



For Immediate Release

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AG Kilmartin and DEM Director Coit Pleased with Court Decision to Appoint Special Master to Oversee Clean-up of Providence Waterfront Scrap Metal Recycling Facility

Attorney General Peter F. Kilmartin and Janet Coit, Director of the Department of Environmental Management (DEM), applauded the order by Superior Court Justice Michael A. Silverstein appointing a Special Master to oversee the cleanup of the Rhode Island Recycled Metals (RIRM) scrap metal operation on Allens Avenue along the Providence waterfront.

In accordance with the order issued yesterday, Justice Silverstein appointed Attorney Richard J. Land of the Providence firm of Chace, Ruttenberg & Freedman to (1) immediately take initial measures such as covering exposed piles of contaminated soil on the site, (2) investigate the site, (3) develop a plan for cleaning-up the site, and, (4) if the court approves the plan, to implement the plan. All of this is to be done at the site owner's and the site operator's expense.

In March 2015, Attorney General Kilmartin and Director Janet Coit filed the lawsuit in Superior Court seeking to enforce a 2013 Consent Agreement issued by the Rhode Island Department of Environmental Management (DEM) requiring the scrap yard to perform certain measures to address hazardous waste on the land and derelict vessels in the river in front of the land. That month, the State officials obtained a restraining order against the digging up of the shoreline.

As part of that lawsuit, Attorney General Kilmartin and Director Coit sought injunctive relief enforcing the Consent Agreement and requiring remediation of the affected site.

In December 2015, after a near-toppling of a barge-mounted crane that could have damaged a critical pipe carrying drinking water to the City of East Providence, the State requested the appointment of a court officer to take over the site. Although the barge was temporarily righted

by RIRM, the State pressed ahead with its request. After hearing trial testimony over several months, Justice Silverstein agreed with the State and appointed the Special Master.

“The operators of this facility have had more than ample opportunity to clean up this site, yet have chosen to flagrantly violate DEM’s Consent Agreement and the orders of the Court for remediation of the site, polluting our bay, and putting navigation of our channel at risk.” said Attorney General Kilmartin. “I am pleased with the decision to appoint Richard Land as Special Master, and pledge our commitment to work with him, the Court, and DEM to clean up this site once and for all.”

“We take our job very seriously in enforcing environmental laws, including the Clean Water Act,” said DEM Director Janet Coit. “DEM has put significant resources into resolving this matter and forcing action to get this site cleaned up. RIRM and AARE have failed to comply with the Consent Agreement and orders of the Court to remediate the existing violations at the site. The appointment of a special master in this case is a significant step forward, and along with the Attorney General, we look forward to working with the special master to bring this site into compliance and have a comprehensive site assessment completed to determine the extent of contamination – and ultimately remediate it.”

Background

On July 25, 2013, RIRM entered into a Consent Agreement to resolve a Notice of Violation the DEM issued against the company on May 7, 2012 for discharging storm water to the Providence River without a permit. RIRM agreed to maintain short-term mitigative actions to prevent pollution to the Providence River; complete all construction of storm water controls by September 30, 2014, in accordance with the permits as required by the Agreement; and complete the removal of all derelict vessels from the Providence River and restore the shoreline of the river by December 30, 2014 to its condition prior to the unauthorized activities by RIRM.

Inspections by DEM in October and December 2014 and January and February 2015, and inspections by the United States Coast Guard in January 2015 revealed that the companies failed to: comply with the mitigative measures; install the storm water controls required by the Agreement; remove the derelict vessels and restore the shoreline; and prevent oil spillage to the land and water.

On the waterfront side of the site, there are several dilapidated watercraft including a decommissioned Russian submarine (the Soviet submarine Julliett formerly used as a museum in the Providence River), a sunken ferry, a sunken tug (now in the channel) and a sunken lobster boat. The tug is an obstruction to navigation.

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