



**RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
235 Promenade Street, Providence, RI 02908-5767
Rhode Island Relay 711**

VIA CERTIFIED MAIL

December 14, 2011

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

CT Corporation System, as registered agent for
TLA-Providence, LLC
10 Weybosset Street
Providence, RI 02903

Re: TLA-Providence, LLC (d/b/a TLA-Pond View)
Construction and Demolition Debris Processing Facility
License No. 70

NOTICE OF INTENT TO SUSPEND LICENSE

A. Introduction

Pursuant to Rhode Island Gen. Laws §§ 23-18.9-1, *et seq.*, 42-17.1-1, *et seq.*, and 42-35-1, *et seq.*, as amended, you are hereby notified that the Director of the Department of Environmental Management (the "Director" of "DEM" or the "Department") has reasonable grounds to believe that the above-named party ("Respondent") is in violation of certain statutes and/or administrative regulations under DEM's jurisdiction.

B. Facts

1. The Respondent, TLA-Providence, LLC, is currently operating as a Construction and Demolition Debris Processing Facility pursuant to License # 70 (the "License"), as issued by DEM on May 2, 2011.
2. Since May 12, 2011, the Respondent's License has been under appeal at the DEM Administrative Adjudication Division.
3. On or about July 1, 2011, an amendment to a portion of the Refuse Disposal Act (Rhode Island General Laws § 23-18.9-8) was enacted by the State Legislature (the "Amendment").
4. Section 2 of the Amendment provided that "[t]his act shall take effect upon passage and shall apply to any and all solid waste management facilities or

construction and demolition debris processing facility licenses not yet granted or under appeal at the time of passage.”

5. Section 1(d)(1) of the Amendment states that “[n]o construction and demolition debris processing facility shall be issued a license or be able to operate unless it has: (1) [r]eceived a letter of compliance from the host municipality that all applicable zoning requirements and local ordinances of the host municipality have been complied with.”
6. On July 26, 2011, the DEM requested that the Respondent provide the letter of compliance (the “Letter”) required under Section 1(d)(1) of the Amendment.
7. To date, the Respondent has failed to provide the statutorily mandated Letter.
8. On October 26, 2011, the City of East Providence mailed a “letter of non-compliance[,] pursuant to R.I. Gen. Laws § 23-18.9-8 for the specifically enumerated violations of local zoning ordinances that have not been met by [the Respondent].”

C. Violation

Based on the foregoing facts, the Director has reasonable grounds to believe that the Respondent violated the following statute(s) and/or regulation(s):

- (1) Rhode Island General Laws § 23-18-9-8(1)(d)(1) relating to the requirement that no construction and demolition debris processing facility shall be issued a license *or be able to operate* unless it has received a letter of compliance from the host municipality that all applicable zoning requirements and local ordinances of the host municipality have been complied with. (Emphasis added).

D. Compliance

- (1) Based on the foregoing violation(s) and pursuant to the applicable statute(s) and and/or regulations(s), DEM hereby requests the Respondent to provide DEM with the requisite Letter of Compliance from the City of East Providence on or before Wednesday, January 4, 2012. If the Respondent fails to comply in a timely manner with the required action, the DEM shall be compelled to institute appropriate legal action to suspend the License.

If you have any questions concerning your responsibilities in complying with this notice, please contact Richard M. Bianculli Jr. at DEM's Office of Legal Services at (401) 222-6607. PLEASE NOTE: Communication in any form other than writing shall not be deemed a satisfactory response to this Notice of Intent to Suspend License.

FOR THE DEPARTMENT:

Janet L. Coit, Director