



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Office of Compliance and Inspection 235 Promenade Street, Providence, RI 02908-5767  
Telephone 401-222-1360 Fax 401-222-3811 TDD 401-222-4462

August 11, 2017

CERTIFIED MAIL

APENTERPRISE, LLC  
c/o Arthur Palmer, Registered Agent  
28 Teal Drive  
Wakefield, RI 02879

**RE: EXPEDITED CITATION NOTICE**  
**File Name: APENTERPRISE, LLC**  
**File No.: OCI-SR-16-8**

Dear Mr. Palmer,

Enclosed please find an Expedited Citation Notice ("NOTICE") for a site remediation violation at the former Town landfill in Portsmouth.

APENTERPRISE, LLC is required to comply with the NOTICE within the time frame indicated. Failure to comply with the NOTICE may result in the issuance of a Notice of Violation ordering the correction of the violation and the payment of an additional monetary penalty, which can be up to \$25,000 per day.

If you have any questions concerning this NOTICE, please contact Tracey D'Amadio Tyrrell by telephone at (401) 222-1360, Ext 7407 or by electronic mail at [tracey.tyrrell@dem.ri.gov](mailto:tracey.tyrrell@dem.ri.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "David E. Chopy".

David E. Chopy, Chief  
Office of Compliance & Inspection

cc: Mark Dennen, DEM Office of Waste Management

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**OFFICE OF COMPLIANCE & INSPECTION**

**IN RE: APENTERPRISE, LLC**

**File No.: OCI-SR-16-8**

EXPEDITED CITATION NOTICE

A. Introduction

You are hereby notified that the Director of the Department of Environmental Management (the "Director" of "DEM") has reasonable grounds to believe that the above-named party ("Respondent") has violated certain statutes and/or administrative regulations under the DEM's jurisdiction.

B. Facts

- (1) The properties are located on Walnut Street, Russell Avenue, Highland Avenue and Park Avenue in the town of Portsmouth, otherwise identified as Assessor's Plat 20, Lots 1, 2 and 13 and Plat 25, Lot 2 (the "Properties").
- (2) Respondent owns the Properties. Respondent acquired the Properties on 27 June 2005.
- (3) On 19 March 2010, the DEM received a Remedial Action Work Plan ("RAWP") for the Properties. The RAWP included construction of a soil cap (the "Cap").
- (4) On 20 September 2010 and 28 September 2010, the DEM issued approvals to Respondent for use of soils for the Cap and the RAWP, respectively (the "Approvals").
- (5) On 9 September 2014, the DEM renewed the Approvals. The renewal required completion of the Cap by 20 September 2016.
- (6) On 21 September 2016, the DEM inspected the Properties. The inspection revealed that the Cap was not completed.
- (7) On 7 December 2016, the DEM issued a Notice of Intent to Enforce ("NIE") to Respondent requiring completion of the Cap within 180 days of receipt of the NIE.
- (8) On 10 December 2016, Respondent received the NIE.

(9) As of the date of this NOTICE, the Cap is not completed.

C. Violation

Based on the foregoing facts, the Director has reasonable grounds to believe that you have violated the following statutes and/or regulations:

- (1) **DEM's Remediation Regulations 11.01** – requiring performing parties to complete remedial actions in accordance with an approval from the DEM.

D. Required Action

Based upon the violations alleged above, the following actions are required for you to comply with the above-referenced statutes or regulations:

- (1) **Within 60 days of receipt of this NOTICE**, complete the construction of the Cap in full compliance with the RAWP and the DEM's approvals.

E. Assessment of Penalty

Pursuant to R.I. Gen. Laws Section 42-17.6-3(c) DEM is authorized in this NOTICE to assess administrative penalties up to \$5,000.

The DEM is hereby assessing an administrative penalty of \$2,500.

The proposed administrative penalty is calculated pursuant to the DEM's *Rules and Regulations for Assessment of Administrative Penalties*, as amended, and must be paid to the DEM within 30 days of your receipt of this NOTICE. Payment shall be in the form of a certified check, cashier's check or money order made payable to the "General Treasury – Environmental Response Fund" and shall be forwarded to the DEM - Office of Compliance and Inspection, 235 Promenade Street, Suite 220, Providence, RI 02908-5767.

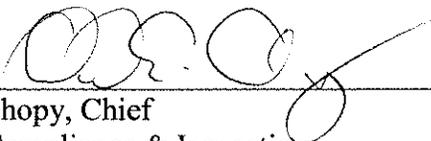
Penalties assessed against Respondent in this NOTICE are penalties payable to and for the benefit of the State of Rhode Island and are not compensation for actual pecuniary loss.

F. Response to this NOTICE

Pursuant to R.I. Gen. Laws Section 42-17.6-3 you do not have a right to appeal this NOTICE. This NOTICE is effective for 60 days. If you fail to comply with the NOTICE, the NOTICE expires and the DEM retains the right to issue a separate Notice of Violation and Order and Penalty ("NOV"). Pursuant to R.I. Gen. Laws Section 42-17.6-4, you have the right to appeal the NOV to the DEM's Administrative Adjudication Division. If the DEM issues a NOV, please be advised that the maximum penalty that the DEM can assess for this violation is \$25,000 per day for each day you have failed to comply.

If you have any questions concerning this NOTICE, please contact Tracey D'Amadio Tyrrell by telephone at (401) 222-1360, Ext 7407, or by electronic mail at [tracey.tyrrell@dem.ri.gov](mailto:tracey.tyrrell@dem.ri.gov).

FOR THE DIRECTOR

By:   
\_\_\_\_\_  
David E. Chopy, Chief  
Office of Compliance & Inspection

August 11, 2017  
DATED