

State of Rhode Island and Providence Plantations

Rhode Island Department of Environmental Management

Fact Sheet

Notice of Intent to Deny New England Ecological Development, Inc.'s Solid Waste Management Facility License Application

The Department of Environmental Management has issued a Notice of Intent to Deny a Solid Waste Management License to New England Ecological Development, Inc. (NEED), located at 23 Green Hill Road in Johnston, Rhode Island. The NEED Facility submitted a license application to renew their transfer station license and to operate a construction and demolition debris processing facility. DEM's concerns with the license application and operating plans and the basis for issuing the Notice of Intent to Deny are centered on the following areas:

- The continued excessive storage of processed and unprocessed construction and demolition debris on site in violation of State Statutes and the Solid Waste Regulations.
- No documentation or assurances have been provided to verify end-use markets for any of the stockpiled construction and demolition debris on site. In addition, processed materials from NEED have been found at numerous public and private projects in violation of the Regulations. Analytical testing of these material have shown high levels of contaminants including, but not limited to, lead, arsenic and benzo(a)pyrene.
- The lack of an approvable closure plan and lack of sufficient funds available to properly close the site and dispose of the current stockpiled waste.
- Recurring air quality violations and potential water quality and fire problems.

The process following a Notice of Intent to Deny provides the opportunity for correcting the deficiencies identified and addressing substantive comments received from the Public. Within fifteen (15) days of the date of Public Notice the Department will hold an informal informational workshop for the public on the information submitted to date. Between sixty (60) and seventy-five (75) days from the Public Notice, the Department will schedule a public comment hearing to formally receive verbal and written comments from all interested parties on the pending application and Notice of Intent to Deny. This hearing will be solely for the purpose of taking comments and compiling an administrative record on the NEED application. The Department will not present any further information at the public hearing, beyond the deficiencies cited in the Notice of Intent to Deny comment package. During the time period leading up to the hearing, NEED has the opportunity to correct the deficiencies cited in the Notice of Intent to Deny comment package.

Following the public comment hearing the Department will continue to accept written comments from all interested parties on the application and the comments received at hearing for an additional thirty (30) days. Once this post-hearing thirty-day comment period is closed, the Office of Waste Management will issue a final decision on the NEED application within ninety (90) days. The Department believes this is a fundamentally fair process to the applicant and the public, complies with the statutory mandate, and establishes a mandated timeframe for closure of the licensing issues. If the

deficiencies identified within the Notice of Intent to Deny are not corrected during this administrative process, the Department will issue a final denial of the application at the end of the proceedings.