



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Office of Compliance and Inspection  
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## ACCOMPLISHMENT SUMMARY FOR YEAR 2002

### **OFFICE OF COMPLIANCE & INSPECTION (“OC&I”) – Who we are and what we do:**

The OC&I is the regulatory compliance and enforcement component of the RIDEM (Rhode Island Department of Environmental Management) for the areas of air, water, and waste. OC&I consists of several compliance/enforcement related programs including air, dams safety, emergency response, hazardous waste management, septic system (ISDS) failures, solid and medical waste, aboveground, underground and leaking underground storage tanks, water pollution and freshwater wetlands.

Going into year 2002, OC&I had an authorized staff of 45 full time equivalents (FTEs) to perform compliance and enforcement related duties throughout the state. These duties include complaint response/investigation, compliance monitoring, issuing enforcement actions on behalf of the agency, and ensuring that compliance is met and environmental violations are corrected. Staff vacancies and budget constraints during the beginning of the year have reduced authorized staff to 38 FTEs. At present, OC&I is at 37.4 FTEs.

Not all OC&I programs focus on enforcement activities in the same way. For example, one program may spend considerable time on complaint response while another may spend most of its time on compliance monitoring. In fact, much of our enforcement effort is a team approach, either internally in the office or externally with other DEM divisions and offices. In many cases, our activities are coordinated with other offices at DEM including the Offices of Air Resources, Water Resources, Waste Management and Legal Services. Under some circumstances, we support the Office of Criminal Investigation and assist them with sampling, regulatory interpretation, and expert witness testimony. In many cases, we are in close communication with EPA (Environmental Protection Agency) since DEM has specific authority delegated under federal regulations regarding air, water, underground and leaking underground storage tanks and hazardous waste.

### **COMPLAINT RESPONSE**

OC&I is involved in extensive **complaint related** work. Examples of complaints and their numbers handled by OC&I in 2002 include:

**Air** – The air program responds to complaints of visible emissions, odors, fugitive dust, and exterior lead paint removal. OC&I's air program received **1067** complaints this year and investigated **969** of these complaints. Not all complaints can be investigated due to time delays in receipt of the complaint or other factors. The program conducted **576** inspections to investigate these complaints. **2** field staff in the Air program handled complaint investigations in 2002.

**Emergency Response** – Staff of this program provide initial on-site response and support to State and municipal fire and emergency teams handling petroleum and hazardous materials/waste releases or spills. At incidents, the emergency responder provides advice and oversight for clean-ups to ensure that the environment is protected and remediation work is completed to remove hazardous contaminants and pollutants. In some instances, the emergency responders will remove waste from sites for disposal and conduct small cleanups. Examples of this may include removal of mercury, removal of small containers or clean up of small oil spills. On larger scale spills and releases, emergency responders will call in contract environmental clean up companies to handle removal and remediation of spilled or released petroleum products and hazardous wastes that threaten the environment and the public's health and safety. Reports are completed and cost recovery for clean up work is tracked and sought. This year, the emergency response program responded to **731** incidents that threaten the environment from pollutants and hazardous materials. This response was necessary to contain pollutants and hazardous materials from spreading further into the environment and to monitor clean up. This program conducted **773** inspections to carry out its responsibilities. Approximately 4 FTEs carried out this work.

**Hazardous waste** – While most of the work carried out by this program involves compliance monitoring, the hazardous waste program also responds to complaints involving illegal disposal or mismanagement of hazardous waste. In addition to the efforts of the compliance monitoring staff, the emergency response team members conduct these investigations to ensure response is timely. In 2002, OC&I received **30** complaints and investigated **29**. Eight (8) of these complaints were unfounded.

**Septic Systems** – OC&I receives numerous complaints of failed septic systems. In 2002, we received **376** complaints of failed systems and conducted **423** inspections to investigate such complaints. This work was accomplished with approximately 1.5 inspectors.

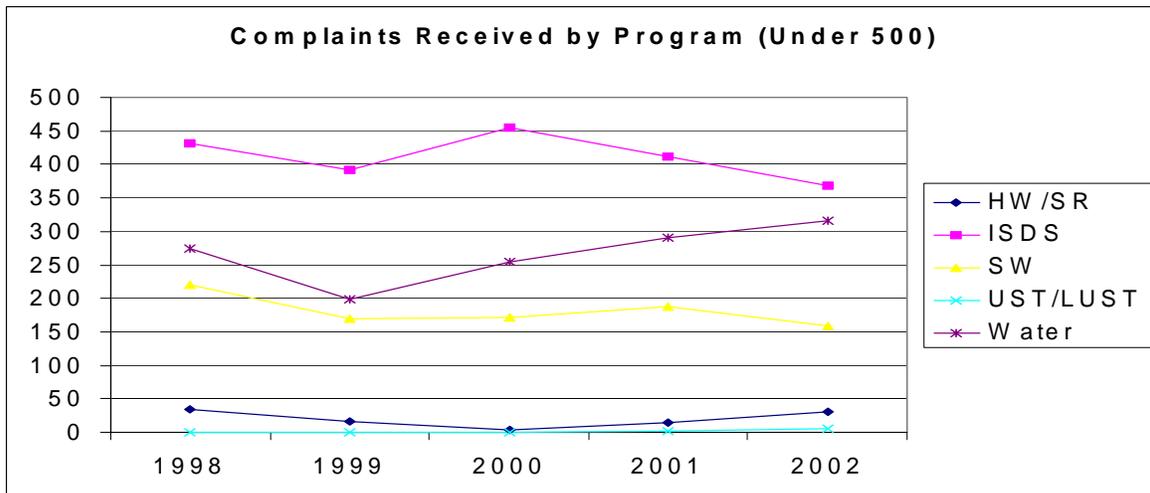
**Underground Storage Tanks (“UST”) and Leaking Underground Storage Tanks (“LUST”)** – Although the UST/LUST program has been primarily involved with formal enforcement activity over the last few years, its activities have been expanded to include compliance monitoring and complaint investigation. In 2002, the UST/LUST Program investigated **5** complaints involving abandoned tanks in the ground. OC&I has one partial FTE to conduct this type of work.

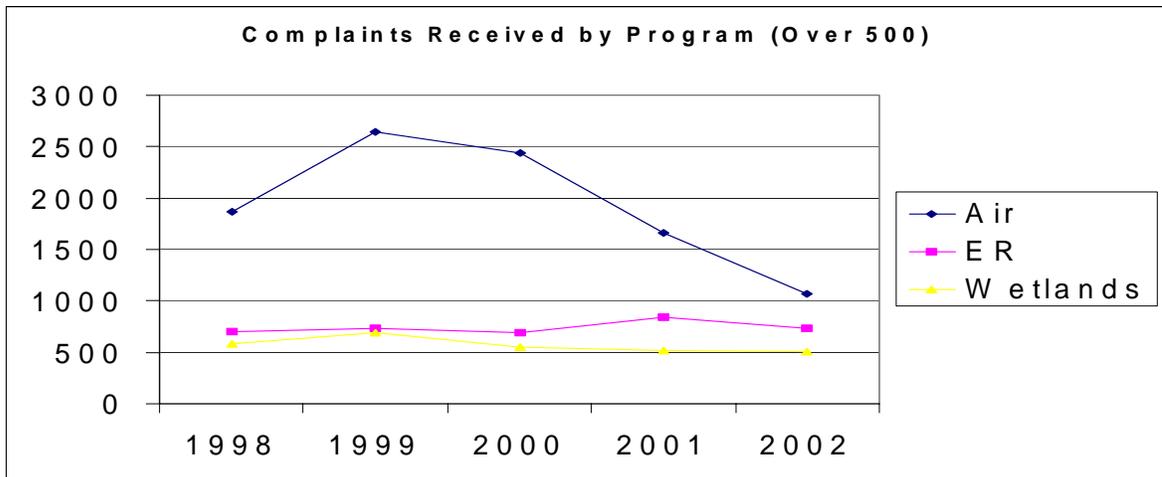
**Water Pollution** – The water pollution component of OC&I investigates complaints related to discharges of pollutants to surface waters or ground waters. In 2002, we received **292** complaints and investigated **285** of these complaints. A total of **423** inspections were undertaken. OC&I has approximately 1.5 FTEs to do this work.

**Freshwater Wetlands** – This program investigates unauthorized alterations to freshwater wetlands such as filling, excavating, grading, clearing, and construction. In 2002, this program received **526** complaints and completed **477** investigations. A total of **943** inspections were carried out to investigate these complaints. OC&I has approximately 4.5 staff members investigating such complaints. Complaint investigation in this program is time consuming and complex due to the varied nature of wetlands, land conditions, land ownership and regulatory requirements.

**Solid Waste** – The solid waste program investigates illegal disposal of solid waste and operation of unlicensed facilities handling solid waste, construction & demolition debris, compost or other forms of solid waste. In 2002, OC&I's solid waste program received **159** complaints and conducted **175** investigations. OC&I has one full time field person in this program to conduct most investigations. The supervisor of this program often has to fill in to ensure that timely inspections and investigations are carried out. In 2002, this program completed **591** inspections. Many of these inspections relate to continuous monitoring of problem waste sites such as the Global Waste Recycling/Independent Sand and Gravel clean up operation in Coventry or the NEED/Vinagro properties in Johnston.

The following graphs provide information regarding a 5-year trend in the number of complaints received by the OC&I with numbers distributed by media/programs.





## COMPLIANCE MONITORING

Compliance monitoring refers to efforts by the Department to oversee closely regulated businesses and operations. In many cases, State laws require businesses and operations to be licensed by DEM or to obtain specific detailed conditional approvals. Under these circumstances, such facilities are not allowed to operate unless they obtain these licenses or approvals in advance. In other situations, businesses may operate provided they are in compliance with specific regulations that set forth what criteria the business must meet. Under these circumstances, the businesses are not generally required to obtain a permit or license to operate. DEM's Offices of Air Resources, Water Resources and Waste Management undertake the bulk of compliance monitoring especially for the more complex situations involving licensed operations or those requiring advanced conditional approvals. OC&I's compliance monitoring efforts are concentrated in specific areas where regulatory compliance is the controlling issue. Primarily this involves air, aboveground storage tanks, hazardous waste generators, UST facility operations and dams safety. In these programs, OC&I generally targets a certain portion of the regulated universe and then conducts compliance evaluation inspections to ascertain whether or not compliance is met by the business or facility. Since DEM is delegated regulatory authority and given grant money by EPA for certain programs such as hazardous waste and underground storage tanks, DEM and EPA coordinate their efforts regarding types of facilities and numbers of inspections to be conducted. In many cases, EPA provides federal guidance for such inspections and for appropriate and timely enforcement response if compliance is not being met.

Compliance monitoring may also refer to efforts by other OC&I programs that investigate compliance with department approvals; however, in most instances these investigations are complaint driven and are not subject to a prescribed target list for evaluation. Examples include OC&I's wetlands and septic system enforcement programs.

OC&I's compliance monitoring efforts in the area of **Air, Hazardous Waste, UST facilities and Dams Safety:**

**Air** – In addition to investigating citizen complaints as they relate to ambient air quality issues, source checks of sites with historical air pollution compliance problems are conducted. For 2002, this program conducted **93** inspections to assure compliance with pertinent regulations. Through public contact, OC&I ensures public awareness of applicable air pollution control regulations, including but not limited to lead paint related issues.

**Aboveground Storage Tanks (AST)** – In 2002, OC&I conducted compliance inspections of **41** aboveground storage tanks as a result of complaints submitted or requests for a compliance inspection from the owners. The purpose of the inspections is to ensure compliance with the Oil Pollution Control Regulations

**Hazardous Waste** – The goal of the hazardous waste regulations is to prevent hazardous wastes from being mishandled and adversely impacting human health and the environment. Consequently, issues like labeling of containers, storage conditions and time periods of storage, contingency plans for emergencies, training for employees, secondary containment in case of a container or tank failure, proper transportation and manifesting of waste so we know where it is ultimately being disposed and numerous other concerns are all important for generators to follow. Failure to follow these requirements could result in harm to employees, the public at large and the environment if illegal disposal or release occurs.

For 2002, OC&I concentrated its efforts in two areas that include Large Quantity Generators (“LQG”) and Small Quantity Generators (“SQG”) of hazardous waste. For LQGs, OC&I committed to inspect 25% of Rhode Island’s universe of LQGs or **25** facilities. OC&I has followed this target for the last few years in an effort to keep inspections of these types of facilities on a regular basis. This effort should result in such facilities being inspected at least once every four years. Also, OC&I targeted any newly reporting LQGs and those that did not notify the RIDEM that they fall into this category.

In the area of SQGs, OC&I targeted the dry cleaning industry and sought to inspect operations in coordination with the Office of Air Resources. OC&I committed to inspecting **25** of these operations. This is generally 25 less than we would normally inspect; however, EPA authorized this reduction to allow staff efforts to focus on the development of draft regulations for used/waste oil and revisions to the hazardous waste generator portion of RIDEM’s regulations. As a result of our inspection efforts in the dry-cleaning area, we found generally acceptable compliance with the regulations and no significant noncompliance. In addition, staff efforts that were shifted to rule development resulted in a draft regulation package currently under internal review.

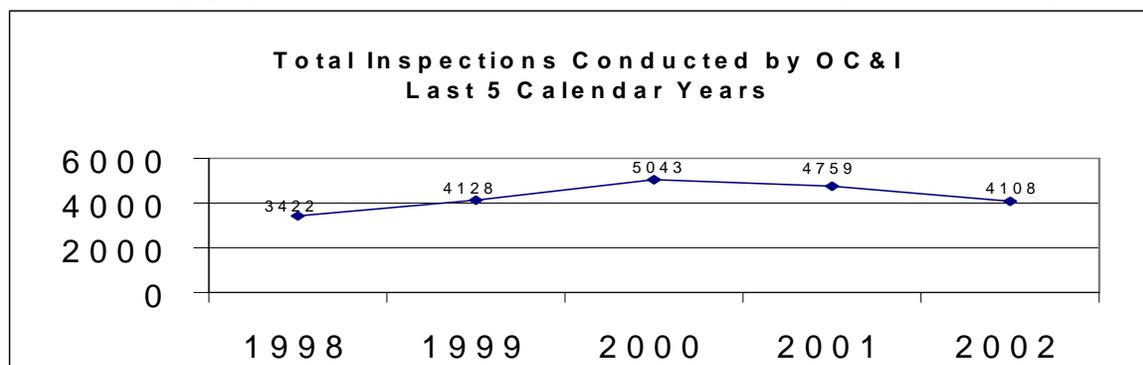
Overall, OC&I **completed 98 compliance evaluation inspections** (CEIs) of hazardous waste generators to ensure that compliance with the regulations was being met. This actually took **129** inspections to complete the work. **41** inspections took place at Large Quantity Generators (LQGs) of hazardous waste and **57** inspections took place at Small Quantity Generators (SQGs). During 2002, OC&I issued **41 Letters of Compliance** noting that the hazardous waste generator is in compliance with the regulations. So far, OC&I has determined **53** hazardous waste generators (21 LQGs and 32 SQGs) to have secondary violations, and **8** hazardous waste generators were considered to be in **significant noncompliance** with the regulations. There were **7** hazardous waste generators without any violations (4 LQGs and 3 SQGs). The remaining hazardous waste generators are still being evaluated.

**UST facility operations** - In 2002, OC&I once again joined with DEM's Office of Waste Management to carry out compliance monitoring inspections of UST facility operations. The purpose of these inspections is to determine compliance with facility continuous monitoring systems or corrosion protection systems to ensure that USTs are not leaking and thereby releasing gasoline or other hazardous materials such as MTBE into the environment.

OC&I conducted **89 facility compliance inspections** in 2002. **1** Environmental Scientist at OC&I carried out this effort. As part of this inspection effort, **35** UST facilities located in groundwater reservoirs or other sensitive groundwater areas were inspected for compliance. OC&I has issued numerous enforcement actions to ensure that facilities meet compliance with the regulations. As a result, OC&I issued **60 new informal enforcement actions** to owners/operators of UST facilities. **70 informal enforcement cases were resolved and closed out** during the year (some of those cases were initiated during the year 2001).

**Dams Safety Program** – As part of OC&I's continuing efforts in dam safety, **63** compliance-monitoring inspections were conducted in 2002. The bulk of these inspections covered the **51** DEM-owned dams. This inspection effort was conducted to prioritize maintenance and repair efforts for these dams. Overall, OC&I inspected **54** Low Hazard dams, **6** Significant Hazard dams and **3** High Hazard dams. For more information on dam safety, please refer to the annual report to the Governor regarding dams safety. These inspections were carried out by one FTE.

The following graph shows the trend in the number of complaint and compliance



monitoring inspections conducted by the OC&I over the last 5 years.

## **ENFORCEMENT RESPONSE**

A large component of OC&I's activities for the year include an enforcement response to bring violators into compliance with environmental statutes and regulations. Our response to noncompliance discovered through complaint inspections, compliance monitoring, or other channels can take several forms but for the most part can be described as either **informal** or **formal** enforcement. **Informal enforcement** includes those actions that do not result in an enforceable order or assessment of a penalty. For the most part, these actions include correspondence such as Letters of Deficiency, Warning Letters, Letters of Noncompliance and Notices of Intent to Enforce. All of these types of actions are taken in hope of persuading violators to voluntarily resolve noncompliance as quickly as possible, including repairing any environmental damage that may have occurred from noncompliance. **In 2002, OC&I issued a total of 496 such actions.** The breakdown of these actions is **Air – 84, Hazardous Waste – 57, ISDS – 148, Solid Waste – 56, UST – 51, Water Pollution – 18, and Wetlands – 82.** The total number of informal actions is down from **2001** when **623** such actions were issued and in **2000** when **570** informal actions were issued. Where performance is required, these letters include deadlines within which the property owner or operator is expected to meet compliance. In the event that compliance is not met in a reasonable time, the OC&I will target the noncompliance for formal enforcement to ensure compliance is met. For certain programs involving air, waste and water, the RIDEM is delegated authority by the federal government to enforce federal regulations. Often the EPA dictates certain enforcement response policies that require formal enforcement in the event an owner or operator does not meet compliance within prescribed timelines.

OC&I obtains varied success with informal enforcement actions depending upon the program and the ability to elevate matters to formal enforcement. In 2003, OC&I, along with other RIDEM offices, intends to expand tracking of such actions to determine success rates in both timely compliance and performance. Initial efforts starting in 2002 for example revealed that altogether the Bureau of Environmental Protection offices issued a total of **1097** informal enforcement letters. Overall, **372** informal enforcement actions were resolved without resorting to formal enforcement. The OC&I resolved **317** informal enforcement actions in 2002.

## BUREAU OF ENVIRONMENTAL PROTECTION

### Informal Enforcement Actions\*

#### Issued/Resolved

January 2002 – December 2002

OC&I, OAR, OWM, OWR	
<b>Issued</b>	<b>1097</b>
<b>Resolved</b>	<b>372</b>
<b>Inspections**</b>	<b>5483</b>
<b>Referrals to OC&amp;I</b>	<b>12</b>

\*Informal enforcement actions include Letters of Deficiency, Letters of Non-Compliance, Notices of Intent to Enforce or any other documentation that advises the addressee of a violation of law or regulation identified by DEM that must be stopped, corrected or resolved. Informal enforcement actions do not involve actual enforceable orders or assessment of penalties. They are a means to generally allow property owners or operators to voluntarily reach compliance without facing administrative penalties. They do not preclude DEM from issuing a formal enforcement action including an assessment of penalties.

\*\*Includes compliance and complaint inspections and reinspections.

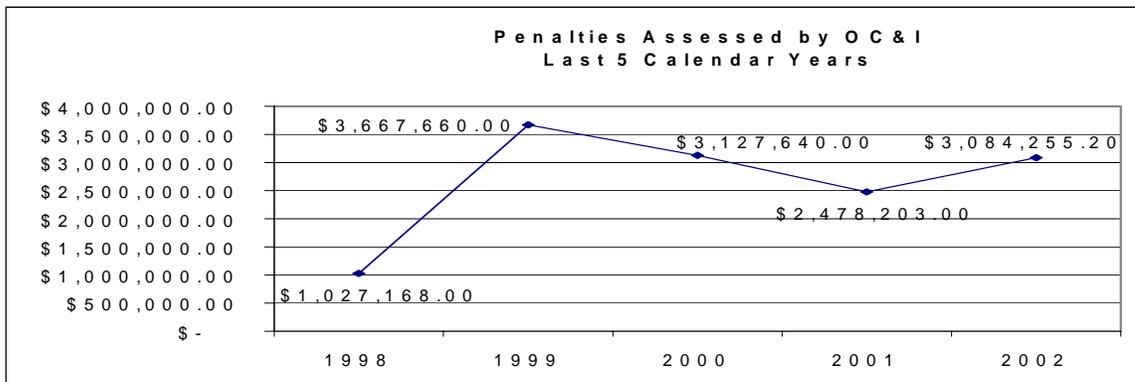
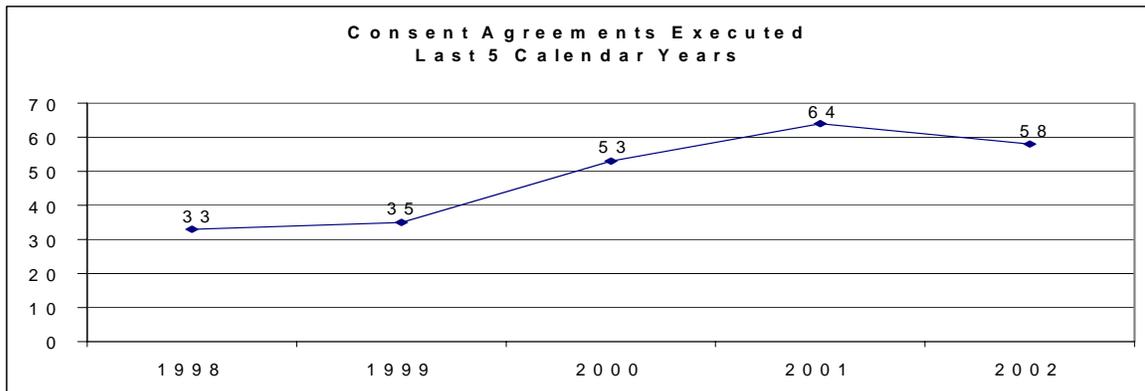
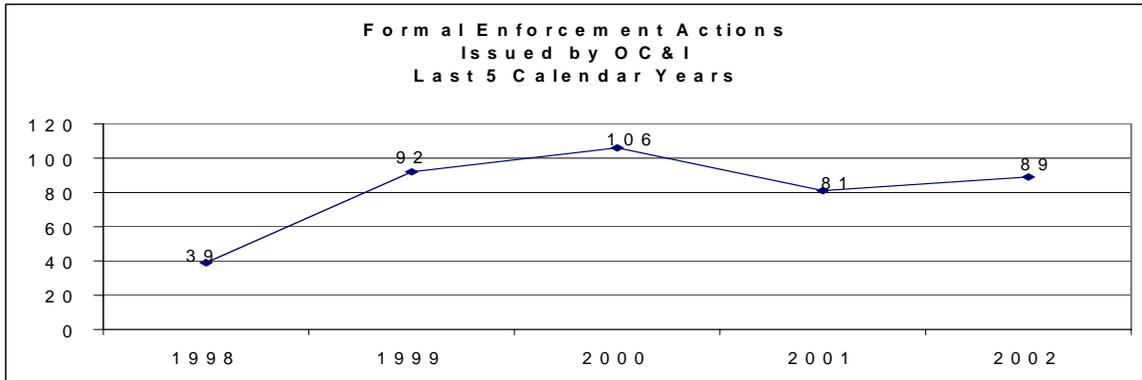
In the event that compliance with informal enforcement actions is not met, or RIDEM determines that violations identified at a site or facility represents significant noncompliance, OC&I will issue a formal enforcement action to ensure compliance. **Formal enforcement** is usually in the form of a Notice of Violation (“NOV”). Such actions advise the respondent of the alleged facts surrounding the case, the statutes and regulations that are alleged to have been violated, the requirements to meet compliance and usually includes an administrative penalty. The requirements to meet compliance are set forth in the order portion of the NOV. The assessed penalty is developed in accordance with the administrative penalty regulations, and the document includes worksheets providing the background regarding what information was used to determine how a penalty was derived in accordance with a prescribed penalty matrix set forth in the regulations. The maximum penalty for violations is derived from the legislative statute providing RIDEM with the authority to assess and collect a penalty for civil (non-criminal) violations of laws or regulations. Since formal enforcement actions contain enforceable orders and assessments of penalties, such actions are subject to appeal with the RIDEM’s Administrative Adjudication Division (“AAD”). Respondents have 20 days to appeal the NOV to the AAD. Prior to or even after a hearing commences, OC&I and the respondent may finalize a settlement of the outstanding enforcement action. Upon completion of a hearing, a recommended decision is forwarded to the Director for final decision. Respondents may file an appeal to contest the AAD decision to Superior Court. In the event that an administrative hearing is not requested, the NOV becomes a final order of the Director and is enforceable in Superior Court.

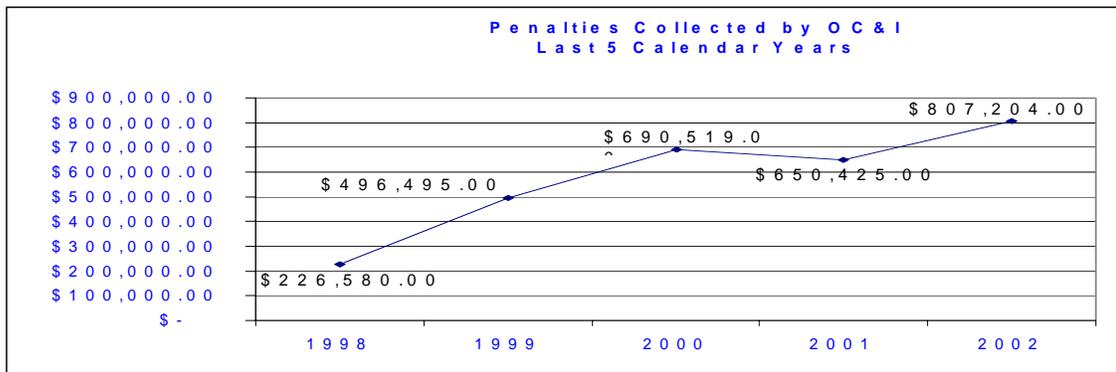
In 2002, OC&I issued **89 formal enforcement actions**. The number of actions per program include: **Air – 10, Hazardous Waste – 8, ISDS – 21, Solid Waste – 10, UST/LUST – 9, Water Pollution – 6 and Wetlands – 25**. For a more detailed look at the background of each formal enforcement action issued by OC&I please refer to OC&I's monthly enforcement update on RIDEM's Web page at <http://www.state.ri.us/dem>.

As part of the 89 formal enforcement actions issued this calendar year, OC&I proposed total penalties for noncompliance of **\$3,084,255.20**. As a result of our efforts to settle or to resolve formal enforcement actions issued over the last year or in previous years, respondents have agreed to pay **\$1,006,237.35** in penalties representing a combination of cash and the cost of Supplemental Environmental Projects ("SEP"). During 2002, OC&I collected **\$807,204.43** in the form of cash payments. OC&I also agreed to **3 SEPs** worth **\$95,970.00**. SEPs are defined as environmentally beneficial projects that a respondent agrees to undertake in settlement of an enforcement action, but which the respondent is not otherwise legally required to perform. (For more details regarding SEPs please refer to RIDEM's Policy on Supplemental Environmental Projects in effect since April 5, 1996.) In addition to penalties, OC&I spent considerable effort in recovering costs especially as a result of its emergency response efforts. Often, during an emergency response event, RIDEM is required to call in a clean-up contractor to install immediate controls to protect the environment and the public's health and safety, and to remediate the damage caused by a spill or release. OC&I must pay for these services and then seeks to have the state reimbursed through cost recovery from the responsible parties that caused the spill or release. In 2002, OC&I **collected \$216,476.49 in cost recovery** but still has an outstanding balance to collect of **\$172,943.49**. This is an approximate 50% reduction of the outstanding balance in 2001. The majority of these amounts relate to emergency response activity.

In order to resolve formal enforcement actions, OC&I often executes consent agreements with respondents. The purpose of such agreements is to provide a formal document to set forth how a formal enforcement action is resolved between the parties. Such documents identify what performance is still required and under what timelines the performance will be completed. Consent agreements also identify how the penalty portion of the NOV will be resolved including a timeframe for payment of the penalty if necessary. Probably one of the most important aspects of a consent agreement is to create an agreement that is enforceable in Superior Court should it be necessary to escalate enforcement. **In 2002, OC&I executed 58 consent agreements to resolve formal enforcement actions.**

Overall formal enforcement actions in 2002 were slightly higher than 2001 with a slight downturn in the number of consent agreements executed. The last two calendar years show an effort to balance the number of enforcement actions issued with those efforts necessary to bring respondents into compliance with environmental laws and regulations. The following graph shows the 5-year trend in the number of formal enforcement actions issued and the number of consent agreements executed to resolve these enforcement actions.





In addition to resolving cases through the formal hearing process at AAD or moving cases to Superior Court, OC&I, in conjunction with the Office of Legal Services and the AAD have coordinated to increase the use of mediation in resolving outstanding enforcement cases. In 2002, **38** cases were recommended for mediation. Most of these matters involve failed septic system and wetland enforcement cases.

**Overall, OC&I closed 1097 enforcement actions in 2002.**

## **ACCOMPLISHMENTS / PERFORMANCE**

As a result of OC&I's activities in the area of complaint response, compliance monitoring and enforcement response, OC&I was able to accomplish the following to protect the environment and the public's health, safety and welfare in 2002:

**Air** - The OC&I air compliance staff ensured that **56 sites involving exterior lead paint removal** were cleaned of lead paint chips and debris in compliance with the regulations. **Six (6) emission problems** were resolved involving opacity, fugitive dust or odors.

**Emergency Response** - The Emergency Response program had another busy year of performance. Some of the major accomplishments include:

### **Petroleum and petroleum contaminated soils**

- **Removed 72,251 gallons of waste oil and 11,162 gallons** of oil/water from the environment or from areas that posed an immediate threat to the environment or the public
- **Removed 3613 cubic yards** of petroleum contaminated soil from the environment.

### **Hazardous chemicals and soil contaminated by hazardous chemicals**

- **17,801 gallons of hazardous chemicals** removed from the environment or from areas that posed an immediate threat to the environment or the public.
- **2,500 cubic yards** of hazardous waste contaminated soil removed from the environment.
- **3,739 pounds** of hazardous chemicals removed.

## **Propane**

- **325 pounds, plus 160 gallons** and 32 tanks of propane.

## **Mercury**

- **312 pounds** of mercury. (this material will go to a recycler in New York for reuse)

## **The following represent some examples of the accomplishments of the Emergency Response Program in 2002.**

### **Mercury Spills and Recovery throughout RI**

On January 3, 2002 personnel from this office responded to 100 Sachem Road, Narragansett. The resident broke a thermometer and the mercury rolled along the floor. The responders were able to find hidden beads of mercury on the bathroom floor by utilizing a Jerome Mercury Meter. On January 3 RIDEM personnel also picked up a broken thermometer at a residence at 961 Mendon Road in Woonsocket. On January 18 RIDEM personnel removed a container of 5lbs of mercury which was found in an elderly person's home. On January 22 personnel from this office responded to the City of Woonsocket to pick up another 5lbs of mercury. The mercury that was picked up by RIDEM personnel was put into a proper container and will be sent off to be recycled. On February 8, 2002 personnel from OC&I responded to a mercury spill at Winman Junior High School. A mercury barometer containing about 2 pounds of elemental mercury was dropped and the contents spilled onto the floor of the preparation room. Most of the mercury was cleaned up by the teacher and put into a glass jar. The DEM responder using the Jerome Meter discovered elevated levels of mercury vapors in the room. The school was told to hire a contractor to do a complete cleanup of the floor and hire an industrial hygienist to conduct confirmation air sampling to verify that the area was free from mercury. The school hired a contractor and the area was remediated to protect the students and the staff.

### **Other hazardous material or oil/petroleum incidents:**

#### **Bristol Industrial Park, 500 Wood Street, Bristol, RI**

On January 10, 2002 personnel from this office responded to Bristol Industrial Park to determine the facility's compliance with the removal of 120 55-gallon drums. The investigation turned up a drum of ethyl ether anhydrous, which is both potentially explosive and highly reactive. The property owner was given six days to properly neutralize and stabilize this material. On January 16 the property owner hired a contractor to remove the drum to a safe location with a police escort in a specially designed trailer. The drum was then opened in the bomb trailer with a remote system in case of an explosion. Once opened a solution of ferrous sulfate was added to neutralize the ether peroxides and then hydroquinone was added to inhibit the formation of peroxides. The drum was then resealed and brought back to the industrial park to await disposal. The company then provided the owner a certificate of treatment proving that the drum was now safe for disposal.

#### **IMH Power Plant, Power Road, Cranston, Pawtucket, RI**

On January 26 a spill of about 300 gallons of heating oil occurred at IMH while their oil company was filling the UST. At that time, two of the power plant boilers failed and they only had one small boiler operating. This boiler was too small to provide the energy needed and as a result, they brought in about ten boilers to provide heat for the entire complex. Each boiler requires a fuel supply so they used tractor-trailer trucks to store the heating oil to power the boilers. On January 28, the oil company overfilled one of the tractor-trailers and about 100 gallons of oil covered the ground. That day RIDEM personnel conducted inspections of the on-site tanks. The results of the inspection

required the removal of the improper storage tanks and the installation of two proper ASTs. The new tanks will contain a total of 30,000 gallons of heating oil. The tanks were purchased by IMH that same week with an emergency Purchase Order.

**Fishing Trawler Forager, West Gap Harbor of Refuge, Narragansett, RI**

On February 19, 2002 personnel from this office responded to Galilee to investigate the sinking of the Forager. The USCG from Point Judith rescued three men from the sinking vessel. The wooden hull vessel sunk inside the west gap of the Harbor of Refuge. The vessel contained 3,000 gallons of diesel when it went down. The USCG installed boom around the vessel to contain the oil. A contractor was hired to remove the oil from inside the boom and reinstall more boom around the vessel. The owners tried to move the vessel to a safer location and the prop wash ended up flushing some of the oil out from inside the boom resulting in an oil sheen that washed up on Wheeler Beach. There was also about three hundred oil contaminated surf clams found on the beach. The area was closed to fishing on February 21, 2002 by the RIDEM. The diesel tanks on the vessel were pumped out on February 23, 2002, but only a small amount of oil was pumped off because 3,000 gallons had already released to the environment. A re-inspection of the area allowed for the reopening of the harbor to fishing again on February 26, 2002. Sections of the Forager were removed by Conrad Roy Salvagers on March 8th and 9th.

**Vishay Electro Films, 111 Gilbane Street, Warwick, RI**

On February 13, 2002 personnel from this office responded to Vishay Electro Films concerning a fire in their plating room. The fire started as a result of an electrical malfunction on a cleaning machine in the clean room where they plate electronic equipment. The fire department put out the fire; however, they overfilled the plating tanks with water and the water/chemical flowed out the back door into a drain in the parking lot. The chemicals involved included: gold cyanide, acids, hydrochloric acid, sodium hydroxide, nitric acid, hydrofluoric acid and flammable developer. There was also an overhead pipeline that broke releasing liquid nitrogen. The company was required to call in a contractor. The contractor pumped 3,000 gallons of hazardous waste and water from the plating baths, the room and the outside storm drain. The company then hired a contractor to sample the building, storm drain and detention pond for the chemicals involved in the release. The confirmation analysis proved that the site had been cleaned to the OSHA standards.

**Slater Print Screening, Diamond Hill Industrial Park, Cumberland, RI**

On April 14, 2002 personnel from this office responded to 37 Crestwood Court to investigate an oil/grease material in Mill River. A contractor was hired by DEM to bring in a cusco to vacuum about 10 tons of oil/grease contained at a V-weir. An investigation of the area discovered that Slater Print Screening had been discharging this waste from their heat exchangers. The heat exchanger strips contaminants from their exhaust and discharges this material via a floor drain into the storm drain system. These connections to the storm system were severed and the source was stopped. A total of about 100 tons of oil/grease contaminated material was removed and disposed of properly. The responsible party contracted with a cleanup contractor to pay for DEM's bill for the site cleanup. The office has been reviewing the possibility of an enforcement action being issued as a result of the release. The cleanup action stopped the further release of contaminants into a tributary to Robin Hollow Pond, which is part of the Pawtucket Reservoir.

**Tugboat "Miss Yvette", Promet, 242 Allens Avenue, Providence, RI**

On May 7, 2002 personnel from this office responded to Promet at 242 Allens Avenue to investigate the partial sinking of the tugboat "Miss Yvette". The 65 foot long, 150 gross ton tug was tied along the length of the pier. The Providence Fire Department was contacted to pump the water below the decks in the flooded engine room. The pump intake was below the water surface to avoid the pumping of oil floating on top. There was

an oil sheen that traveled from the tug, to the front of the bulkhead along the side of the pier and into Narragansett Bay beyond the piers. The owners were told that they would have to install boom around the discharge area if they intended to keep pumping off the tug. As a result, the company decided to maneuver the vessel to the dry lift crane sling and remove it from the water. The vessel contained 5000 gallons of diesel oil. The facility agreed to pump off the oil and water into a 20,000-gallon frac tank and dispose of the material properly. The removal of the 5000 gallons of diesel and the 20,000 gallons of oil/water prevented a major release of petroleum into Narragansett Bay.

**Cranston Police Station, Atwood Avenue, Cranston, RI**

On May 9, 2002 personnel from OC&I were contacted by the Cranston Police for a chemical odor complaint. The fire department had responded earlier in the day and determined that the odors came from toilet bowl cleaners used in the urinals at the police station. They evacuated the building and allowed it to be reoccupied later in the day. At about 8:00 p.m. DEM was notified that Cranston Fire Department was returning to the police station for more odor complaints. The police chief requested assistance from DEM. The chief indicated that the situation began when a backed-up urinal was treated with sulfuric acid and they may have used bleach as well. DEM personnel suggested that the whole building be aired out by opening all the windows, every faucet in the building should be turned on to flush all drains including floor drains, which may not have traps, and the HVAC system should be immediately shut down and the filters replaced since the building has re-circulated air. The chief indicated that the sewer vent was about a foot away from the intake for the ventilation system on the roof. On the 10th of May, DEM personnel met at the site with the police department and found out several important facts. The police had used 93% sulfuric acid in the urinal. They had also used bleach or ammonia to clean the bathroom and washing it down the floor drain. The sewer line had been partially blocked due to the settling of the building. The prior morning several people in the building went to the hospital to be treated for exposure to an alkaline chemical (bleach or ammonia vapors). This information suggests that the problem was caused by the mixing of sulfuric acid and ammoniated cleaning agents in the blocked sewer line allowing vapors to back up the sewer line into the building and/or at the vent adjacent to the HVAC intake. The city had to move the HVAC intake, fix the broken sewer pipe, and hire a certified industrial hygienist to determine safe occupancy.

**Arlon Engineering, 199 Amaral Street, East Providence, RI**

On July 2 personnel from this office responded to this site for a runaway chemical reaction in a 55 gallon drum. The employees had poured off a catalyst into a drum of solvents and resin causing a reaction to begin. The employees were not trained in the proper storage of these chemicals. The company moved the drum into a safe storage location, which was fire rated. The fire department arrived and evacuated the building. The company decided to call in their environmental contractor to address the situation. DEM personnel had the fire department put a water spray on the drum to keep it from overheating. The cleanup contractor arrived and entered the area in their SCBAs. They found that the drum was solid and the reaction had ended. The drum was then put in their hazardous waste disposal area to await proper disposal. The DEM required that the company provide a training program for the personnel handling the chemical products and waste.

**Metals Recycling, Johnston, RI**

On July 13, 2002 personnel from OC&I were contacted by the Johnston Fire Department concerning an auto fluff fire at Metals Recycling. DEM responded and met with the incident commander. There was heavy black smoke drifting into the neighborhood so it was decided at that time to evacuate some houses, conduct voluntary evacuation, and shelter in place. Buttonhole Golf Club was also shut down. The fire started in the auto fluff pile, which encompassed hundreds of crushed cars. The fire occurred due to spontaneous combustion due to the heat of the fluff. The fluff is usually kept cool with

sprinklers but, due to the dry weather, the company was unable to keep the piles wet. The four-alarm fire was pulled apart car by car so that it could be extinguished. The runoff water was contained on the site. The EPA was contacted to complete air monitoring. The fire was put out by 7:30 PM. The EPA air monitoring results, which were completed by 8:30 PM, indicated that their readings were all negative for vinyl chloride, hydrogen sulfide and all air contaminants they sampled. The fire department was then informed that it was safe for the evacuated residents to return to their homes.

#### **Delta Flight, TF Green Airport, Warwick, RI**

On July 24, 2002 personnel from this office responded to TF Green Airport for a box that was discovered to contain leaking chemicals. The owner of the box was found and he explained that it contained screen-printing chemicals. The owner indicated that he had just returned from a screen-printing course in Mexico City, and that he had brought back containers of color pigments and solvents used in the screen-printing operation. The main ingredient in the chemicals was petroleum-based kerosene naphtha. The material was classified as combustible with a flash point of over 100 degrees F. The material was improperly packaged and never should have been allowed on the plane. The material leaked while in flight and contaminated the cargo hold and several pieces of luggage. The plane was decontaminated with a mild soap solution. The owner repackaged the chemicals so he could transport them to his facility. The DEM properly disposed of the contaminated box. The Delta personnel separated the contaminated luggage so that it could be properly cleaned. Information concerning the situation was forwarded to the FAA.

#### **NEED, 23 Green Hill Road, Johnston, RI**

On August 13, 2002 personnel from this office responded to NEED at the request of the Johnston Fire Department concerning a fire at the transfer facility. The company originally tried to extinguish the fire with their own personnel, but they were unsuccessful and had to contact the local fire department. The fire department contacted DEM to analyze runoff water that they felt might impact their fire fighters and the environment. The fire department was told to contact RI Analytical to sample for contaminants that may impact their fire fighters. DEM contacted Lincoln Environmental to obtain water samples, which would verify if there had been an impact to the Simmonsville Reservoir. When Mr. Louis Vinagro arrived at the site he yelled at the DEM employee that he wanted him off the property. The DEM employee explained that the Johnston Fire Department requested his assistance for the emergency and he had the authority to be there. Mr. Vinagro then punched the DEM employee in the face. The police responded and wanted to know if the State employee wanted to press charges. He did not, but indicated that the State of Rhode Island might. After the punching incident, the samples were obtained and split samples were provided to NEED.

#### **Last Street, Tiverton, RI**

On August 26, 2002 personnel from OC&I responded to Last Street concerning the disposal of contaminated soil on residential property. The town of Tiverton hired Ahlborg Construction to install a sewer main for the town. Ahlborg Construction had worked out an arrangement with a property owner on Last Street to dump the excavated material from the installation of the sewer line in a low spot on his property. Ahlborg had the material sampled and the results indicated 830-PPM TPH and elevated levels of cyanide. The DEM responder identified the material as that found from a coal gasification operation. A sample of the material was obtained by DEM, and the analysis indicated that the material was a reactive waste according to the EPA Regulations. The material had to be removed and disposed of properly. The town has hired an environmental contractor to develop a health and safety plan for further encounters with this material and for the proper disposal of the waste.

**Ultra Scientific, 250 Smith Street, North Kingstown, RI**

On September 20, 2002 Personnel from EPA, USCG, the local fire marshal, and DEM conducted a joint inspection of Ultra Scientific for a complaint concerning their chemical storage. The company makes hazardous standards for quality assurance testing. They have all the material needed to make the most toxic substances known to man. They store their waste in a couple of sea containers located in the back of the facility. The local fire marshal indicated that the company did not obtain permits for sea containers and they would have to be removed. At this time, they need to determine what materials are considered waste and what materials are considered product. The company hired Clean Harbors to help them make this determination and properly dispose the material determined to be waste. EPA is investigating the matter for possible enforcement action.

**Vinagro East, 252 Green Hill Road, Johnston, RI**

On October 21, 2002 personnel from this office responded to a processed construction and demolition debris (C&D) fire at 252 Green Hill Road. The Johnston Fire Chief and the State Fire Marshals office contacted DEM for assistance. The pile has been estimated to be about one million cubic yards of C&D. An infrared camera was used to try to identify the hot spots in the pile. On the following day, a boring was completed into the pile to try to determine the extent of the underground fire. A boring to about 40 feet below the surface of the pile showed levels of gases exhausting from the pile that are above the recommended exposure levels for NIOSH/OSHA. The level for hydrogen sulfide was also twice the level that is considered immediately dangerous to life and health (IDLH) as per NIOSH/OSHA. The temperature at the top of the boring was about 170 degrees. The Department hired a contractor to cover the burning area of the pile with a heavy wet silt soil and install cut off trenches to try to contain the fire. This appears to have worked since the subterranean temperatures of the soil-covered pile have reduced below the level of incineration. However, the areas not covered with soil have begun to burn and now the EPA has been called in to cover the remaining portion of the pile.

**Osram Sylvania, 1193 Broad Street, Central Falls, RI**

On November 9, 2002 personnel from this office responded to the boat landing on the Blackstone River. The responders tracked an oil spill upstream about two miles to around High Street in Central Falls. The oil was a #6 oil that would indicate that it would be used as an industrial fuel. The United States Coast Guard (USCG) and the EPA were contacted to assist the DEM with the search for the source. The USCG hired Clean Harbors to install boom at the boat landing to recover the fuel. Several industrial buildings and locations were inspected to try to determine the source of the release. On November 12 the office received a call from the Narragansett Bay Commission (NBC) that they discovered oil in their system. The oil was tracked through the system to Osram Sylvania. The #6 oil is preheated by steam that flows through coils. The condensate from the steam, which discharges into NBC's system, contained #6 oil and discharged into the river at the end of Courtland Street. The discharge pipe was in the middle of the river at a depth of about six feet under water. Osram accepted all cleanup cost and repaired their system. The work eliminated the continued release to the Blackstone River.

**Dryvit, One Energy way, West Warwick, RI**

On November 20, 2002 Dryvit Systems Inc. had a release of over 2000 gallons of Dryvit #3, an acrylic polymer. The material is non-hazardous and similar to a white latex paint; however, it is considered a pollutant. The polymer escaped their secondary containment and ran into a wetland located northwest of the building. That night, there was a significant rainfall that flooded the wetland and flushed some material into the detention pond to the northeast. A larger portion of the material flowed through the wetland toward the northwest to the Pawtuxet River. The company was ordered to hire a contractor to

pump the water/polymer liquid from the wetland. Approximately 50,000 gallons of this material was pumped from the wetland. The West Warwick Sewer Authority has denied permission to dispose of it into the sewers. Dryvit hired another company to develop a formula to separate the polymer from the water so that the water can be discharged and the sludge can be disposed of properly.

**Alpha International, 32 Mechanic Street, Woonsocket, RI**

On December 20, 2002, personnel from this office responded to Alpha International concerning a release of an epoxy resin that sent three employees to the hospital for chemical burns. The owner and two employees were blending a drum of methylenebis(cyclohexyl)amine and benzyl alcohol, two corrosive chemicals. The owner removed the stirrer while it was moving and the material on it was flung all over him and his workers. They went to the hospital that night for chemical burns and DEM met with him in the morning. DEM had the company solidify the spilled material into a non-hazardous solid epoxy so that it would be disposed of properly. No further action has been required.

**ISDS – Failed Septic Systems** - Efforts of the ISDS enforcement program in 2002 resulted in the resolution of 117 enforcement cases. These cases involved repair of failed septic systems for single family residences commercial systems and multi-unit dwellings and elimination of laundry discharges. All of these violations posed, at one point or another, threats to human health or the environment.

**The following cases represent some examples of the accomplishments of the SEPTIC SYSTEM PROGRAM in 2002.**

**Ski Valley Condominium Association and Taylor Made Property Management** for property located at 80 Fisher Road in the Town of Cumberland, otherwise identified as Assessor's Plat 59, Lot 24. On August 2, 2001, the OC&I issued a NOV to the respondents alleging certain violations of RIDEM's ISDS Regulations. The violations pertained to the discharge of sewage to the surface of the ground, and the pumping of sewage waste from the septic system for a condominium dwelling (2-units) to the street. The violations had been ongoing for approximately 4 months prior to the issuance of the NOV. OC&I ordered the respondents to immediately cease any further pumping of sewage, immediately cease any further discharge of sewage to the ground, and repair the septic system. OC&I assessed a penalty of \$3,000. The respondents requested an administrative hearing to contest the NOV. The respondents repaired the failed septic system by installing a drainage swale to divert surface water away from the septic system. Prior to a hearing on the NOV, RIDEM and the respondents executed a Consent Agreement wherein the respondents paid the sum of \$1,500 in administrative penalties.

**Shannon Associates** for property located at 121 Greene Lane, Assessor's Plat 105, Lot 15B in the Town of Middletown. On June 15, 2001, RIDEM issued a NOV to the respondent alleging a violation of RIDEM's ISDS regulations. The violation pertained to the illegal alteration or repair of a septic system for a single family dwelling without a permit from RIDEM. RIDEM ordered the respondent to retain a licensed designer to submit an application to RIDEM to properly repair the septic system. RIDEM assessed a penalty of \$1,000. The respondent requested an administrative hearing to contest the NOV. The Respondent connected the sewerage system for the property to the Town sewerage system. The respondent also advised RIDEM that the contractor who was retained to repair the septic system misled them. The contractor advised them that he would obtain all necessary approvals to repair the septic system. RIDEM issued a NOV to the contractor and assessed a penalty of \$1,000. The contractor failed to request a

hearing on the NOV and the matter was referred to RIDEM legal counsel to file a complaint in Superior Court. For these reasons, RIDEM waived the penalty against the respondent.

**Thomas A. Pingitore** for property located at 61 Cherry Hill Road, Assessor's Plat 34, Lot 453 in the Town of Johnston. On January 11, 2001, RIDEM issued a NOV to the Respondent alleging certain violations of RIDEM's ISDS Regulations. The violation pertained to the discharge of sewage to the surface of the ground from the septic system for a multi-family dwelling (2 units). The violations had been ongoing for approximately 4 years prior to the issuance of the NOV. RIDEM ordered the respondent to cease the discharge of sewage, repair the septic system and assessed a penalty of \$8,000. The respondent requested an administrative hearing to contest the NOV. The respondent corrected the violation by connecting the property to the City sewerage system. Prior to the hearing, RIDEM and the respondent executed a consent agreement wherein the respondent agreed to pay an administrative penalty of \$4,500 in installments. The total penalty has been paid and the case is closed.

**Rose Marie Brindamour** for property located at 20 Darrow Drive Assessor's Plat 364, Lot 182 in the City of Warwick. On July 13, 2001 the OC&I issued a NOV to the Defendant alleging certain violations of RIDEM's ISDS Regulations. The violations pertain to the discharge of sewage to the surface of the ground from the septic system for a single-family dwelling. The violations had been ongoing for approximately 1 1/2 years prior to the issuance of the NOV. The OC&I ordered the respondent to cease the discharge of sewage, and to connect the sewerage system for the property to the City sewerage system. A penalty of \$3,000 was assessed against the defendant. The defendant failed to request a hearing on the NOV. The defendant failed to comply with the NOV and continued to allow sewage to discharge to the surface of the ground. RIDEM filed a complaint in Superior Court to enforce the NOV. Prior to a hearing on the complaint, RIDEM and the defendant agreed to an interim Consent Order that was signed by the court on May 31, 2002. The order requires the defendant to take immediate temporary action to cease the discharge of sewage to the surface of the ground and connect the sewerage system for the property to the City sewerage system by July 31, 2002. The defendant complied with the order and completed the connection of the property to the City sewerage system on July 26, 2002. The issue of the unpaid administrative penalty has been forwarded to a collection agency for resolution.

**RCRA Hazardous Waste** - In 2002, the RCRA Hazardous Waste compliance program conducted **98** compliance evaluation inspections of hazardous waste generators. During this period of time, the program brought **47** facilities generating hazardous waste into compliance with the regulations. As a result of these inspections, a total of **183** violations of the regulations were identified. These violations represent threats to employees of the facility or to the public as a result of actual or potential mismanagement of hazardous waste. Examples of violations identified during inspections include the following:

- Lack of Contingency plans in case of an emergency
- Lack of Training for personnel handling hazardous waste
- Failure to label hazardous waste containers/tanks
- Failure to conduct daily inspections of tanks containing hazardous waste or weekly inspections of other hazardous waste containers to ensure no leaks or releases
- Failure to determine if the facility's waste is a hazardous waste
- Failing to keep containers of hazardous waste closed except when adding or removing the waste

- Failing to notify EPA that the facility is generating hazardous waste
- Failing to have secondary containment for containers holding liquid hazardous waste to ensure that failure does not result in release of the waste
- Failing to note the accumulation start date on hazardous waste containers to confirm how long hazardous waste is stored on site
- Storing hazardous waste on site in excess of the 90-day storage limits without obtaining a permit
- Failing to maintain adequate records regarding the handling and management of hazardous waste
- Failing to maintain adequate aisle space to allow access for emergency responders in the case of an emergency
- Failing to file biennial reports to monitor hazardous waste generation
- Failing to manage satellite containers of hazardous waste properly
- Failing to use a correct EPA ID number
- Failing to follow RIDEM's evaporator policy
- Failing to notify RIDEM of a hazardous waste release
- Failing to maintain satellite containers of hazardous waste not at or near point of generation
- Failing to be properly prepared for emergencies
- Failing to notify RIDEM of authorized manifest signatures
- Using a non-permitted hazardous waste transporter

**Solid Waste** - As a result of OC&I's enforcement efforts approximately **4,219** cubic yards and **594** tons of solid waste was removed from the environment and disposed of properly. **Tire Piles** – In 2001 OC&I achieved removal of over **400,000** tires from the environment. These tires were concentrated on three sites in large numbers. In 2002, OC&I focused its efforts to the remaining tire piles spread out in smaller piles across the State. Potential threats from such piles include fire, smoke, liquid petroleum resulting from burned tires and significant breeding of mosquitoes where trapped water provides excellent breeding habitat. As a result of this effort, OC&I achieved removal of approximately **24,000** tires. To the best of OC&I's knowledge, there are only 5 or so sites with any appreciable accumulation of tires remaining. The largest accumulation is approximately **15,000** tires and the smallest is around **2,000** tires. OC&I is continuing its efforts to have property owners achieve compliance by removal of all tire piles.

**Underground Storage Tanks** - As part of OC&I's informal and formal enforcement efforts in the UST enforcement program, we obtained some direct benefits of our actions. These included the removal of **9 non-compliant USTs** from the environment. OC&I identified **15 facilities** that had inadequate, obsolete or improperly deployed leak detection devices and required these facilities to repair or upgrade their UST systems to ensure compliance and protection of the environment from leaks. We notified **60 UST** facilities of their noncompliance with the regulations and brought **70** facilities into substantial compliance.

**Water Pollution** - The accomplishments of the water pollution program in 2002 include the following:

**32 water pollution discharges** were corrected or eliminated, which included sewage discharges from residential and commercial buildings, oil spills, grease discharges, sediment runoff for construction projects, and process water discharges.

**The following cases represent some examples of the accomplishments of the WATER POLLUTION PROGRAM in 2002.**

**Elmwall Associates** for property located at Long Wharf Mall (also known as Long Wharf Mall North) in the City of Newport. On June 14, 2001 the OC&I issued an NOV to the owner alleging a violation of RIDEM's Water Quality Regulations. The violation pertained to the continuous discharge of sewage from the property to Newport Harbor through the city's stormwater drainage system. Both retail and commercial businesses use the mall. The violation had been ongoing for over thirty years prior to RIDEM's investigation of the property. In the 1970's the City reconstructed their sewerage system, which was supposed to include the connection of all the properties to the new system. This work was never completed for this property. OC&I issued a Notice of Intent to Enforce (NOI) in 1998, however, no action was taken to correct the violation. The property was transferred to the Respondent on July 14, 1999. The owner purchased the property with full knowledge of the NOI, but failed to comply with the requirements of the NOI. In the NOV the owner was ordered to connect the sewerage system for the property to the City's sewerage system. A penalty of \$55,000 was assessed against the owner. The owner requested an administrative hearing to contest the NOV. The owner connected the sewerage system for the property to the City's sewerage system to resolve the violation. To offset a portion of the penalty, the owner also connected a museum owned by the City of Newport, to the city's sewerage system. Although RIDEM had no direct evidence that the museum was discharging sewage to Newport Harbor, it was likely that this was occurring and had been ongoing for 30 years as well. The owner and DEM are negotiating the final terms of the administrative penalty.

**CIC-Newport Associates** for property located at Long Wharf Mall (also known as Long Wharf Mall South) in the City of Newport. On June 14, 2001 the OC&I issued an NOV to the owner alleging a certain violation of RIDEM's Water Quality Regulations. The violation pertained to the continuous discharge of sewage from the property to Newport Harbor through the City's stormwater drainage system. Both retail and commercial businesses use the mall. The violation had been ongoing for over thirty years prior to RIDEM's investigation of the property. In the 1970's the City reconstructed their sewerage system, which was supposed to include the connection of all the properties to the new system. This work was never completed for this property. OC&I issued an NOI to the owner in February 2000 for the violation, but the owner failed to comply with the NOI. In the NOV the OC&I ordered the owner to connect the sewerage system for the property to the City's sewerage system. A penalty of \$105,000 was assessed against the owner. The owner requested an administrative hearing to contest the NOV. The owner connected the sewerage system for the property to the City's sewerage system to resolve the violation. The owner and DEM are negotiating the final terms of the administrative penalty.

**Sur White Laundry** for property located on Washington Street in the Town of Coventry. On June 18, 2001 the OC&I issued an NOI to the company alleging a certain violation of RIDEM's Water Quality Regulations. The violation pertained to the continuous discharge of laundry waste from the commercial operation to the Pawtuxet River. The violation had been ongoing for years prior to RIDEM's investigation of the property. The company voluntarily agreed to discontinue the operation of the business and permanently cut and capped the illegal discharge pipe to resolve the violation.

**Browning Ferris Industries** for property located adjacent to the West River in the City of Providence. The violation pertained to the abandonment of 5 trash dumpsters in a remote area of the West River. The company leased the dumpsters to various parties. For reasons that are still unclear, the dumpsters ended up in the river downstream of the properties that had leased them from the company. RIDEM coordinated with the company to have the dumpsters removed from the river. Not only did the removal of the dumpsters provide a more pleasing aesthetic value, but also allowed the water to flow under its normal conditions.

**NORAD** for property located at Quonset Point Industrial Park in North Kingstown. On June 8, 2000 the OC&I issued an NOI to the company alleging a violation of RIDEM's Water Quality Regulations. The violation pertained to the continuous discharge of wastewater from the commercial operation to Allens Harbor, which discharges to Narragansett Bay. The company washes the new cars that arrive by ship, removing the salt and dirt accumulated during the transportation. The wastewater was entering the stormwater drainage system and discharging to Allen Harbor. The company installed a water recycling system to eliminate the discharge.

**Freshwater Wetlands** - Some of the accomplishments of the Freshwater Wetlands enforcement program for 2002 include completion of **42** wetland restorations. This resulted in restoration of **3.57** acres of wetland and **5.52** acres of regulated upland adjacent to freshwater wetlands. Restoration includes remedial work such as removal of fill and unauthorized structures, re-grading, seeding unstable soils, and replanting trees and shrubs to recreate wildlife habitat.

**The following cases represent some examples of the accomplishments of the FRESHWATER WETLANDS PROGRAM in 2002.**

**Pulte Home Corporation: C02-0026; C02-0057; C02-0058; C02-0059; C02-0060; C02-0061; C02-0062; C02-0063; C02-0064; C02-0065; C02-0198; C02-0199; C02-0200; C02-0201. Schooner Cove Road, Narragansett.** A private developer violated Rhode Island's Freshwater Wetlands laws by filling, clearing, grading, and excavating within numerous regulated wetlands in noncompliance with a permit to construct a 42-lot subdivision. The unauthorized alterations impacted 14 different lots and affected approximately 22,000 ft<sup>2</sup> of forested wetland, shrub wetland, and perimeter wetland. To resolve the violations, the respondent removed fill from the wetlands, created mitigation wetlands, and replanted all restored-created wetlands with native trees, shrubs, and wildlife grasses. The Respondent paid the full \$30,000 penalty assessed by RIDEM.

**Louis Giuliano: C98-0278. Weeks Street, Cumberland.** A private developer violated Rhode Island's Freshwater Wetlands laws by clearing, grading, filling, culverting, installing utilities, and constructing a road within several regulated wetlands. The unauthorized alterations impacted approximately 115,000 ft<sup>2</sup> of swamp and perimeter wetland. Another 1,000 linear feet of areas subject to storm flowage also were impacted. To resolve the violations, the respondent removed all fill from the wetlands, recreated the area(s) subject to storm flowage, and replanted the perimeter wetland associated with native trees, shrubs, and wildlife grasses. Since this enforcement action was completed under a notice of intent to enforce, no penalty was assessed.

**North Smithfield Elementary School: C96-0081. Providence Pike, North Smithfield.** A municipality violated Rhode Island's Freshwater Wetlands laws by clearing, filling, grading, culverting, discharging stormwater, installing structures, and constructing a

parking lot within regulated wetlands without first obtaining a permit. The unauthorized alterations, which had occurred several years prior to their discovery, impacted approximately 28,400 ft<sup>2</sup> of a forested wetland and perimeter wetland. To resolve the violation, the Town enlarged a wetland on site and created a special aquatic site over an area of approximately 25,350 ft<sup>2</sup>. The entire area surrounding the mitigation wetland was planted with native trees, shrubs, and wildlife grasses.

**John and Olivia Moniz: C96-0543. Stafford Road, Tiverton.** Private landowners violated Rhode Island's Freshwater Wetlands laws by filling (in the form of clamshells, gravel, rock, concrete, rebar, and other material) within regulated wetlands without first obtaining a permit. The unauthorized alteration impacted approximately 12,000 ft<sup>2</sup> of a riverbank wetland. The fill ranged from one to eight feet deep. Pursuant to a Superior Court decision, the violation was eventually resolved, after all fill was removed from the affected wetlands and the areas were stabilized with herbaceous vegetation.

### **QUESTIONS OR COMMENTS regarding this report:**

Questions related to this report or information regarding overall enforcement activity by the Office of Compliance & Inspection should be referred to the Chief of the Office of Compliance & Inspection (telephone: 401-222-4700, ext. 7431).

OFFICE OF COMPLAINT & INSPECTION  
ENFORCEMENT ACTIVITIES  
January 2002 to December 2002

COMPLAINTS	AIR	ER	HW/SR	ISDS	SW	UST/LUST	WATER	WET	Total
Received	1067	731	30	376	159	5	292	526	3186
Investigations Conducted	969	731	29	332	175	5	285	477	3003
Unable to Investigate	98	0	0	0	0	0	9	0	107
Unfounded	892	10	8	121	57	0	209	239	1536
No Action	5	0	0	28	1	0	35	90	159
Inspections	576	773	31	423	591	5	423	943	3765
Referred**	10	4	1	0	1	0	21	0	37
<b>COMPLIANCE MONITORING</b>									
Inspections	96	41 AST	129	-	-	89	4	61	417
Dam Safety Program	Number of Dam Safety Program inspections - 54 Low Hazard; 6 Significant Hazard; 3 High Hazard								63
<b>ENFORCEMENT ACTIONS</b>									
Informals – issued	84	N/A	57	148	56	51	18	82	496
Informals - resolved	39	N/A	57	85	23	45	29	39	317
Formals - issued	10	N/A	8	21	10	9	6	25	89
Formals - closed	6	N/A	2	20	2	3	2	14	49
Consent Agreements	6	N/A	8	7	5	15	3	14	58
Penalties Proposed (Formal Actions)	\$1,171,645.00	N/A	\$255,437.20	\$63,000.00	\$677,750.00	\$182,253.00	\$682,170.00	\$52,000.00	\$3,084,255.20
Penalties Assessed (Consent Agreements)	\$43,500.00	N/A	\$84,170.75	\$7,900.00	\$560,478.00	\$270,738.60	\$6,750.00	\$32,700.00	\$1,006,237.35
Penalties Collected (Received)	\$132,564.00	N/A	\$78,807.29	\$12,200.00	\$183,375.50	\$317,943.00	\$14,250.00	\$68,064.64	\$807,204.43
Cost Recovery (Outstanding)	\$0.00	\$172,943.49	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$172,943.49
Cost Recovery (Collected)	\$0.00	\$216,476.49	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$216,476.49
SEP Agreed To	0	N/A	1	0	0	2	0	0	3
SEP Monetary Value	\$0.00	N/A	\$15,500.00	\$0.00	\$0.00	\$80,470.00	\$0.00	\$0.00	\$95,970.00
Mediation Cases	0	0	0	24	2	0	0	12	38
AAD/Superior Court Cases	4	0	0	3	3	1	15	4	30
Crim Inv Assist Cases	2	0	0	1	5	0	0	0	8
*Multi-media NOV's issued = 0, *Indicates that some of these actions are part of a multi-media enforcement action. "NA" = Not Applicable for this Program.									
**Referred to other program, department or agency.									
"Complaints Received" represents the total number of complaints received including multiple complaints per location or alleged violation.									
"Complaint Investigations" are counted only once even though one Investigation may address multiple complaints received.									
"Compliance Monitoring" includes Hazardous Waste Generators and approved or permitted projects/activities.									
"Informal" = Letters of Deficiency, Letters of Warning, Letters of Intent to Enforce, Letters of Non-Compliance (ie. non-orders, non-penalty actions)									
"Formal" = Notices of Violation that contain orders and/or penalties									