposed to it and I  
20 will do everything I can to keep it from going  
21 up there. Thank you.

22 MS. GRANDCHAMP: Thank you.

23 (APPLAUSE)

24 MS. GRANDCHAMP: Paula Anderson.

0097

1 Ray Anderson.

2 AUDIENCE: They just left.

3 MS. GRANDCHAMP: Bernie Beaudreau.

4 MR. BEAUDREAU: I'm Bernie  
5 Beaudreau, I live at 91 Wilson Avenue, which  
6 is one block up from Omega Pond. I think --  
7 I'm very much opposed to the expansion and I'm  
8 very much opposed to the existence of Pond  
9 View as it is. There's technology, I'm sure,  
10 available to scrub the air and to abate the  
11 noise. If they could make that investment and  
12 prove that they could be there without  
13 pollution, they might have an argument.

14 From a land use perspective, there are  
15 plenty of places in the state that have better

16 access to highway transportation, truck  
17 transportation that's nowhere near residential  
18 properties. They're a company that does not  
19 belong there, in my opinion. Thank you.

20 MS. GRANDCHAMP: Thank you.

21 (APPLAUSE)

22 MS. GRANDCHAMP: Corliss Blanchard.

23 MS. BLANCHARD: Good evening. I'm  
24 Corliss Blanchard, I live at 119 Roger

0098

1 Williams Avenue. I bought my property in '86.  
2 I moved in healthy. I now have a really bad  
3 case of asthma. Gee, I wonder why? I also  
4 seem to be getting a lot of skin conditions  
5 lately. Many times I have -- I've got a  
6 beautiful backyard, it's like a zen garden. I  
7 don't sit there very often, these smells are  
8 obnoxious.

9 You get out of the car at night -- after  
10 I've worked long hours, I get out of the car  
11 at night and I want to sit on my deck, I  
12 cannot stand the odor. It's horrendous.  
13 There's dust everywhere. I don't understand  
14 why in a public place such as our residential  
15 neighborhood, why these chemicals and  
16 everything else are being ground up over  
17 there. It's insane to me that this is being  
18 allowed and no one's really taking care of the  
19 people that support the City. We support this  
20 City. We pay our taxes. What are we getting  
21 for our tax dollars? Can anyone answer that  
22 question? I just don't understand this. I am  
23 totally opposed to Pond View, never mind the  
24 expansion.

0099

1 How am I ever going to be able to sell my  
2 property? I used to be a realtor, I was a  
3 broker. This is something that has to be  
4 disclosed when you go to sell your house now  
5 to anyone that wants to buy it legally because  
6 if you don't and somebody else moves into your  
7 property and they find out about this,  
8 guaranteed lawsuit.

9 So our values are down, our health is at  
10 risk and what is the City doing for us? I  
11 just think this place needs to move some place  
12 where people will not be affected by it.  
13 Thank you.

14 MS. GRANDCHAMP: Thank you.

15 (APPLAUSE)

16 MS. GRANDCHAMP: That is the last  
17 person that's signed up. Is there anyone else  
18 that would like to make comments on the  
19 record? If you could please come up.

20 MR. TEWKSBURY: My name is Robert  
21 Tewksbury and I live at One Moody Street. It  
22 used to be Phillipsdale, then they decided to  
23 call it Rumford, whatever.

24 It's interesting that when Pond View

0100

1 first started, Mr. Foley had a stump grinding  
2 business. He went to the corner, way up from  
3 where his place is now, way up on a nice  
4 little hill and he had a small machine,  
5 probably half -- a little bigger than that  
6 desk that they're writing on. They ground up  
7 a few stumps. Yes, it was noisy and, yes,  
8 there were a few rocks, and he said it  
9 wouldn't be much more than that.

10 Now it's a multi-million dollar business  
11 he just bought, but he still has his own  
12 trucks there, so there's some kind of deal  
13 going on there. There's all kinds of deals  
14 going on in this town.

15 We have an opportunity to do two things;  
16 one, get rid of them and get rid of the  
17 politicians that put them in there. That's  
18 next week. If you don't take that  
19 opportunity, you might as well forget it.

20 DEM is subject to rules and regulations  
21 by the State legislator and the Federal  
22 government. It's tough to do business with  
23 people that are higher up on the food chain  
24 and you can't do anything about it. Paul

0101

1 Yattau lives right across from me, Moody



2 Street is right across from his house and I  
3 live up on the hill. I get it both ways, I  
4 get the updraft and the downdraft.

5 I can't paint my house, the paint won't  
6 stay on it. We can't use oil-based paint  
7 anymore for the very reason that they've  
8 outlawed it, but yet to dispose of the paint  
9 that's on the house, you've got to get a  
10 permit, a mask, a certified person to do it.  
11 It costs a fortune.

12 So what do you do? You leave the house  
13 the way it is because you can't paint over it,  
14 the City won't let you because it's lead  
15 based. You have to remove it. It goes to  
16 Pond View. They chop it up and it goes right  
17 back into the air. I'm totally against it.

18 MS. GRANDCHAMP: Thank you.  
19 (APPLAUSE)

20 MS. GRANDCHAMP: Who else would like  
21 to speak?

22 MR. RIBERIO: Hi, I'm Steven  
23 Riberio. I live at 124 Roger Williams Avenue,  
24 right directly -- you know, behind the dump

0102

1 itself. I can actually see the machines from  
2 my house. You can hear all the noise, all the  
3 dust, all the pollution. I have an  
4 eight-month old son. I can't even bring him  
5 outside because he'll make faces. He's only  
6 eight months and he makes faces. He starts  
7 coughing. It's just a bad environment and I'm  
8 not for it. Thank you.

9 (APPLAUSE)

10 MS. GRANDCHAMP: Thank you.

11 MS. CHASE: I'm Karen Chase. I live  
12 at Two Duncan Road, which is on the corner of  
13 Wilson, just up from the pond. I'm a  
14 nurse-practitioner and I'd just like to  
15 caution people to be very cautious of what you  
16 are breathing. I take care of people all the  
17 time that have illnesses from environmental  
18 contaminants. I work for the government.

19 And I'm thinking as I'm standing here

20 listening to all this, I'm taking care of one  
21 man that, you know, all the doctors in the  
22 facility cannot figure out what is wrong with  
23 this man. And what's wrong with him, I  
24 figured out, is he was poisoned at Camp

0103

1 Lejeune, and everybody knows that now. This  
2 is a government-sponsored camp, as many of you  
3 know.

4 So let's all be very cautious of what  
5 happens, you know, with this. I think it's  
6 very uncanny that Erin Brockovich was on the  
7 other day. Thank you.

8 (APPLAUSE)

9 MS. GRANDCHAMP: Is there anyone  
10 else?

11 MS. CAPINERI: My name is Nancy  
12 Capineri and I live at 6 Sutcliff Circle. I'm  
13 also on the side that's closer to the railroad  
14 tracks. So I hear the trains, the trains  
15 shake the house. The noise has been bad for  
16 years. I think they've cutback a little bit  
17 the last couple of weeks, to tell you the  
18 truth. And I notice they said they'll stop on  
19 Saturdays, but I believe that's only until  
20 this process is finished and then I think  
21 we'll hear them even more.

22 It is disruptive. There's particles all  
23 over my roof and my siding, and my white  
24 shutters that I foolishly put on a few years

0104

1 ago. So I have to power wash my house every  
2 once in a while too, more that often than I  
3 should have to.

4 I definitely oppose the expansion. I was  
5 at the DEM hearing Friday and I came away  
6 amazed hearing about the Supreme Court case  
7 that said they shouldn't have even gone to  
8 500, and DEM has not addressed that  
9 apparently.

10 (APPLAUSE)

11 MS. CAPINERI: I start to get  
12 worried as I've heard a lot of people here. I

13 feel like if it's the Department of  
14 Environmental Management, they should  
15 be managing our environment. It shouldn't be  
16 up to us to be jotting down dates and license  
17 plates and checking to see if the trucks are  
18 covered. You know, I was told if they're  
19 uncovered, let them know and they won't let  
20 them into the place. That's not my job. I  
21 mean, even the police department, it's their  
22 job.

23 (APPLAUSE)

24 MS. CAPINERI: The environment needs  
0105

1 to be managed. The world is getting more  
2 polluted every day. We need to stop having  
3 businesses that are going to add to it to  
4 protect ourselves, protect our families.

5 (APPLAUSE)

6 MS. GRANDCHAMP: Any others? Yes,  
7 please.

8 MR. FONTES: I'm not sure I can  
9 speak as well as anybody else that has. Chris  
10 Fontes (Phonetic), I live at 79 Roger Williams  
11 Avenue. I moved in about a year ago, before I  
12 married my wife six months ago. I used to  
13 think that the dust in the house was just me  
14 because I'm a guy, but it's sounding like it's  
15 more and more -- you know, it's not just me,  
16 it's what's around us.

17 We are concerned. We live right on Roger  
18 Williams Avenue, right at the corner. Trucks  
19 going by at all hours, the noise, we can't  
20 keep the front windows open because of the  
21 trucks going by because you can't hear the TV  
22 at night because there's so much activity on  
23 the road.

24 The area is lovely. I love moving here,  
0106

1 but we're concerned about our health. Just  
2 the general noise, the pollution, et cetera.  
3 We're worried that -- you know, this needs to  
4 be taken care of.

5 I'm not antibusiness of any kind, but I

6 do -- I don't know that I've seen in this  
7 process that it was conducted in a fair and  
8 up-front manner. It seems like it was tried  
9 to be snuck through the system. Oh, if we  
10 don't let the people in the area know, we can  
11 get this done and then it will be too late.  
12 Once it's there at 1,500, well, now you're  
13 stuck with it, we can't bring it back down in  
14 size.

15 AUDIENCE: Or the smell.

16 MR. FONTES: Or the smell as well.

17 I know there's a smell that periodically, you  
18 know, my wife will come to me and say what is  
19 that smell? Again, you know, I don't know  
20 what it is, but now I know that -- I have a  
21 better idea that it's the area around us and  
22 what's going on from there.

23 I appreciate the neighbors that came  
24 around and knocked on the doors and let us

0107

1 know to be aware of these things. They were  
2 very helpful in presenting this to us and  
3 getting us so we can send -- I sent an e-mail  
4 to DEM just letting them know our concerns and  
5 I wanted to make sure that this got on the  
6 record because we are opposed to this.

7 Again, like I say, we're not  
8 antibusiness, but we're anti-expansion of this  
9 business because we don't feel it improves the  
10 quality of the lives in the neighborhood  
11 around it. And we also believe that if you  
12 can't manage the company at 500, how are you  
13 going to manage it at 1,500?

14 And my wife who has some asthma issues at  
15 this point, you know, they don't get worse.  
16 And if we have children, am I going to be  
17 spending the rest of my life wondering is  
18 their asthma as a result of where we're living  
19 right now.

20 I shouldn't have to worry in this country  
21 that the area that I'm living in is hazardous  
22 to my health. The government is here to  
23 monitor these things and take care of it, so

24 that as others have said, I shouldn't have to  
0108

1 be the policeman of the neighborhood.  
2 The police are here, the government is here,  
3 you should take care of it so it doesn't get  
4 to this level and so that people can have a  
5 business run effectively and managed properly  
6 so that it is in harmony with the neighborhood  
7 around it.

8 And so that's what we're looking for is  
9 for you to do the right thing and make sure if  
10 they are -- if they continue to be in this  
11 area, that they are monitored, that they prove  
12 that they can be good neighbors. And until  
13 they've proved that they can be good  
14 neighbors, I can't see how you can allow  
15 them to expand. And that's what I have to  
16 say.

17 (APPLAUSE)

18 MS. GRANDCHAMP: Is there anyone  
19 else? Please come up.

20 MR. WILLEY: Good evening, my name  
21 is Pete Willey and I live at 146 King Phillips  
22 Road. I'm actually an environmental engineer.  
23 As I look at this place and where it's located  
24 in the center of a community like this and see

0109

1 the lack of oversight from DEM, it's  
2 ridiculous. There are no air quality -- as  
3 everyone stated, there's no air quality  
4 monitoring. There's no data reporting as far  
5 as what waste comes in and out of the  
6 facility.

7 The smells are atrocious, which could --  
8 I mean, it's been known that hydrogen sulfide,  
9 the rotten egg smell that you probably smell,  
10 hydrogen sulfide happens all the time at  
11 facilities like this. There's no air  
12 monitoring for that onsite and I find it  
13 appalling.

14 No wet weather water runoff samples. You  
15 know, they have the leaching field where they  
16 put out the water, but you know what happens

17 when we get three inches of rain and all the  
18 rest of the dust comes running down into the  
19 pond?

20 The suggestion for sediment samples in  
21 the pond -- I can't believe that hasn't been  
22 done. No environmental studies have been done  
23 when it was increased from 150 to 500, and now  
24 you want to go to 1,500. You can't even prove

0110

1 to me what you're putting into our  
2 neighborhood. I am strongly opposed for even  
3 500.

4 (APPLAUSE)

5 MS. GRANDCHAMP: Anyone else?

6 AUDIENCE: Can I go again?

7 MS. GRANDCHAMP: No. We'll be  
8 taking written comments for an additional  
9 30 days. The 30-day written comment period  
10 will end on November 24th, 2010. And if  
11 you've made verbal comments, feel free to  
12 submit written comments to us also. They  
13 should be submitted to the Department's Office  
14 of Waste Management located at 235 Promenade  
15 Street, Providence, Rhode Island, 02908.  
16 Please send the comments to the attention of  
17 Mr. Walid Ali in the Office of Waste  
18 Management.

19 After considering all verbal and written  
20 comments, the Office of Waste Management will  
21 either issue or deny the Solid Waste license.  
22 The Department will provide a written response  
23 to each substantive comment.

24 It is now 7:21. This concludes the

0111

1 public hearing. Thank you all for your  
2 comments.

3 (HEARING CONCLUDED AT 7:21 P.M.)

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C E R T I F I C A T E

I, BARBARA M. MONTIJO, do hereby certify  
that the foregoing is a true, accurate and  
complete record taken of my stenographic notes  
in the above hearing.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 12th day of November, 2010.

\_\_\_\_\_  
BARBARA M. MONTIJO, RPR/COMMISSIONER  
My Commission expires 11/1/2014

IN RE: TLA/Pond View  
DATE: October 25, 2010

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