

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF WASTE MANAGEMENT  
OFFICE OF COMPLIANCE & INSPECTION

IN RE: Alan Sepe, Acting Director of Public Properties      **Case # 99-018**  
City of Providence  
City Hall  
25 Dorrance Street  
Providence, R.I. 02903

and

Glen R. Ahlborg, President  
O. Ahlborg & Sons, Inc.  
48 Molter Street  
Cranston, R.I. 02910

Condemned property along Springfield Street and Hartford Avenue, Providence R.I.  
Proposed City of Providence Elementary and Middle School site  
(formerly known as the Springfield Street and Ophelia Street dump)

**IMMEDIATE COMPLIANCE ORDER**

**A. Introduction**

Pursuant to Sections 46-12-9, 42-17.1-2(u) and Chapter 42-17.6 and 23-19.1-16 of the Rhode Island General Laws 1956 (1988 Reenactment), as amended, you are hereby notified that the Director of the Department of Environmental Management (the "Director") has determined that IMMEDIATE ACTION IS REQUIRED TO PROTECT HUMAN HEALTH AND THE ENVIRONMENT as the result of your violation of one or more of the following statutes and or regulations: the Rules and Regulations for Groundwater Quality (1992), as amended (the "Groundwater Regulations"), the Rules and Regulations for the Investigation and Remediation of Hazardous Materials Releases (1996) ("the Remediation Regulations"), the Rules and Regulations for Solid Waste Management (1997) ("the Solid Waste Regulations") and the Rules and Regulations for Hazardous Waste Management (1992) ("the Hazardous Waste Regulations").

**B. Respondents**

- (1) The City of Providence ("Property Owner") is now the owner of (or is in possession, dominion and control of) certain parcels of condemned property located along Springfield Street and Hartford Avenue in Providence, Rhode Island, otherwise identified as the City of Providence Proposed Elementary and Middle School site (the "Facility").

- (2) O. Ahlberg & Sons, Inc. ("Operators") is the operator at the property in question and the construction activities located at this Facility in the City of Providence.

**C. Findings of Fact**

1. The Facility came to the attention of the Department from residents who contacted the Department in response to a newspaper article in the Providence Journal on February 17, 1999 which outlined the City's intentions to construct two schools on this former city dump site. The article sites City officials denying the existence of the former dump and raised the public's concern about the health and safety of the site.
2. During the week of February 22, 1999 thru February 26, 1999, the Department received additional calls and inquires expressing concerns about the news article and the Department contacted the City of Providence concerning evidence the Department possessed that this area was a former City dump as the residents contended.
3. On March 1, 1999, the Office of Waste Management met with representatives of the City of Providence, O. Ahlberg & Sons, Inc. (construction contractors), ATC Associates, Inc. (environmental consultants) and Northeast Engineers and Consultants, Inc. (structural engineering) concerning the City of Providence's proposed plans to build two (2) schools on a former dump site located off Springfield Street and Hartford Avenue in Providence. The OWM outlined the nature of the investigation work that would be necessary to characterize the site which included but was not limited to surface soil sampling, subsurface soil sampling via test pits, soil gas analysis and collection of groundwater data prior to site work being undertaken.
4. On March 2<sup>nd</sup> and 3<sup>rd</sup>, 1999, ATC Associates, Inc. (ATC) began a test pit investigation of areas of the property to determine the boundaries of the historical solid waste disposal across the site as well as identify any suspected hazardous materials which may require sampling analysis. An OWM representative went to the site and observed some of the test pitting activity in the south end of the site as well as conducted a site walkover with ATC.
5. On March 10, 1999, ATC submitted some preliminary soil sampling results from the test pitting activities which indicated documented jurisdictional concentrations of hazardous materials within the solid waste material buried at the dump site under the Remediation Regulations.
6. On March 16, 1999, the OWM met with the City of Providence, O. Ahlberg & Sons, ATC and Northeast Engineers to discuss the remaining investigation work to be conducted by ATC and the City's proposal for construction of the schools at the site. The OWM made it specifically clear that the remaining investigation, which included at a minimum soil gas collection, groundwater sampling and delineation of all filled areas, would be instrumental in the design of a gas collection system below the middle school as well as provide necessary groundwater data. OWM also stated that

current regulations require that any excavated waste materials would require proper characterization (hazardous vs. solid waste) and disposal at a currently licensed solid waste management facility at a minimum. The OWM also made it clear in this meeting that excavated solid wastes would not be permitted to be reinterred on-site. The City of Providence and ATC were informed that a complete Remedial Action Work Plan must be submitted to OWM for review and evaluation of development activities/remedial measures as soon as the Site Investigation was completed.

7. On March 18, 1999, Chris Shafer and Jeffrey Crawford of the Office of Waste Management stopped by the proposed school sites at approximately 10:50 am to check on ATC's groundwater sampling activities. Upon arrival the Department representatives observed that in addition to the investigation activity by ATC, O. Alhborg & Sons had begun excavating and grading solid waste material as well as other site soils in the south end of the property without authorization of the Department. OWM representatives took Polaroid photographs of the heavy equipment at the site excavating soil material in one area, refilling the hole with previously buried solid waste material trucked in from another area of the property and grading the area. Prior to the OWM representatives leaving the site, a foreman approached the representatives and asked what he could do for them. Mr. Crawford responded and asked the foreman "who gave authorization to begin the project?". At that time, Mr. Crawford requested that Eric Ahlborg contact Greg Fine at the RIDEM office.

D. **Violation**

The Department reserves its right to issue administrative penalties and violations.

E. **Order**

Pursuant to R.I. Gen. Laws Section 42-17.1-2(u) and 23-19.1-16 each Respondent is hereby ORDERED to:

- (1) Immediately cease all excavation and stockpiling activities at the site until the Site Investigation is completed and approved by the OWM and a Remedial Action Work Plan (RAWP) has been submitted to the Office of Waste Management and approved. As was previously stated to the City of Providence, ATC and O. Ahlborg & Sons representatives, this RAWP must comply with Section 9.0 of the Remediation Regulations and provide all necessary site information to support the draft design proposals for constructing these two (2) schools on this hazardous material/ solid waste site along with all supporting information for the parking, recreational and landscaped areas. The RAWP must also include plans for collecting and controlling site gases as well as excavation timetables, groundwater sampling parameters, methodologies, and stockpiling and disposal plans.
- (2) Within two (2) days of receipt of this IMMEDIATE COMPLIANCE ORDER ("ICO"), inform the Department's Office of Waste Management, in writing, of your efforts and/or

plans to comply with this ICO. Address all correspondence to RIDEM Office of Waste Management at 235 Promenade Street, Providence, Rhode Island 02908.

- (3) The Director has determined that the unauthorized excavation and disposal of hazardous material and solid waste at the condemned property along Springfield Street and Hartford Avenue in the City of Providence proposed for construction of an elementary and middle school presents an imminent hazard to the public health, safety and to the environment and that the performance required by this Order is necessary to protect the public health and the environment.

F. **No Right to Administrative Hearing**

(1) Pursuant to R.I. Gen. Laws Sections 42-17.1-2(u) you have NO RIGHT TO AN ADMINISTRATIVE HEARING with regard to this ICO in that the Director has determined that the actions specified herein are immediately necessary in order to protect human health and prevent harm to the environment.

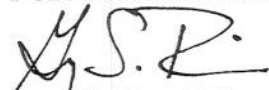
(2) This ICO is a final Compliance Order and is enforceable in Superior Court. See R.I. Gen. Laws Section 42-17.1-2(u).

(3) Failure to comply with this ICO may subject each Respondent to (additional) civil and/or criminal penalties of up to Twenty-Five Thousand Dollars (\$25,000) per violation per day. See R.I. Gen. Laws Sections 42-17.6-7, 46-12-13, and 46-12-14.

(4) This ICO does not preclude the Director from taking additional enforcement action nor does it preclude any other local, state, or federal governmental entity from initiating enforcement action based on the acts or omissions described herein.

If you have any questions, please contact me at or Jeff Crawford at (401) 222-2797.

FOR THE DIRECTOR:



Greg S. Fine, P.E.

Supervising Engineer

Office of Waste Management – Brownfields and Site Remediation Section

Date: March 19, 1999

- cc: Edward Szymanski, P.E., Associate Director  
Terrence Gray, P.E., Chief, DEM/OWM  
Leo Hellested, P.E., Supervising Engineer, DEM OWM  
Tom Deller, Deputy Director, Department of Planning and Development, City of Providence  
Claude Cote, Deputy Chief Legal Counsel, DEM

CERTIFICATION

I hereby certify that on the 19th day of March, 1999, a copy of this Immediate Compliance Order was forwarded to:

Registered Agent for O. Ahlborg & Sons, Inc.

Richard W. Ahlborg  
48 Molter Street  
Cranston, RI 02910

City of Providence City Solicitor

Charles Mansolillo  
City Hall  
25 Dorrance Street  
Providence, RI 02903