



RI DEM - Office of Compliance and Inspection Case Summary Report



Case ID: OCI-AIR-23-80

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|--|------------------|
| Facility/Site Name: RHODE ISLAND BIOENERGY FACILITY, LLC | PLOVER ID: 14120 |
| Address: 289 SCITUATE AVE | Dams #, Type: , |
| Address 2: CORNER OF OLD POCASSET ROAD | RCRA #, Type: , |
| City, Zip: JOHNSTON Zip: | UST #: |
| Facility Plat: Lot: | Pole #: |

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| Project Manager: SHAWNA SMITH | Foxpro Complaint #: |
| Media: OCI-AIR | Foxpro Permit #: |
| Case Plat: | Parcel ID: |
| Case Lot: | Case Pole #: |
| Comments: | |

Workflow Tasks

(Total Processing Time to Date: 51 business days, DEM Decision Time to Date: 51 business days - Partial Workflow)

| Task Name | Receipt Date | Start Date | Complete Date | Comments/Task Details |
|-------------------------------------|--------------|------------|---------------|---|
| Inspect and Report to Supervisor | 08/29/2023 | 09/07/2023 | 09/07/2023 | Unfounded - no report |
| Supervisor Review Inspection Report | 09/07/2023 | 09/07/2023 | 09/11/2023 | new complaints |
| Re-inspect | 09/11/2023 | 09/13/2023 | 09/13/2023 | odor violation |
| Supervisor Review Inspection Report | 09/13/2023 | 09/13/2023 | 09/13/2023 | new complaints |
| Re-inspect | 09/13/2023 | 09/18/2023 | 09/19/2023 | odor violation |
| Supervisor Review Inspection Report | 09/19/2023 | 09/21/2023 | 09/22/2023 | draft Immediate Compliance Order |
| Draft Formal Notice of Violation | 09/22/2023 | 09/22/2023 | 09/22/2023 | Draft ICO |
| Chief Review | 09/22/2023 | 09/22/2023 | 09/22/2023 | |
| Issue NOV | 09/22/2023 | 09/22/2023 | 09/22/2023 | Issued Immediate Compliance Order, hand delivered by EPO |
| NOV Mailed to Respondent | 09/22/2023 | 09/22/2023 | 09/22/2023 | Copy sent via Certified Mail |
| Respondent Review NOV* | 09/22/2023 | 09/22/2023 | 09/22/2023 | |
| Document(s) Received | 09/22/2023 | 09/22/2023 | 09/22/2023 | Respondent responded to ICO via email at 7:26 pm on 9/22/23 |
| Track Compliance | 09/22/2023 | 09/23/2023 | 09/25/2023 | ICO expires 11/6/23 |



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| Re-inspect | 09/25/2023 | 09/26/2023 | 09/27/2023 | Arrived at the Restivo's parking lot around 12:10pm. It was cloudy, 60 degrees F, winds were NE at 12 mph with gusts of 25 mph. There were no odors present in the parking area (NW/W of RIBF) at the time of inspection. I drove along Scituate Avenue a couple of times, S/SW of RIBF, where I did pick up some odor. It was consistent but faint. All garages at the facility were shut at the time of inspection. No objectionable odors detected at the time of inspection. I left the area at approximately 12:30pm. |
| Supervisor Review Inspection Report | 09/27/2023 | 09/27/2023 | 09/27/2023 | Coordinated inspection with Respondent and OAR to observe 2 deliveries of solids, at the direction of DEM |
| Re-inspect | 09/27/2023 | 09/27/2023 | 09/27/2023 | Arrived at 11:25am. Ray and Sean proceeded to facility. All garages shut upon arrival. Mostly sunny, 62 degrees F, winds NE at 8 mph with gusts of 18 mph. From 11:25am-12:45pm, some faint and sporadic odors. No objectionable odors detected at the time of inspection. |
| Supervisor Review Inspection Report | 09/27/2023 | 09/27/2023 | 09/27/2023 | Coordinated inspection with Respondent and OAR to observe 2 deliveries of solids, at the direction of DEM |



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| Re-inspect | 09/27/2023 | 10/05/2023 | 10/05/2023 | Arrived at 5:50am with Ray. Mostly cloudy, 59 degrees F, winds S at 2 mph with gusts of 6 mph. Observed reject bin exchange, and 2 solid deliveries (at 7:00am and 8:00am). Sporadic/faint odor detected around 7:08am. No objectionable odors detected at the time of inspection. |
| Supervisor Review Inspection Report | 10/05/2023 | 10/05/2023 | 10/05/2023 | new complaints |
| Re-inspect | 10/05/2023 | 10/06/2023 | 10/06/2023 | Arrived at 12:05pm. Mostly cloudy, 69 degrees F, winds SE at 7 mph with gusts of 14 mph. Upon arrival, "cesspool & septic tank cleaning" truck was seen in Restivo's parking lot. Spoke with Mr. Restivo who informed me of sewage issues in the buildings but stated that odor still persisted from RIBF. Slight odor could be detected seemingly coming from RIBF, but tolerable. No objectionable odors detected at the time of inspection. |
| Supervisor Review Inspection Report | 10/06/2023 | 10/06/2023 | 10/10/2023 | new complaints |



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| Re-inspect | 10/10/2023 | 10/12/2023 | 10/16/2023 | Arrived at 9:45am with Ray. Sunny, 59 degrees F, winds NNE at 2 mph with gusts of 4 mph. Upon arrival, liquid waste delivery was on site of RIBF. Slight odor detected in street South of RIBF. No odors detected by pond area/Restivo's parking lot. No objectionable odors detected at the time of inspection. |
| Supervisor Review Inspection Report | 10/16/2023 | 10/16/2023 | 10/16/2023 | new complaints |
| Re-inspect | 10/16/2023 | 10/16/2023 | 10/20/2023 | contractor, NBW, on site cleaning out sludge tank, exhausting odor directly into air; odor detected offsite but not objectionable |
| Supervisor Review Inspection Report | 10/20/2023 | 10/20/2023 | 10/20/2023 | Modified ICO issued 10/20/23. New complaints |
| Re-inspect | 10/20/2023 | 10/23/2023 | 10/26/2023 | inspected site w/facility staff to determine areas of possible odor sources; odors were strong on site; odors detectable off site but not objectionable; odors were putrid & rotten like |
| Supervisor Review Inspection Report | 10/26/2023 | 10/26/2023 | 10/26/2023 | new complaints |
| Re-inspect | 10/26/2023 | 11/06/2023 | 11/06/2023 | new biofilter media being installed; inspected site; odors present on site w/liquid load being delivered; off site odors were sporadic & minimal; third party reports being submitted via email |



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| Supervisor Review Inspection Report | 11/06/2023 | | | |

Complaints

| ID | Date Received | Time Received | Nature of Complaint |
|-------|---------------|---------------|--|
| 15388 | 08/29/2023 | 11:00AM | Strong toxic chemical and gas smell. It's been on going all day. |
| 15391 | 08/30/2023 | 6:30AM | Strong Toxic gas smell still on going. Caller observed facility personal walking the site, maybe related to odor. |
| 15398 | 09/05/2023 | 9:10AM | The odor is present this morning. |
| 15417 | 09/11/2023 | 7:54AM | The odor is present this morning. |
| 15422 | 09/11/2023 | 1:52PM | I know I emailed you guys this morning that there was a slight odor but it was unbearable when I went back midday. It was so bad. That I actually left My place because the odor was that bad. |
| 15425 | 09/12/2023 | 7:15AM | Still has horrible odors as of 7:15am this morning. |
| 15428 | 09/13/2023 | 8:23AM | This is horrible again this morning. Can 1 of you guys please call me at 401-255-5050 |
| 15430 | 09/13/2023 | 9:00AM | The smell is unbearable this morning. Caller is having a hard time breathing. |
| 15433 | 09/14/2023 | 7:42AM | 740 am. You can smell the odor as you drive by their place on the main road. Not quite as strong as yesterday but it hits you immediately as your passing by. |
| 15436 | 09/15/2023 | 12:10PM | Unfortunately, I spoke too soon. As I was leaving my place around noon time, the odor was present again. |
| 15440 | 09/18/2023 | 8:00AM | 8am and it's horrible this morning. |
| 15441 | 09/18/2023 | 10:14AM | This is so horrible this morning that the odor is present while we are in our building. |



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| 15452 | 09/21/2023 | 9:32AM | Letting us know how unpleasant it is outside today. |
| 15458 | 09/22/2023 | 2:17PM | Over the past 2 days the odors have been concentrated near the entrance of the facility and the main road. I personally have not had the the unbearable odor in my building or in the direct front of my building doors, but I've been fortunate that the wind was not blowing in my direction. As anybody can tell by just driving by the entrance area to their place and the immediate entrance to my place that there is still a terrible odor present. I'm sure that whoever lies in the direction of where the wind is taking the odor is still experiencing this, unfortunately. |
| 15461 | 09/25/2023 | 8:03AM | 8AM on Monday morning and it's still the same stench as I'm pulling into my property. |
| 15463 | 09/25/2023 | 2:36PM | Strong odors present. |
| 15472 | 09/27/2023 | 3:15PM | Mr. Restivo was leaving my office today around 3:15 and the odor was again present. Even more so as you pass in front of the facility. |
| 15491 | 10/05/2023 | 6:43PM | Just wanted to make it known for the record, that today 2:30-3:00pm, the odor got extremely strong. It lasted a little under an hour but the odor was so strong that it filled up our back warehouse and the entire surrounding area of our property. It got to be so bad that I had to make the decision to cease operations in the back and actually tell all of our employees who were back there with me working, to close up the doors and call it a day. I along with a few of our employees had very bad headaches from the odor and lasted a little while. |
| 15494 | 10/06/2023 | 11:29PM | The odor is present again today and started getting bad at around 11:15 |
| 15496 | 10/06/2023 | 2:50PM | I don't want to sound like a broken record, but I just returned to my office and it's currently as bad as it has ever been. This smell is nauseating and the order to stop receiving any orders has to be enforced. I do not know what they are doing but I welcome any of you to come and work from my office for the day. Please do something with this. Last week was beautiful and today we're back to working from a toilet bowl. |
| 15497 | 10/07/2023 | 10:43AM | FOR ANYBODY THAT IS WORKING TODAY. THE ODOR IS AS BAD AS IT HAS EVER BEEN. I noticed that when it rains, it also seems to add to the severity of the stench. They also had a tanker trunk out front this morning when we pulled in around 8am. We cannot work in this environment. I'M LEAVING MY OWN OFFICE BECAUSE THE ODORS ARE MAKING ME SICK. I AM AT MY WITS END WITH THIS. The restriction that were placed on them have to be enforced and more restrictive to what they are doing. This is becoming more hazardous than anyone really wants to be discussing. I CANNOT WORK FOR ANY DURATION OF TIME WITHOUT STARTING TO GET A HEADACHE AND NAUSEOUS. |
| 15505 | 10/12/2023 | 8:15AM | There are some odors present this morning that were not here yesterday. |
| 15512 | 10/13/2023 | 1:46PM | Odor is pretty bad today... |
| 15513 | 10/13/2023 | 2:53PM | Here at Ballard Mack, the smell is disgusting. Smells like a corpse. |
| 15514 | 10/13/2023 | 3:45PM | It smells like rotting fruit! I used to work in a fruit store when I was a kid and all the fruit that rotted was in a dumpster in the back! Never forget that smell! |
| 15520 | 10/16/2023 | 9:54AM | This morning at Ballard Mack there is absolutely a disgusting smell. I actually had a gag reflex when I went outside! |
| 15522 | 10/16/2023 | 9:57AM | Smells like sour milk...it's awful!! |
| 15532 | 10/20/2023 | 7:46AM | HELP!!!! Please, this is unbearable. I actually do not care how much money they will lose if they can't take in orders. This is absolutely absurd that they are being allowed to subject the surrounding area this way. THIS HAS TO STOP. This is how my employees get to arrive at their place of business. It also seems that their odor is at its worst when they know that it is during hours that nobody from DEM will arrive to actually see how bad it really is. |
| 15534 | 10/20/2023 | 8:10AM | My clients at 6am were complaining over the smell this morning. |



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| 15536 | 10/20/2023 | 10:30AM | I'm not typically a person to complain or sensitive to smells but this morning was this first time that I don't think myself or my team could have made it through the day. Luckily, we were on the road after loading up. |
| 15537 | 10/20/2023 | 12:30PM | Smell is so bad and strong and so nauseating, in the back warehouse, his workers are being put in a position where their health is being compromised. They are getting headaches and physically ill. Causing his facility to come to a stand still! |
| 15538 | 10/20/2023 | 2:39PM | The odors are again horrible. Right now. |
| 15542 | 10/20/2023 | 4:13PM | Still stinks outside and in our shop. Crews just came back in and each individual made a comment about the smell. |
| 15553 | 10/26/2023 | 9:40AM | Smells pretty bad today. Office manager had to shut their windows on this beautiful day. |
| 15561 | 10/31/2023 | 7:30AM | Horrible odors this morning out front and pulling in. |
| 15569 | 11/01/2023 | 3:53PM | Odors are awful this afternoon. I was at my office as well as at 275 Scituate Ave today which is on the far side of Hartford paving, closer to the off ramp. Just awful |
| 15573 | 11/03/2023 | 1:55PM | Can someone from DEM please swing by ASAP. odors are horrible. |
| 15574 | 11/05/2023 | 10:00AM | The odor is so strong this morning that it's noticeable on the off ramp from the highway. |
| 15575 | 11/05/2023 | 10:25AM | I could guarantee that if anyone from DEM went by there today, this place would be shut down. It's awful. I'm inside at 275 Scituate Avenue and the odor has permeated to the interior with the doors closed. |