



**RI Department of Environmental  
Office of Compliance & Inspection  
2012 Annual Report**

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***Cover: Aerial photograph of the asphalt plants located off of Airport Road in Coventry, RI that were the subject of numerous odor and emission complaints in 2012***

***Photograph obtained from Google Earth***

## *Who We Are*

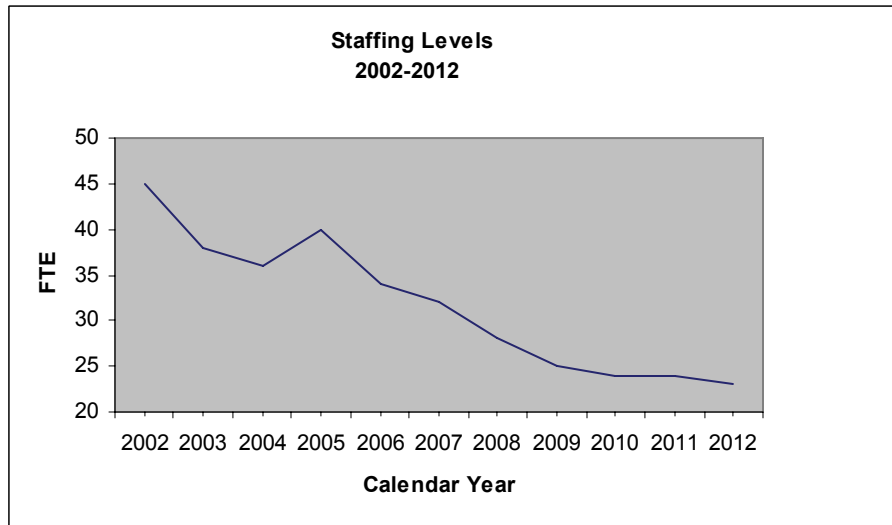
The Office of Compliance and Inspection (OC&I) is within the Rhode Island Department of Environmental Management (RIDEM) Bureau of Environmental Protection and is responsible for regulatory compliance and enforcement for the following programs: Air Pollution, Dam Safety, Freshwater Wetlands, Hazardous Waste, Onsite Wastewater Treatment Systems (i.e., Septic Systems), Solid and Medical Waste, Underground and Leaking Underground Storage Tanks, and Water Pollution.

## *What We Do*

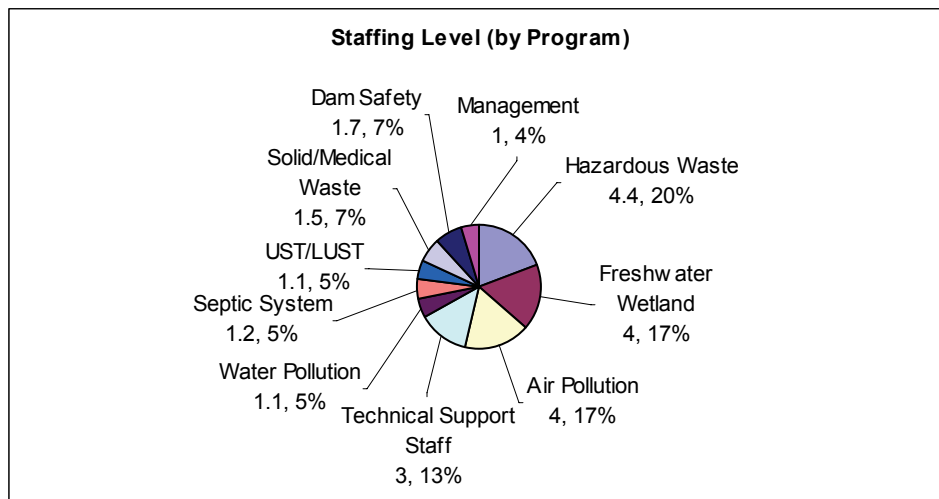
OC&I investigates citizens' complaints regarding alleged environmental violations and performs compliance monitoring inspections to determine compliance with environmental statutes and RIDEM regulations. OC&I issues informal or formal enforcement actions for violations that are identified and tracks compliance until environmental violations are corrected. **Informal enforcement** includes those actions that do not result in an enforceable order or assessment of a penalty. **Formal enforcement** is usually in the form of a Notice of Violation (NOV). Each NOV advises the responsible party of the alleged facts that support the violation, the statutes and regulations that are alleged to have been violated, the requirements to meet compliance and usually include an administrative penalty. The requirements to meet compliance are set forth in the order portion of the NOV. Not all OC&I programs focus on compliance and enforcement activities in the same way. For example, one program may spend considerable time on citizens' complaint response while another may spend most of its time on compliance monitoring. In fact, much of our compliance and enforcement effort is a team approach, either internally in the office or externally with other RIDEM divisions and offices. In many cases, our activities are coordinated with other offices at RIDEM including the Offices of Air Resources, Emergency Response, Water Resources, Waste Management and Legal Services and Division of Law Enforcement. 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 the Environmental Protection Agency (EPA) since RIDEM has specific authority delegated under federal regulations regarding air, water, underground and leaking underground storage tanks and hazardous waste.

# Staffing

At the beginning of 2012, the OC&I had a working staff of 24 full time equivalents (FTEs). OC&I lost 2 FTEs during the year and added 1 FTE (transfer from the RIDEM's Office of Water Resources), ending 2012 with a working staff of 23 FTEs. The loss of the 1 FTE continues a downward trend that began in 2002, as illustrated by the graph below<sup>1</sup>.



The FTEs assigned to each program (by number and percentage) at the end of 2012 is illustrated by the chart below.

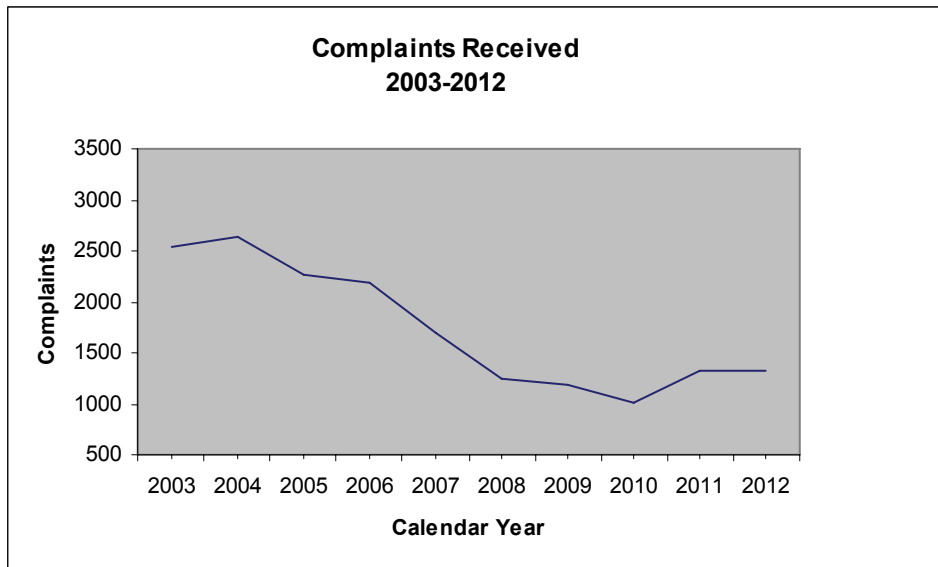


<sup>1</sup> In 2006 5 FTEs responsible for responding to releases of petroleum, hazardous materials and hazardous waste were formally transferred from OC&I to a newly created Office of Emergency Response.

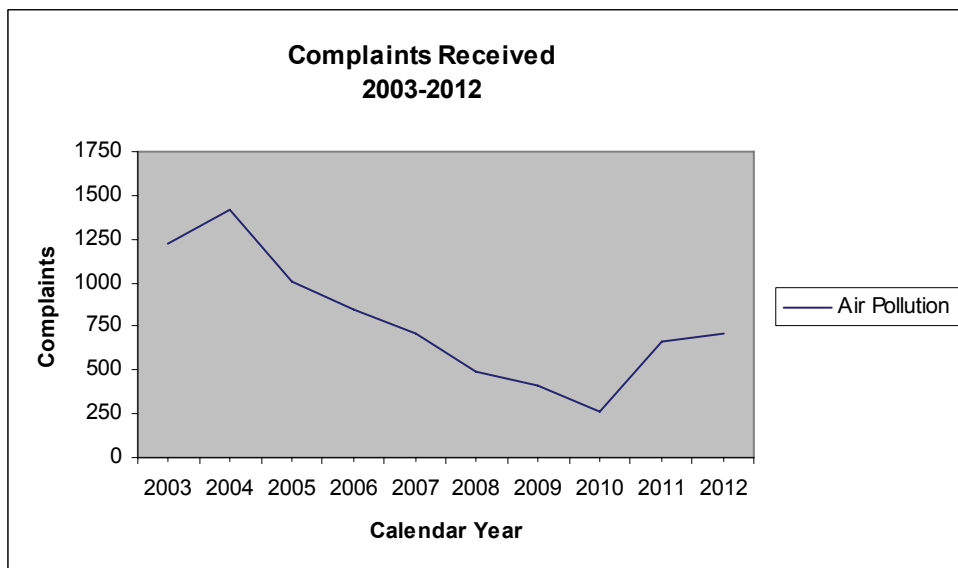
# Complaint Response

As noted earlier, OC&I is involved in extensive citizens' complaint related work. In 2012 OC&I received **1321** citizens' complaints. This is a decrease of **10** from the **1331** citizens' complaints received in 2011. The complaints received from 2003 through 2012 is illustrated by the graph below.

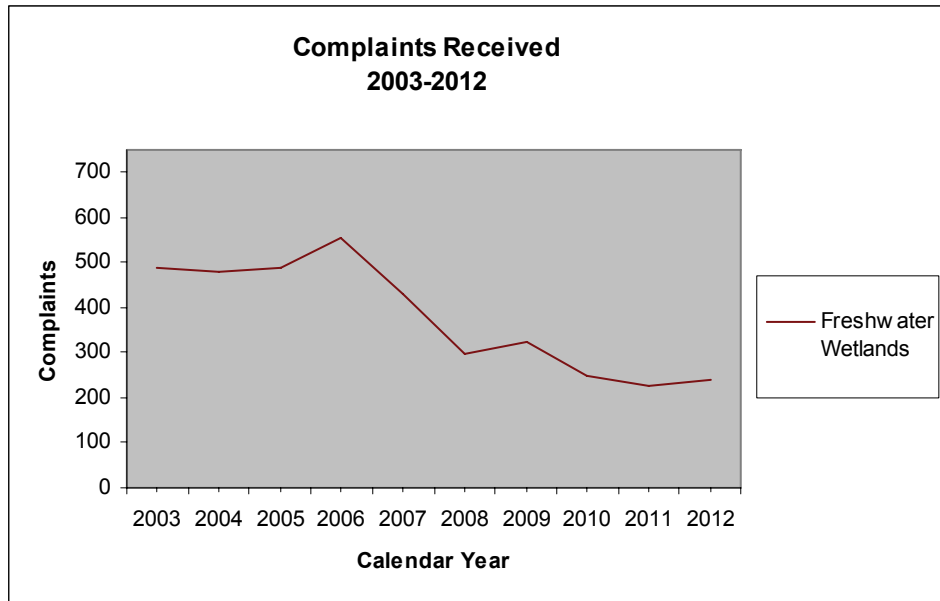
The majority of these complaints involved odors, with the largest sources concerning the Central Landfill in Johnston (114 complaints) and two asphalt plants in Coventry (164 complaints).



The air pollution program had the largest volume of complaints received. The number of complaints increased from **667** in 2011 to **714** in 2012.



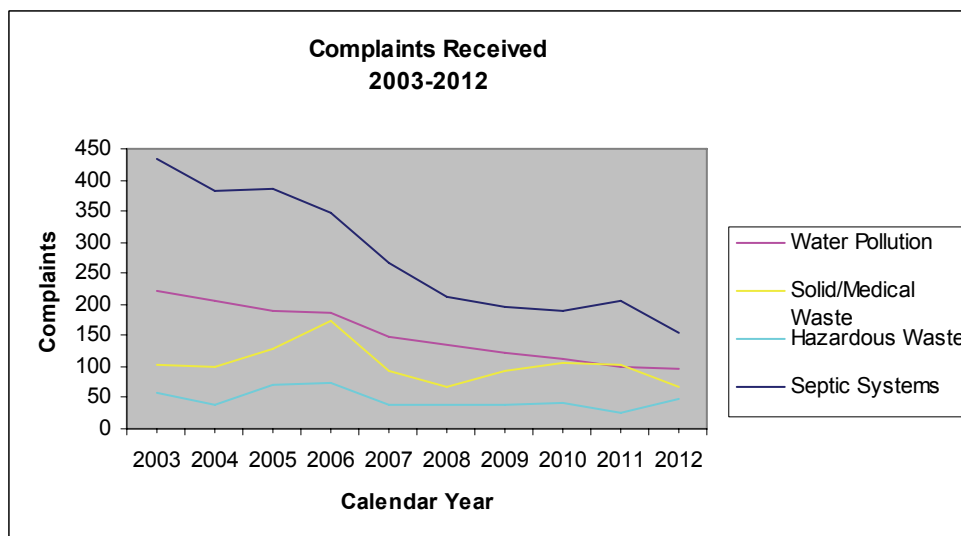
The freshwater wetlands program reversed its trend of decreased complaints. The number of complaints increased from **226** in 2011 to **241** in 2012.



The hazardous waste program had the largest percentage increase in complaints. The number of complaints increased from **25** in 2011 to **48** in 2012 (a 92% increase).

The septic system and solid waste programs had the largest decreases in complaints. For the septic system program the complaints decreased from **205** in 2011 to **153** in 2012. For the solid waste program the complaints decreased from **103** in 2011 to **66** in 2012.

The water pollution program had **95** complaints in 2012 compared to **101** in 2011.



A summary of the complaints investigated by OC&I in 2012 (by program), excluding the dam safety program, is as follows:

**Air Pollution** – The program responds to complaints involving visible emissions, odors, fugitive dust, and exterior lead paint removal. The program received **714** complaints and conducted **360** inspections. Of the complaints investigated<sup>2</sup>, **668** were unfounded (i.e., a violation could not be verified), **2** were closed as no action (i.e., a violation was identified but a decision was made to close the case with no enforcement action taken) and **12** were referred to another program, department or agency. Not all complaints could be investigated due to time delays from receipt of the complaint or other factors including lack of resources. The program did not investigate **21** complaints, which is an decrease from the **27** complaints that the program did not investigate in 2011.

**Freshwater Wetlands** – The program responds to complaints involving unauthorized alterations to freshwater wetlands such as filling, excavating, grading, clearing, or construction. The program received **241** complaints and conducted **421** inspections. Of the complaints investigated<sup>2</sup>, **53** were unfounded, **39** were closed as no action, and **0** were referred to another program, department or agency. The program did not investigate **2** complaints because no one was present to allow access. Complaint investigation in this program is time consuming and complex due to the varied nature of wetlands, land conditions, land ownership and regulatory requirements.

**Hazardous Waste** –The program responds to complaints involving illegal disposal or mismanagement of hazardous waste. The program received **48** complaints and conducted **57** inspections. Of the complaints investigated<sup>2</sup>, **24** were determined to be secondary violations, **32** were unfounded, **1** was closed as no action and **0** were referred to another program, department or agency.

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<sup>2</sup>Not all the complaints investigated in 2012 correspond to complaints received in that year. The statistics include complaints investigated and resolved that were received prior to 2012.

**On-Site Wastewater Treatment System (OWTS or Septic System)** – The program responds to complaints involving septic system overflows or failures, septic odors, laundry discharges, and illegal repairs. The program received **153** complaints and conducted **144** inspections. Of the complaints investigated<sup>2</sup>, **69** were unfounded, **14** were closed as no action, and **1** was referred to another program, department or agency. The program did not investigate **11** complaints due to an inability to obtain permission from the property owner to conduct the inspection.

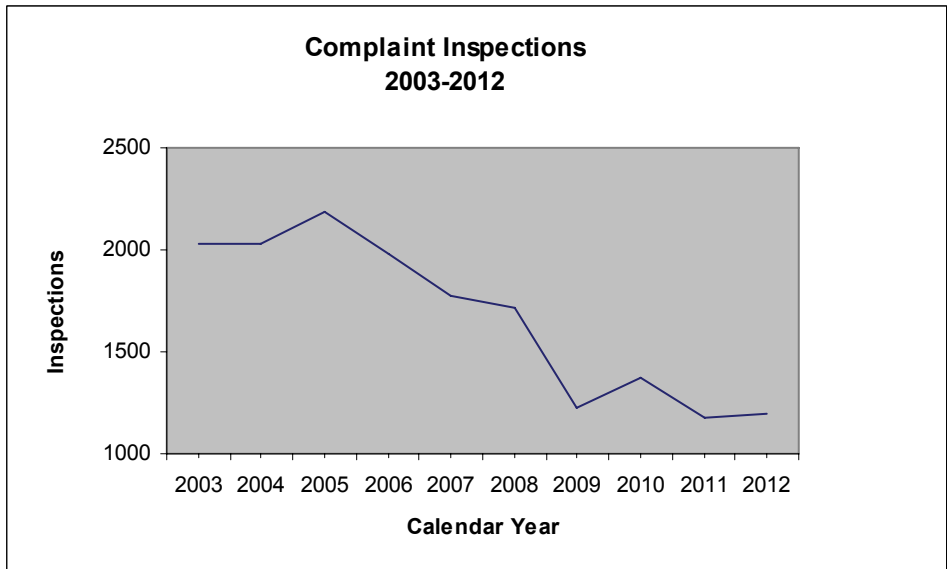
**Underground Storage Tanks (UST)/Leaking Underground Storage Tanks (LUST)** – The program responds to complaints involving underground storage tanks such as leaking or abandoned tanks. The program received **1** complaint and conducted **0** inspections. Of the complaints investigated<sup>2</sup>, **0** were unfounded, **0** were closed as no Action, and **1** was referred to another program, department or agency.

**Solid Waste/Medical Waste** – The program responds to complaints involving illegal disposal of solid waste and operation of unlicensed facilities handling solid waste, construction & demolition debris, compost or other forms of solid waste. The program received **66** complaints and conducted **163** inspections. Of the complaints investigated<sup>2</sup>, **59** were unfounded, **18** were closed as no action, and **14** were referred to another program, department or agency. The program did not investigate **4** complaints due to an inability to obtain permission from the property owner to conduct the inspection.

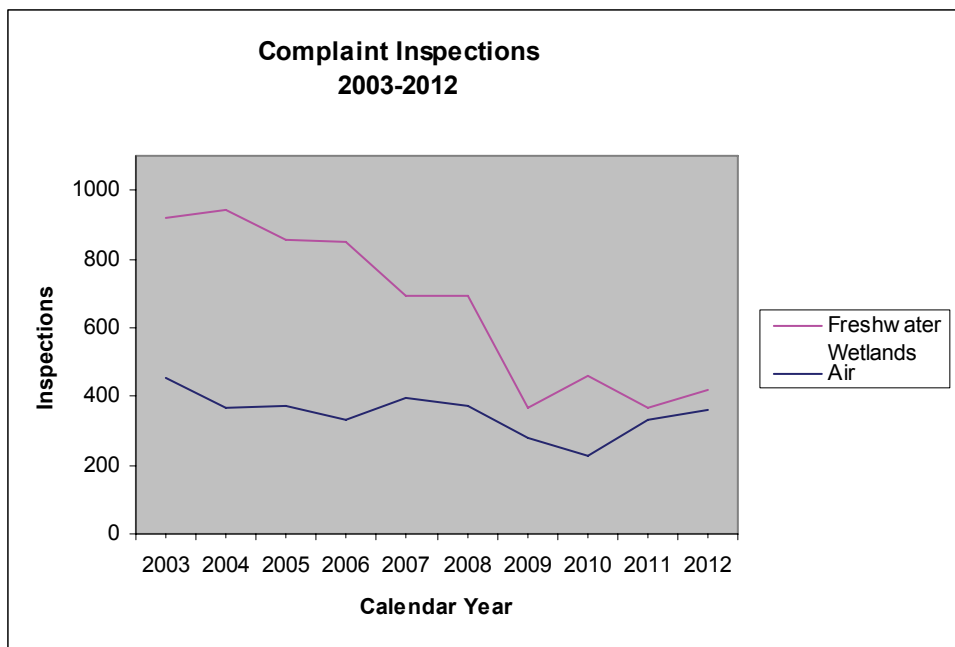
**Water Pollution** – The program responds to complaints involving discharges of pollutants to surface waters or ground waters or in a location likely to enter such waters. The program received **95** complaints and conducted **54** inspections. Of the complaints investigated<sup>2</sup>, **48** were unfounded, **3** were closed as no action, and **1** was referred to another program, department or agency.

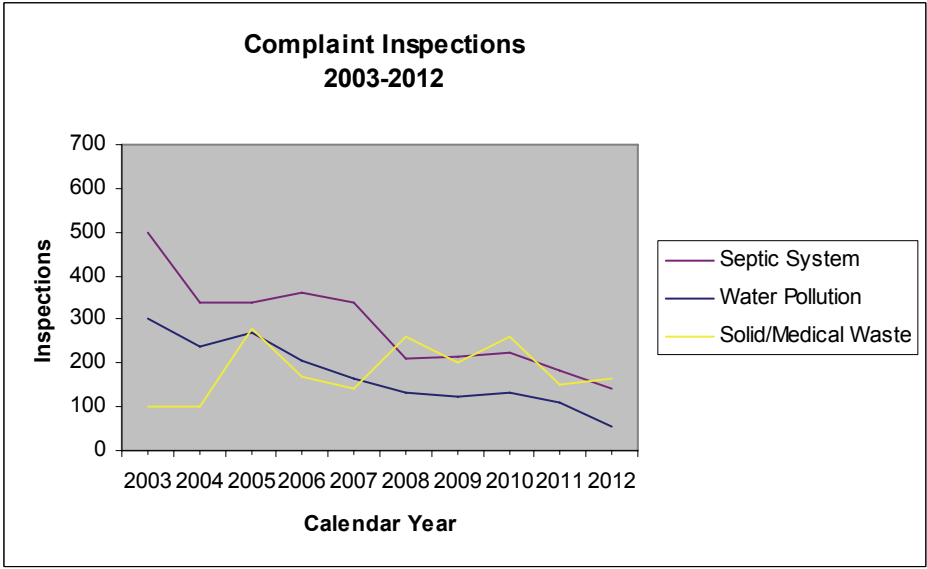
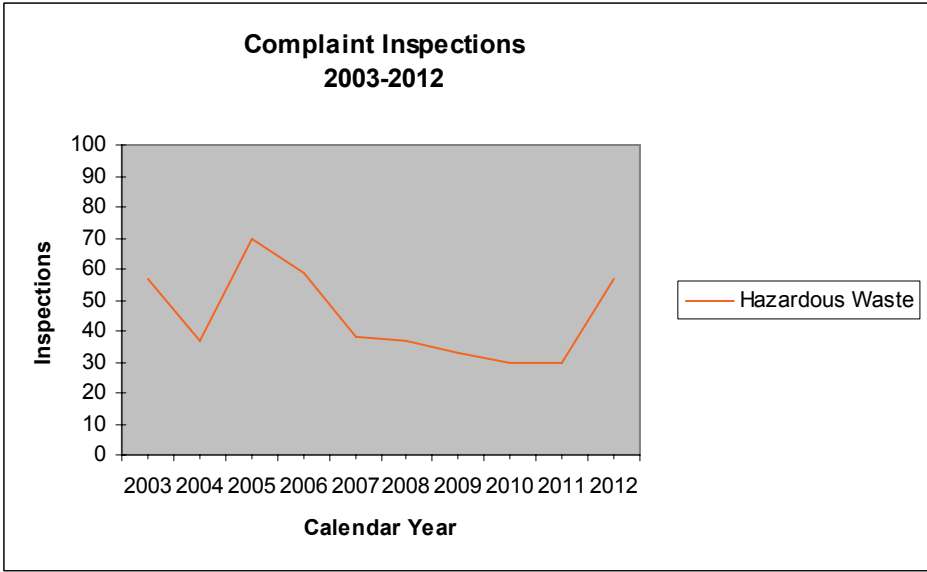


In 2012 OC&I conducted **1200** complaint inspections. This is an increase of **24** inspections from the **1176** complaint inspections conducted in 2011. The following graph shows the numbers of complaint inspections completed from 2003 through 2012.

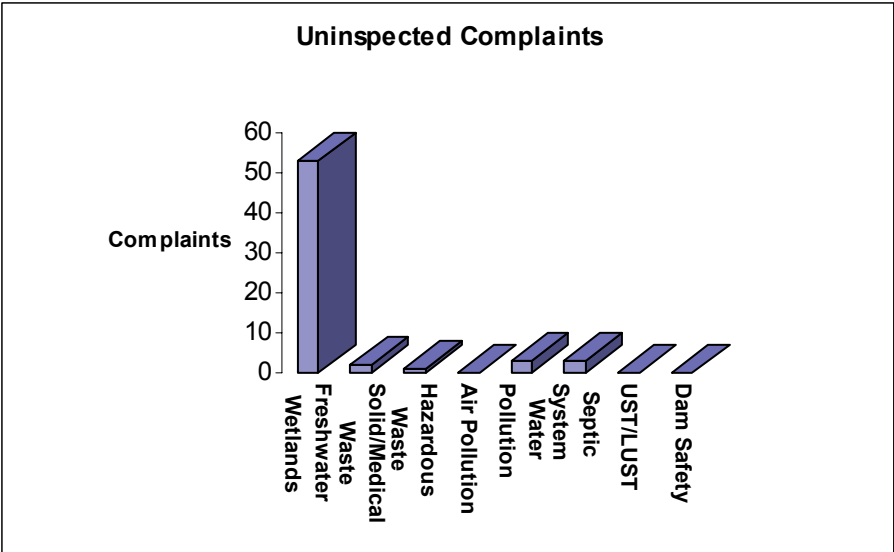


The number of complaint inspections completed from 2003 to 2012 for the air pollution, freshwater wetlands, septic system, water pollution, solid waste/medical waste, and hazardous waste programs is illustrated on the graphs below.





With the exception of the freshwater wetlands program, all of the programs ended 2012 with a small number of uninspected complaints, as shown by the graph below. The backlog of uninspected complaints in the freshwater wetlands program increased from **32** in 2011 to **53** in 2012. This increase reflects the loss of 1 experienced field biologist from the program in mid 2012.

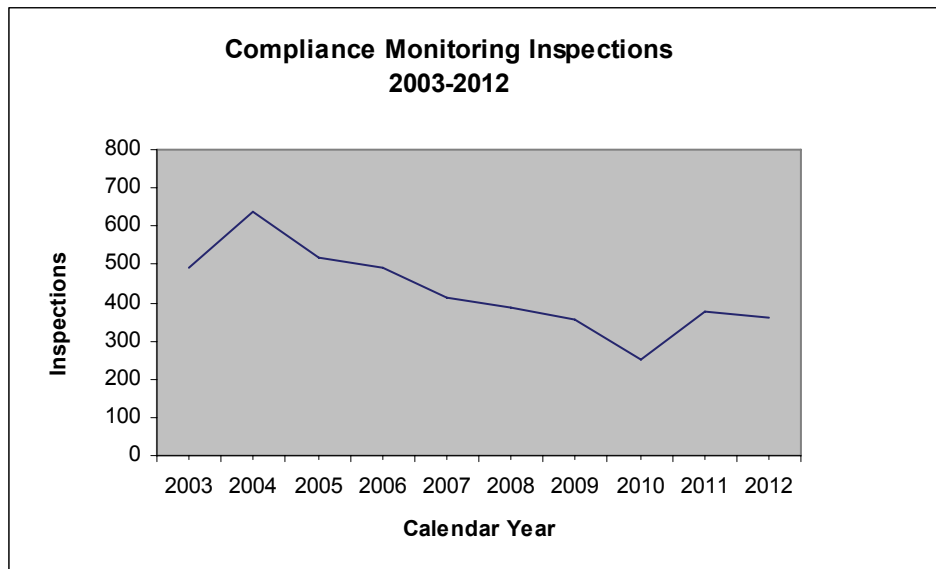


## *Compliance Monitoring*

Compliance monitoring refers to efforts by RIDEM to oversee closely regulated businesses and facilities. In many cases, State laws require businesses and facilities to be licensed by RIDEM or to obtain specific detailed conditional approvals. Such businesses and facilities are not allowed to operate unless they obtain these licenses or approvals in advance. In other cases, businesses and facilities may operate provided they are in compliance with specific regulations that set forth criteria that must be met. The businesses and facilities are not generally required to obtain a permit or license to operate. RIDEM’s Offices of Air Resources, Water Resources and Waste Management perform most compliance monitoring. OC&I’s compliance monitoring involves air pollution, dam safety, hazardous waste management, and UST/LUST facilities. OC&I generally targets a portion of the regulated community and conducts compliance evaluation inspections to determine whether compliance is being met. Since RIDEM is delegated regulatory authority and given grant money by EPA for air pollution, hazardous waste management and UST/LUST

facilities, RIDEM and EPA coordinate their efforts regarding types 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.

In 2012 OC&I conducted **357** compliance monitoring inspections. This is a decrease from the **376** compliance monitoring inspections conducted in 2011. The graph below shows the inspections from 2003 through 2012.



A summary of the compliance monitoring inspections conducted by OC&I in 2012 (by program) is as follows:

**Air Pollution** – The program is responsible for ensuring that the State’s businesses and facilities are being operated in a manner to prevent impacts to human health and the environment in compliance with RIDEM’s *Air Pollution Control Regulations*. The program seeks to meet that responsibility by performing compliance inspections and issuing enforcement actions. The majority of compliance monitoring inspections are conducted to verify compliance at businesses, facilities or sites with historic violations or potential violations. The program conducted **67** inspections of **43** businesses, facilities or sites to determine compliance. Of the inspections conducted, **2** businesses or facilities were found in violation (about 5%).

A list of the businesses, facilities or sites inspected is shown in Appendix A.

**Dam Safety** – The program is responsible for ensuring that the State’s **97** high hazard dams and **82** significant hazard dams are maintained in a safe condition in compliance with RIDEM’s *Rules and Regulations for Dam Safety*. The program seeks to meet that responsibility by performing compliance inspections, investigating complaints and issuing enforcement actions. The program conducted **46** inspections of such dams.

A comprehensive report on the activities of the program can be found at <http://www.dem.ri.gov/programs/benviron/compinsp/pdf/damrpt12.pdf>.

**Hazardous Waste Management** – The program is responsible for ensuring that the State’s thousands of hazardous waste generators are managing hazardous waste in a manner to prevent impacts to human health and the environment in compliance with the RIDEM’s *Rules and Regulations for Hazardous Waste Management*. The program seeks to meet that responsibility by performing compliance inspections, investigating complaints and issuing enforcement actions. Federal guidelines require states to inspect at least 20% of the Large Quantity Generators (LQG) during the federal fiscal year. OC&I has followed EPA’s target for the last few years to monitor the management of hazardous waste at facilities generating large volumes of waste on a regular basis. Given the current number of LQGs in Rhode Island, this equates to inspections at least once every three years at each facility. In addition to the target of 20% of known LQGs operating in Rhode Island, OC&I targeted any newly reporting LQGs and those that did not previously notify the RIDEM that they fall into this category.

The program inspected **17** LQGs (**18** in the 2012 federal fiscal year). Of those, **1** was determined to be in significant noncompliance, **12** were found to have secondary violations, and **4** were determined to have no violations.

For Small Quantity Generators (SQGs), the program's inspection efforts in 2012 did not concentrate on one particular manufacturing sector. Inspection targets involved companies that were identified during a database screening project, auto salvage companies that failed to submit a self certification checklist and companies that requested a temporary identification number but failed to apply for a permanent identification number. OC&I inspected **43** known or suspected SQGs. Of those, **1** was determined to be in significant noncompliance, **28** were found to have secondary violations, and **14** were determined to have minor violations that were resolved immediately or were found to have no violations. Overall, the program completed **136** inspections of known or suspected hazardous waste generators to ensure that compliance with the regulations was being met.

Overall, 42 of the 60 businesses and facilities inspected had violations that were more than minor in nature (about 70%).

A list of the businesses and facilities inspected is shown in Appendix B.

The following are the 5 violations most frequently observed in 2012:

- waste not properly characterized as hazardous waste (determined) by the generator
- labeling violations (lack of a required label on hazardous waste containers or containers not properly labeled)
- mismanagement of universal hazardous waste (mercury containing devices, batteries, certain electronic wastes)
- no hazardous waste training for employees on managing hazardous waste
- contingency plan violations (in case of a release or spill of hazardous waste)

## **Underground Storage Tanks (UST)/Leaking Underground Storage Tanks (LUST) –**

The program coordinated with RIDEM's Office of Waste Management (OWM) to carry out its responsibilities for ensuring that the State's thousands of USTs and LUSTs used for petroleum products and hazardous materials are being operated and maintained in a manner to prevent impacts to human health and the environment in compliance with the RIDEM's *Rules and Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials*. The program seeks to meet that responsibility by performing compliance inspections, investigating complaints and issuing enforcement actions against owners and operators that are out of compliance with the regulations.

The program performed inspections at **105** UST facilities. **251** USTs are installed at these facilities. Of the inspections conducted, **25** UST facilities (about 24%) were found to be in violation (enforcement action was deemed to be warranted). Overall, the program completed **108** inspections of UST facilities to ensure that compliance with the regulations was being met.

A list of the facilities inspected is shown in Appendix C.

The following are the 5 violations most frequently observed in 2012 (listed by frequency from highest to lowest):

- Failure to maintain spill containment basins, tank top sumps and dispenser sumps free of liquids and/or solid debris.
- Failure to compile and maintain inventory control records in accordance with the UST Regulations.
- Failure to perform annual functionality testing of line leak detectors, shear valves and continuous monitoring systems
- Failure to comply with the UST facility operator training requirements set forth in the UST Regulations
- Failure to perform tightness testing of the inner or outer walls of USTs and product pipelines

# *Enforcement Response*

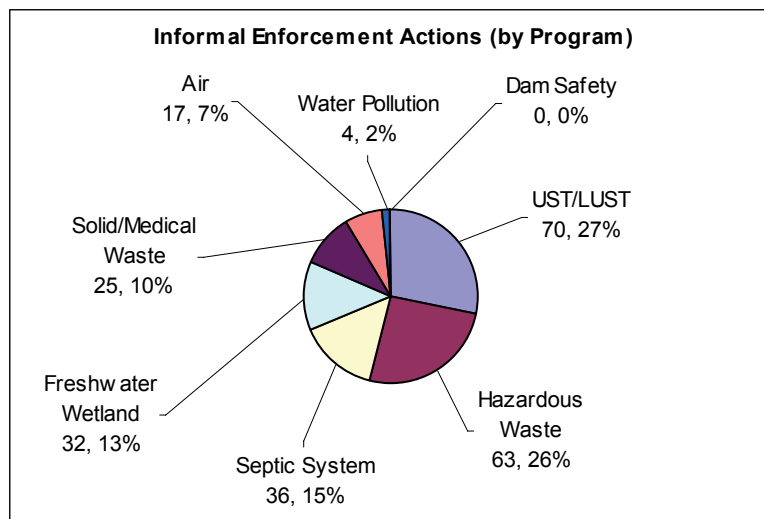
A large component of OC&I’s activities for the year include an enforcement response to bring violators into compliance with environmental statutes and regulations. As described on page 3, our response to noncompliance discovered through complaint inspections, compliance monitoring, or other channels 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. 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 to allow violators to resolve noncompliance voluntarily and as quickly as possible, including repairing any environmental damage that may have resulted due to non-compliance.

## *Informal Enforcement*

In 2012, OC&I issued **247** informal enforcement actions. Of the actions issued, **17** were for air violations, **32** were for freshwater wetland violations, **63** were for hazardous waste violations, **36** were for septic system violations, **25** were for solid waste violations, **70** were for UST/LUST violations, and **4** were for water pollution violations. Where performance is required, these informal enforcement actions include deadlines within which the owner or operator is expected to meet compliance.

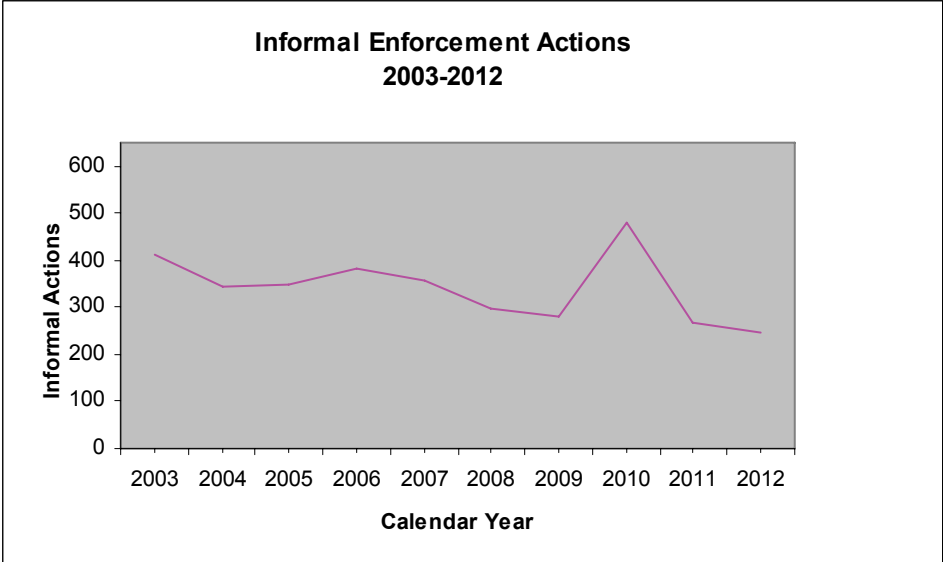
The informal enforcement actions issued by each program in 2012 (by number and percentage) are illustrated in the chart below.



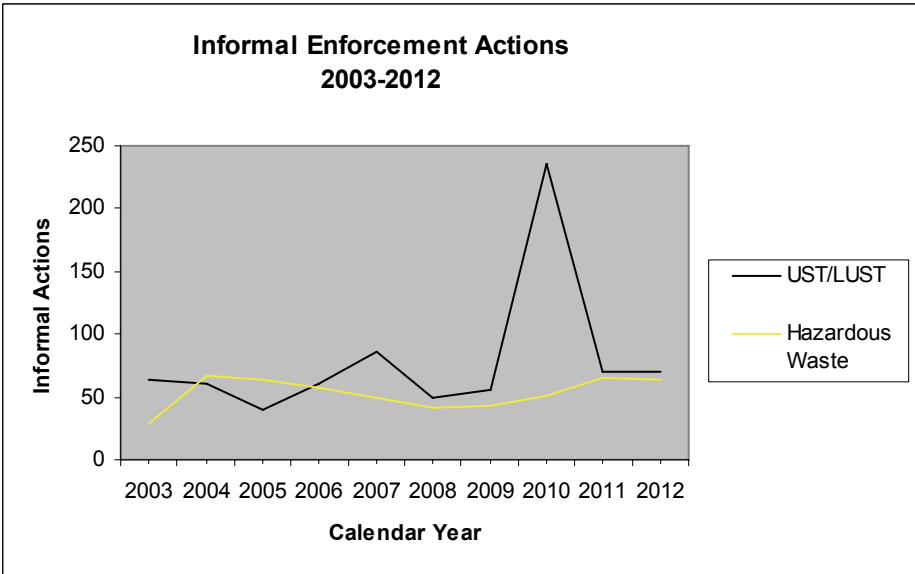
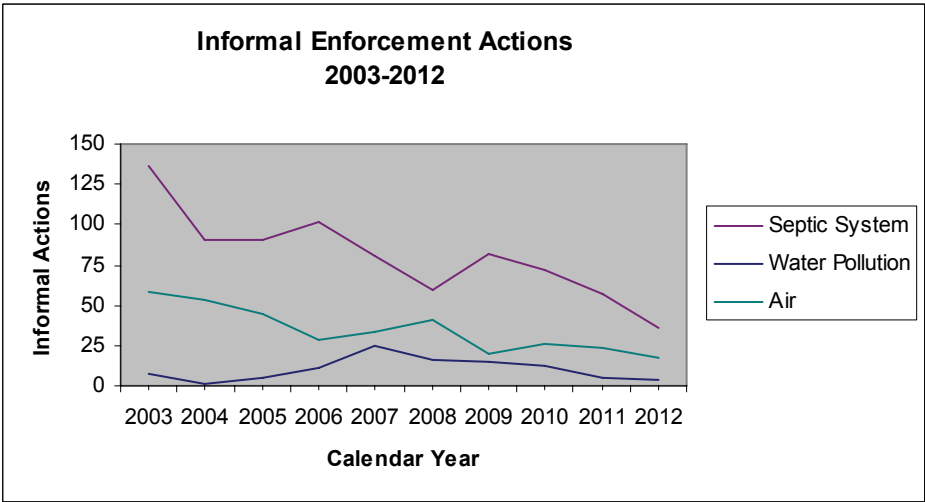
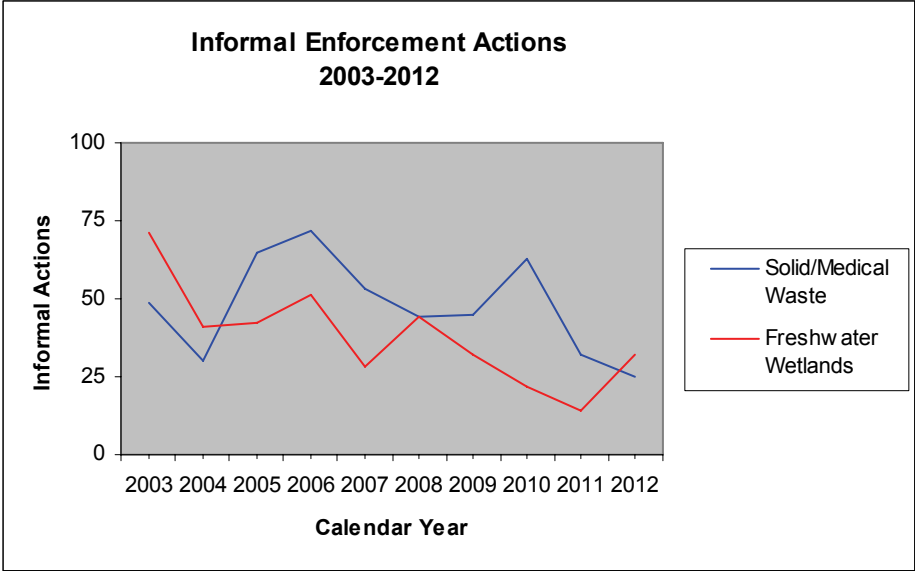


The **247** informal enforcement actions is a decrease from the **268** informal enforcement actions issued in 2011 and continues a general downward trend that, with the exception of 2010, has been ongoing since 2003. The exception in 2010 is attributable to the UST self certification program. Under the program, UST owners/operators are required to submit self certification forms to RIDEM every 2 years. OC&I issued **188** informal enforcement actions in 2010 as a result of the owners/operators failure to submit the self certification forms by the deadline.

The number of informal enforcement actions issued in 2012 is the lowest in the last 10 years, as illustrated by the graph below.



The number of informal enforcement actions issued from 2003 to 2012 for the air pollution, freshwater wetlands, septic system, water pollution, solid waste/medical waste, UST/LUST and hazardous waste programs is illustrated on the graphs on the following page.



OC&I obtains varied success with informal enforcement actions depending upon the program and the ability to issue formal enforcement actions. Overall, **186** informal enforcement actions were resolved in 2012 without formal enforcement.

## ***Formal Enforcement***

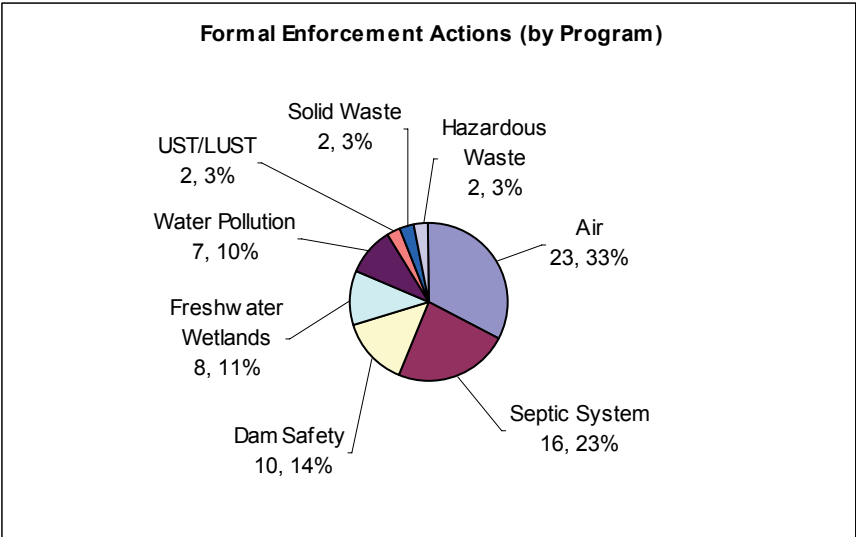
In the event that compliance with informal enforcement actions is not met, or RIDEM determines that violations identified at a site or facility represents significant noncompliance, OC&I will issue a formal enforcement action to ensure compliance.

**Formal enforcement** is usually in the form of a Notice of Violation (NOV). Each NOV advises the respondent of the alleged facts that support the violation, the statutes and regulations that are alleged to have been violated, the requirements to meet compliance and usually include 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 RIDEM's *Rules and Regulations for the Assessment of Administrative Penalties*, and the NOV includes worksheets providing information on how the penalty was determined. The maximum penalty for violations is derived from the legislative statute providing RIDEM with the authority to assess 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). Respondent/s have **20** days to appeal the NOV to the AAD. OC&I and the respondent/s may finalize a settlement of the outstanding enforcement action prior to, or even after a hearing commences. Upon completion of a hearing, the hearing officer issues a Final Decision and Order. Respondent/s or OC&I may file an appeal to contest the Final Decision and Order 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.

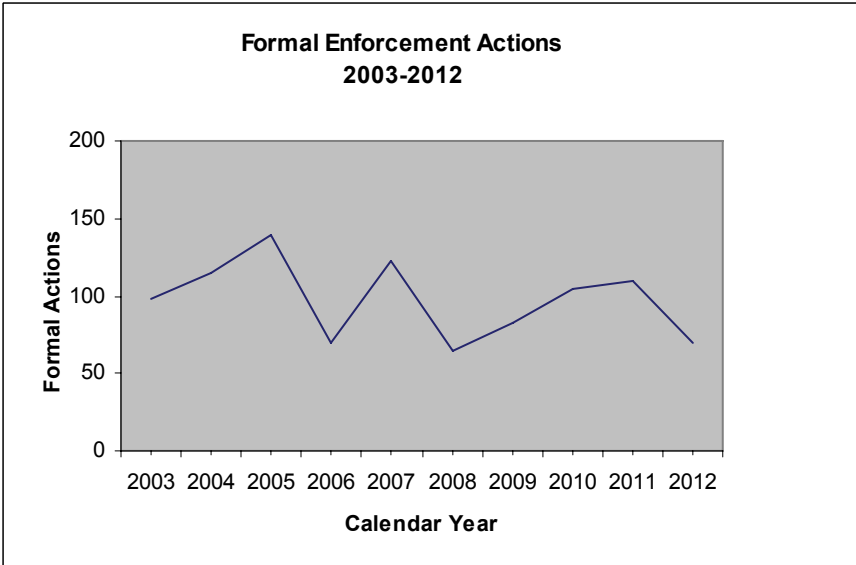
In 2012, OC&I issued **70** formal enforcement actions. Each formal enforcement action can involve more than one program. Of the actions issued, **2** involved violations in more than one program.

Overall, **23** were for air violations, **10** were for dam safety violations, **8** were for freshwater wetland violations, **2** were for hazardous waste violations (which includes site remediation and commercial oil pollution violations), **16** were for septic system violations, **2** were for solid waste violations, **2** were for UST violations, **7** were for water pollution violations (which includes residential oil pollution violations).

The formal enforcement actions issued by each program in 2012 (by number and percentage) are illustrated in the chart below.



The **70** formal enforcement actions is a sharp decrease from the **110** formal enforcement actions issued in 2011, as illustrated by the graph below.



As the graph shows, sharp reductions occurred from 2005 to 2006 and from 2007 to 2008.

The sharp reduction from 2005 to 2006 was primarily the result of a reduction in the formal enforcement actions issued in the UST/LUST program from **49** in 2005 to **19** in 2006. As a result of revisions to the UST regulations adopted in 2005, owners/operators are now required to submit self certification forms to RIDEM every 2 years that evaluate the facility's compliance with the UST regulations and certify that the facility is in compliance, or if not, includes a plan to return to compliance. OC&I issued **21** formal enforcement actions in December 2005 as a result of the owners/operators failure to submit the self certification forms by the August 2005 deadline.

The sharp reduction from 2007 to 2008 was primarily the result of a reduction in the formal enforcement actions issued in the UST/LUST and the septic system programs. From 2001 to 2006 the UST/LUST program issued on average **22** formal enforcement actions per year (excluding the violations for failing to submit the self certification forms). In 2008 the program issued **5** formal enforcement actions. The reason for the reduction was a regulatory interpretation by the RIDEM Office of Legal Services (OLS) in 2007 that precluded OC&I from enforcing past noncompliance at UST facilities. The reduction in the septic system program is the result of a concerted effort in 2007 to reduce the backlog of formal enforcement cases pending issuance. The OLS agreed to forego reviewing formal enforcement actions for septic system violations based upon the extensive experience in OC&I in preparing these actions and the straightforward nature of the violations. As a result of this effort, OC&I was able to eliminate its backlog of formal enforcement actions in 2007. In 2008 the septic system program issued **15** formal enforcement actions, which is consistent with the average of **18** formal enforcement actions per year achieved from 2001 to 2006.

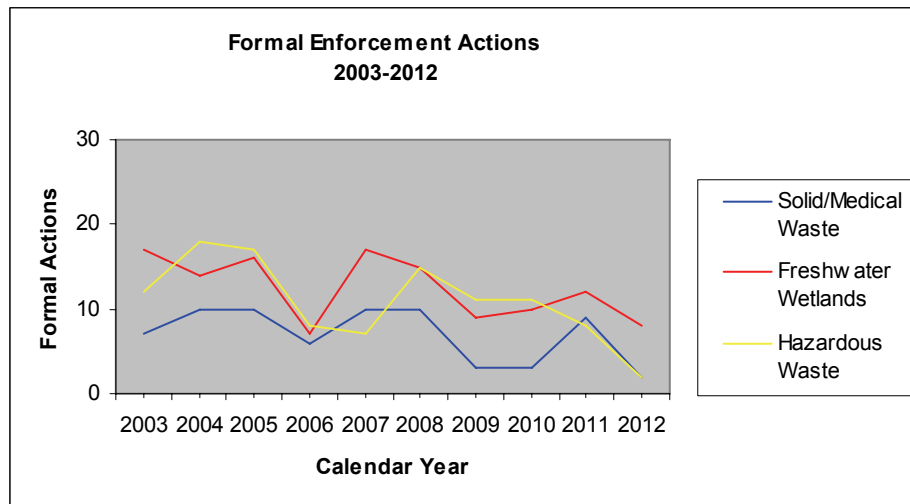
The sharp reduction from 2011 to 2012 was primarily the result of a reduction in the number of formal enforcement actions issued in the UST/LUST program from **10** in 2011 to **2** in 2012, the septic system program from **28** in 2011 to **16** in 2012, the hazardous waste program from **8** in 2011 to **2** in 2012 and the solid waste program from **9** in 2011 to **2** in 2012.

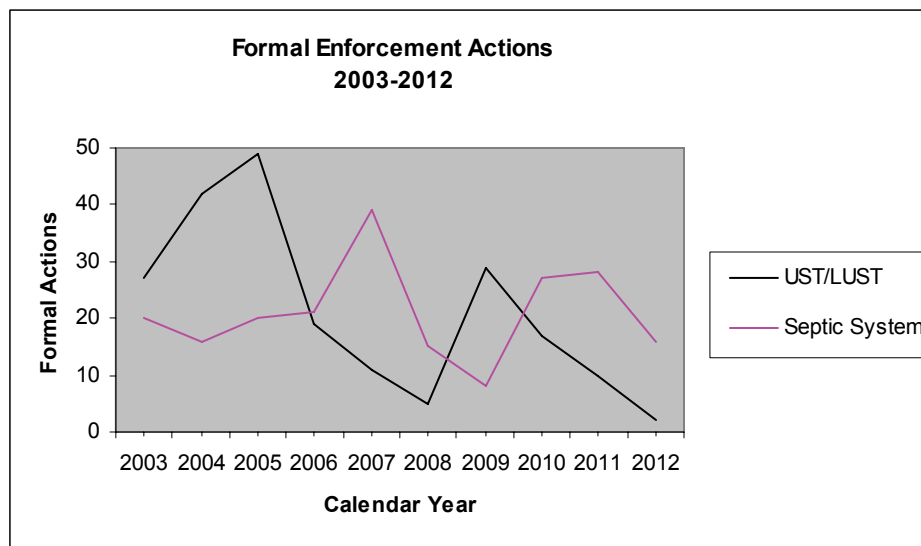
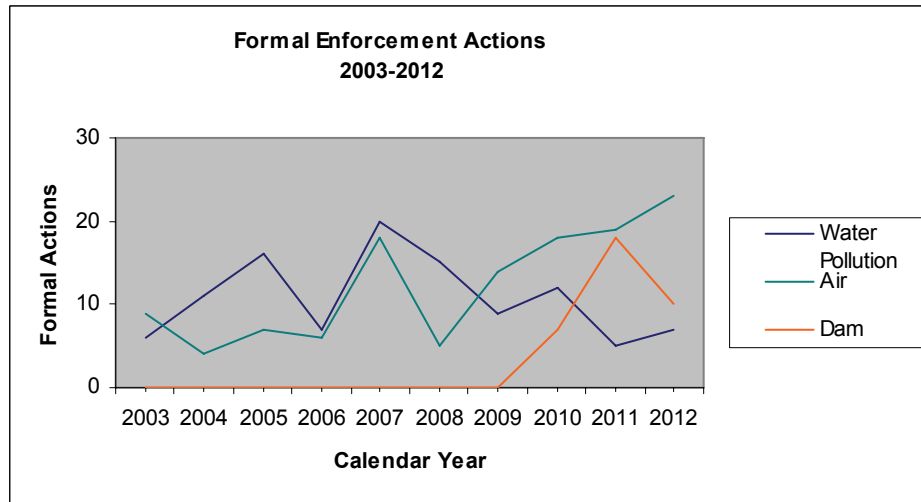
The number of formal enforcement actions issued from 2002 to 2011 for the air pollution, freshwater wetlands, septic system, water pollution, solid waste/medical waste,

The reduction in the UST/LUST program reflects a change in how OC&I is regulating UST facilities. Prior to 2011 the OC&I issued formal enforcement actions for UST facilities in significant noncompliance. In 2011 the OC&I began issuing ‘red tags’ for UST facilities in significant noncompliance. A ‘red tag’ is placed on the pumps at the facility, which prohibits delivery of petroleum until the noncompliance issues are addressed. The intent of issuing a formal enforcement action is threefold. First, to get the facility quickly into compliance. Second, to deter future noncompliance. Third, to assess monetary penalties to prevent a facility from achieving an unfair economic advantage over facilities that comply with the regulations. The OC&I was finding that for this program the formal enforcement actions were not achieving the intended results. Since OC&I began issuing ‘red tags’ facilities have been coming into compliance in a matter of days rather than months (and sometimes years) of noncompliance under the prior formal enforcement action approach.

The reduction in the septic system, hazardous waste and solid waste programs reflect a lack of cases to proceed to formal enforcement action.

The number of formal enforcement actions issued from 2003 to 2012 for the air pollution, dam safety, freshwater wetlands, septic system, water pollution, solid waste/medical waste, UST/LUST and hazardous waste programs is illustrated on the graphs below and on the following page.



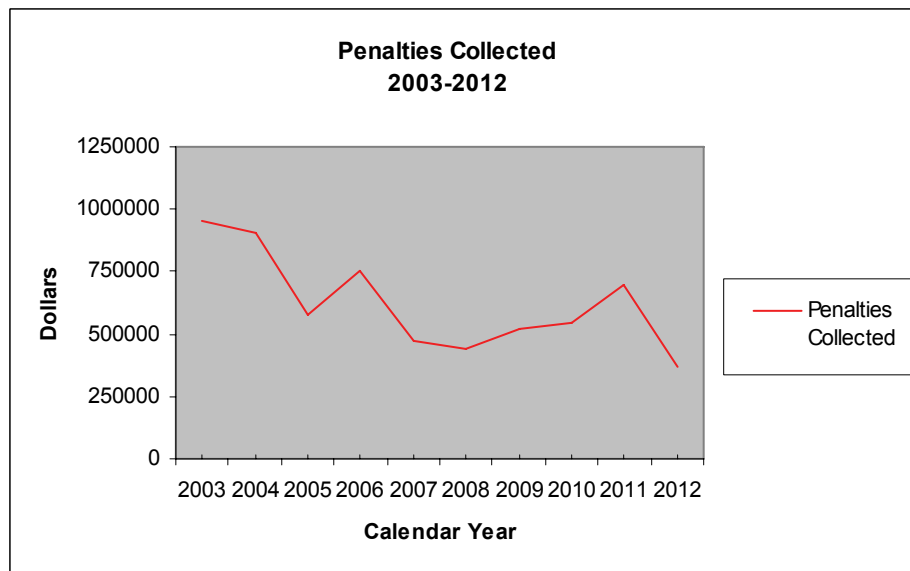
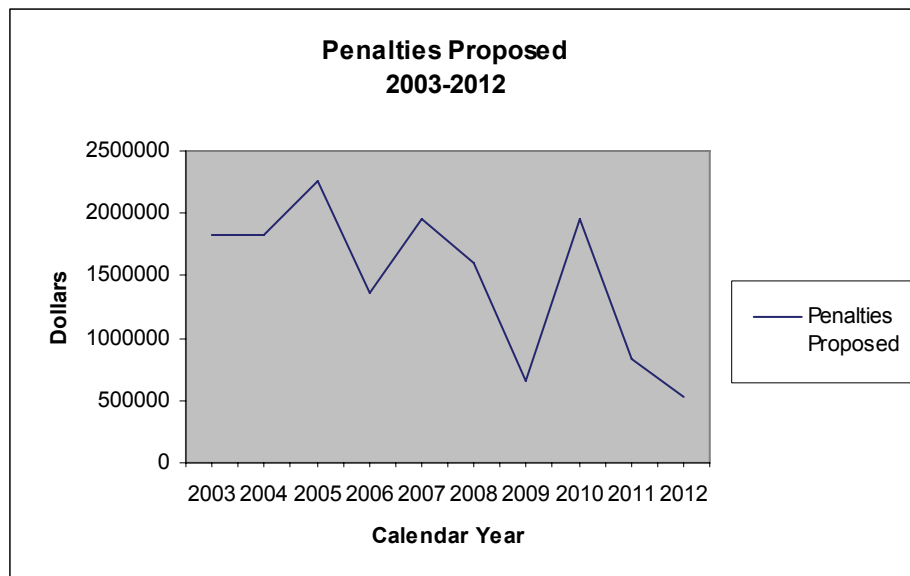


Overall, **124** formal enforcement actions were resolved and closed in 2012.

## *Administrative Penalties*

As part of the **70** formal enforcement actions issued in 2012, OC&I proposed total penalties of **\$523,139**. As a result of efforts to settle or to resolve formal enforcement actions issued over the last year or in previous years, respondent/s agreed to pay **\$126,354** in penalties in the form of cash and OC&I collected **\$369,824**.

The following graphs show the penalties proposed and collected from 2003 through 2012. The penalties proposed and collected in 2012 is a sharp decrease from 2011.



OC&I also agreed to settle **5** enforcement cases by having the respondent/s conduct a **Supplemental Environmental Project (SEP)**. SEPs are environmentally beneficial projects that a respondent proposes to undertake in settlement of an enforcement action but are not otherwise legally required to perform. The SEPs agreed to in 2012 had an estimated value of **\$166,875**. For more details regarding SEPs, you can refer to RIDEM's *Policy on Supplemental Environmental Projects* in effect since April 5, 1996 and revised on July 15, 2004. The SEPs agreed to in 2012 are described in Appendix D.

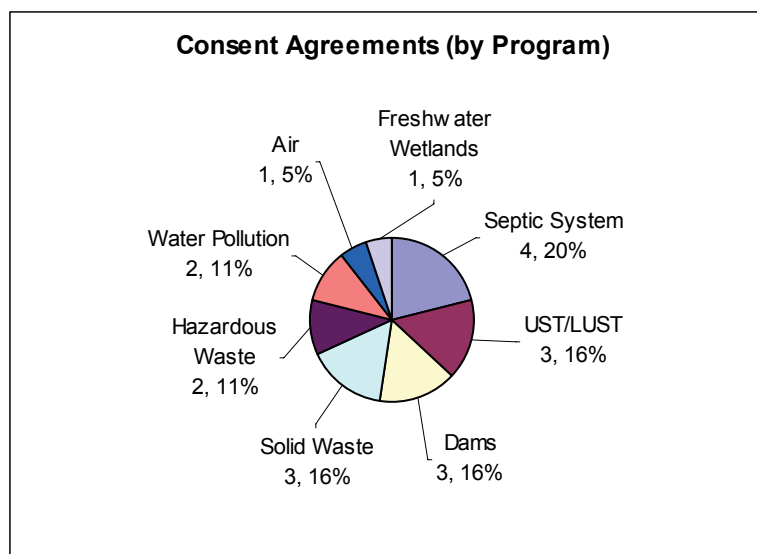


## *Consent Agreements*

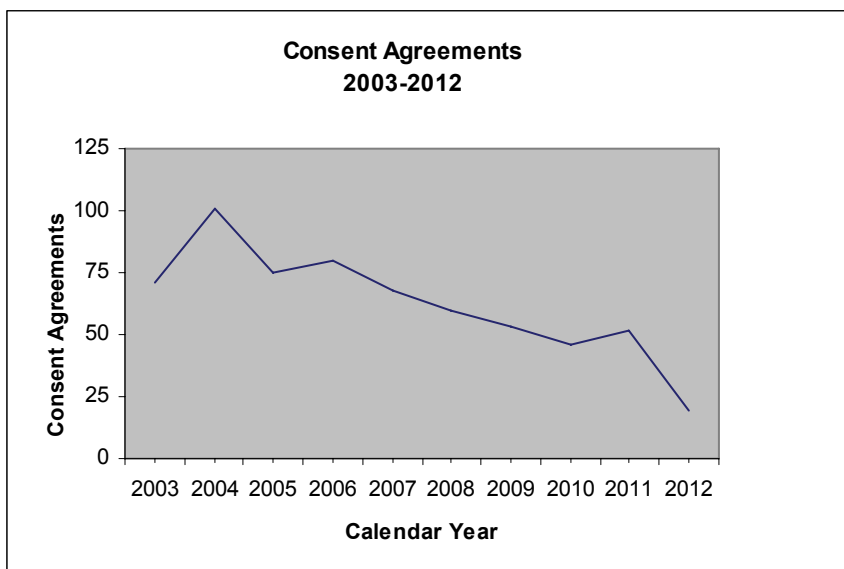
To resolve formal enforcement actions, OC&I often executes consent agreements with respondents. The purpose of such agreements is to have a document that is legally enforceable in court that sets forth how the formal enforcement action was resolved. Such documents identify what performance is required to comply with the RIDEM regulations and under what timelines the performance will be completed. Consent agreements also identify how the penalty assessed in the formal enforcement action was resolved and include a timeframe for payment of the penalty if necessary. In the event that a consent agreement requires performance, OC&I tracks the progress towards compliance.

In 2012, OC&I executed **19** consent agreements to resolve formal enforcement actions. Of the agreements executed, **1** was for air violations, **1** was for freshwater wetland violations, **2** were for hazardous waste violations (which includes site remediation and commercial oil pollution violations), **4** were for septic system violations, **1** was for solid waste violations, **3** were for UST violations, and **4** were for water pollution violations (which includes residential oil pollution violations).

The consent agreements executed by each program in 2012 (by number and percentage) are illustrated in the chart below.

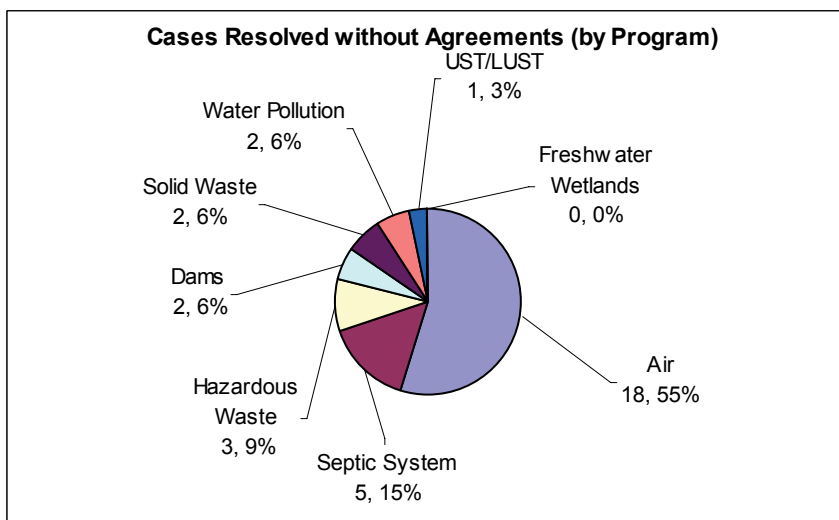


The **19** consent agreements executed in 2012 is a sharp decrease from the **52** consent agreements executed in 2011, as illustrated by the graph below.



The decrease reflects a change in practice in how formal enforcement cases are closed. Prior to 2011, all formal enforcement cases were settled through execution of a consent agreement. In 2011, as a result of advice from DEM’s legal counsel, OC&I began to settle cases without a consent agreement where all of the issues associated with the violation were resolved, including payment of all penalties owed. In 2012 OC&I used this approach to settle **33** cases.

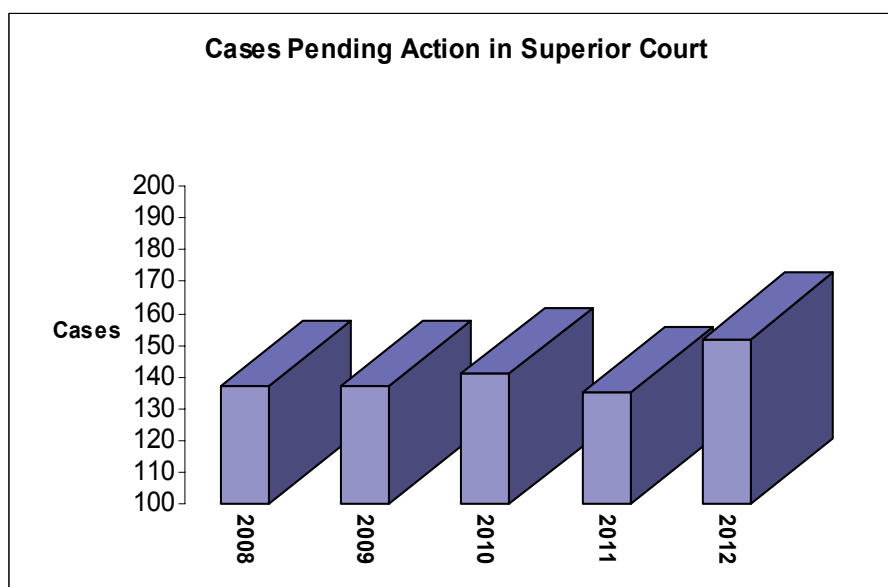
The cases settled by each program in 2012 using this approach (by number and percentage) are illustrated in the chart below.



## *Superior Court Activity*

At the beginning of 2012 RIDEM had a backlog of **135** cases that were pending court action. To further the effort that began in 2009 to address the backlog, OC&I developed a top 10 list of the most egregious cases. This list is updated each month and provided to RIDEM's attorneys. The Office of Attorney General continued to provide assistance to RIDEM in 2012 to address the backlog. RIDEM's attorneys filed **7** cases in court and settled or resolved **8** cases.

We ended 2012 with **152** cases. The case backlog from 2008 through 2012 is shown in the graph below.



A summary of each formal enforcement action issued or resolved and Superior Court case issued or resolved since April 2000 is available at

<http://www.dem.ri.gov/programs/benviron/compinsp/enfact/index.htm>.

# *Environmental Results*

So, what environmental results did OC&I achieve in 2012?

## *Overall*

**Air Pollution** – The efforts of the program resulted in the closure of **28** air pollution violations (**15** exterior lead paint removal sites cleaned of lead paint chips and debris and **13** other violations corrected).

### **2012 Highlight: Key Container Corporation**

In the summer, OC&I began receiving complaints relating to emissions from two boilers fueled by #6 fuel oil located at Key Container Corporation in the city of Pawtucket.

Investigations by OC&I uncovered nonfunctioning opacity monitors associated with these boilers. A Notice of Violation was issued to the company on December 5th. To resolve the violation, the company proposed a Supplemental Environmental Project (SEP). The SEP involved replacing a boiler with a more efficient, cleaner one fueled by natural gas (the other boiler was earlier converted to operate on natural gas and was not eligible for an SEP). The OC&I and the company entered into a Consent Agreement which included the approved SEP. In resolving this case, RIDEM and the company worked together to eliminate emissions associated with boilers fueled by #6 fuel oil providing a direct and substantial benefit to the health, safety and welfare of the surrounding community. This was an example of a cooperative effort that benefitted both the company and the environment.

**Dam Safety** – A comprehensive report on the program accomplishments can be found at <http://www.dem.ri.gov/programs/benviron/compinsp/pdf/damrpt12.pdf>.

**Freshwater Wetlands** – The efforts of the program resulted in the completion of **18** wetland restorations (**1.4** acres of biological wetland and **1.8** acres of regulated upland adjacent to biological wetlands). Restoration included removal of fill and unauthorized structures, re-grading, seeding unstable soils, and the replanting of trees, shrubs, and groundcover to recreate wildlife habitat. In some cases where clearing was the only unauthorized activity, restoration also would include the landowner's agreement to allow the cleared area to re-vegetate to a natural condition.

**2012 Highlight: Aiello Corporation, Farnum Pike, Smithfield.** Freshwater wetland violations were discovered during an investigation of unauthorized encroachment onto property owned by the RIDEM. It was determined that the adjacent property owner Wesco Realty, LLC (Wesco) was using land owned by the RIDEM and that they had altered freshwater wetlands without a permit. Wesco completed wetland restoration for all unauthorized work that they had accomplished and removed all parts of their business that encroached on RIDEM's land. During the investigation, it also was determined that a former owner of the land owned by Wesco (Aiello Corporation) had encroached onto RIDEM's land and had altered freshwater wetlands without a permit. The Aiello Corporation wetland violations, which began as far back as the mid 1970's, included the clearing, filling and grading of approximately 39,000 square feet of Swamp. The remedial work on this violation was completed by Aiello Corporation during the 2009-2010 growing seasons and the wetland was considered restored in 2012.

**Hazardous Waste Management** – The efforts of the program resulted in **15** Large Quantity Generators of hazardous waste and **66** Small Quantity Generators of hazardous waste being brought into compliance with the regulations.

**2012 Highlight: Inspections of Companies that had Deactivated their EPA Hazardous Waste Generator Status and Auto Body and Auto Salvage Facilities**

In 2011 OC&I reviewed 1,000 records in EPA's database to identify targets for inspection and remove companies from the database that no longer generated hazardous waste. OC&I identified numerous companies that had deactivated their EPA hazardous waste generator identification number but were in fact still in full operation. In 2012 OC&I developed an inspection target list which included companies from the 2011 database review to determine if the companies were actively generating hazardous waste without a valid identification number. OC&I also included on its target list companies that conduct automobile body repair work and automobile salvage operations to evaluate the compliance status of companies that chose not to participate in RIDEM's Environmental Results Program (ERP).

OC&I identified a significant number of companies that were operating without valid identification numbers. As part of the return to compliance these companies were required to submit new notifications to RIDEM and EPA of their regulated waste activity and their status was changed to active in EPA's database.

The inspections of the auto body and auto salvage facilities revealed several companies operating in noncompliance with the RIDEM's hazardous waste regulations. OC&I issued enforcement actions to the facilities, all of which returned to compliance with several indicating that they would participate in the next round of RIDEM's ERP.

**On-Site Wastewater Treatment System (OWTS)** – The efforts of the program resulted in the correction of **33** OWTS violations (**29** sewage overflows, **2** laundry discharges, and **2** other violations).

**2012 Highlight: Sewage Discharge onto Parking Lot of Commercial Business, Charlestown.**

OC&I investigated a complaint of raw sewage discharging onto the parking lot of the Cumberland Farms on Old Post Road in Charlestown. The investigation revealed that a fairly new OWTS (conformed in 2009) failed resulting in the sewage discharge. Repair of this OWTS was more complex due to the waste stream loading characteristics. The convenience store serves ready to eat food such as ice cream, coffee, hot dogs, etc. Waste streams that involve coffee can be difficult to treat. In this case, engineers attributed the coffee waste stream for the system failure. Cumberland Farms quickly abated the overflow problem by installation and temporary use of a holding tank. To avoid another system failure, Cumberland Farms engaged GZA GeoEnvironmental to study the waste stream characteristics for 6 months so that the repair could be better designed to suit the needs of the store. The Rhode Island Department of Health was also involved with the repair as the store is a public food service facility. The new system design was approved by DEM in May 2013 and construction is expected to begin shortly.

**Solid Waste/Medical Waste** – The efforts of the program resulted in the correction of **27** solid waste violations (approximately **103,555** cubic yards of solid waste and **1223** used tires were removed from the environment and properly disposed).

### **2012 Highlight: Resolution of Long Standing Violation**

In December 2006 OC&I issued an NOV to Richmond Realty Associates, LLC for the depositing of paper pulp mixed with tree waste on the ground on property it owns on Kingstown Road in Richmond. OC&I estimated that about 65,000 cubic yards of waste was present. In May 2008 OC&I and the company executed a Consent Agreement to resolve the NOV. The Agreement allowed the company to compost the waste to Class A compost standards for use as part of development plans for the property and required the company to submit a proposal and plan to accomplish the composting. The Agreement required the company to compost all of the waste no later than May 30, 2009 and restricted the use of the compost to the property. The company paid a penalty in the amount of \$24,900.00. The company had screened the waste to meet the particle size for Class A compost and asserted that, due to the extended time the screened material was in place, it had become finished compost. The company requested that RIDEM consider the approximately 45,000 cubic yards of screened material Class A compost. The company's consultant submitted to RIDEM reports that summarized testing that was completed on the screened material to show that it met the standard for Class A compost. RIDEM reviewed the reports and was satisfied that the screened material met the standards for Class A compost. The company properly disposed of all solid waste on the property that did not meet the standard for Class A compost. In September and October 2009 the company requested approval to use or distribute the screened material off of the property. RIDEM decided to grant the request, which required a modification to the terms of the Agreement. The modified Agreement allowed the company to use or distribute the screened material on or off the property in strict accordance with RIDEM's regulations. The company was required to use or distribute at least 15,000 cubic yards of material each year and submit an annual report to RIDEM certifying compliance. The company completed compliance with the Agreement in October 2012 by using the majority of the compost to create agricultural fields on the property.



**Underground Storage Tanks (UST)/Leaking Underground Storage Tanks (LUST) –**  
The efforts of the program resulted in **75** UST facilities (approximately **137** individual USTs) brought into compliance with the regulations and **3** individual USTs permanently closed.

**2012 Highlight: Pro-Active Efforts to Prevent a Release of Petroleum to the Environment**

An inspection at Wannamoisett Country Club in East Providence and a subsequent enforcement action resulted in a product pipeline tightness test being performed. The tightness test revealed that the secondary product pipeline was not tight. The Club decided to replace the product pipeline for the gasoline UST system and completed a number of other upgrades. The end result is a more sound UST system that will protect both the environment and the financial interests of the Club.

An inspection at Hassell's Garage in East Providence revealed that the USTs installed at the facility were not equipped with overfill protection. A subsequent enforcement action by OC&I resulted in the installation of overfill protection for the USTs. The tanks are now better equipped to prevent releases of petroleum products to the environment.

**Water Pollution** – The efforts of the program resulted in the correction of 7 water pollution violations (involving discharges of soil/sediment, sewage, storm water, and other pollutants).

**2012 Highlight: Sewage Discharge, Town & Country Plaza, Johnston**

In late June, town of Johnston officials observed a manhole in a sidewalk on Hartford Avenue surcharging raw sewage. The sewage flowed onto a public sidewalk, through a grassed area of Memorial Park and into a small stream tributary that leads to Pocasset Pond. Not only was the water resource impacted, citizens' enjoyment of the park was also impacted due to the odor and other visual offensives. The total amount of sewage released was never known but thought to be fairly significant as it took approximately a week and a half before the source was located and the problem was fixed. The delay in finding the source was due to the specifics of the site. The manhole turned out to be a Rhode Island Department of Transportation owned electrical manhole located at a very busy intersection with numerous businesses located about. The sewer main in this area is not owned by the Narragansett Bay Commission and town of Johnston officials didn't know very much about the layout of the sewerage system. The sewer main is owned in part by the town of Johnston and in part by private businesses further complicating efforts to resolve the problem. Ultimately, the sewage discharge was stopped.

## ***Around the State***

OC&I's activities in 2012 occurred in every city and town. One case from each city and town has been highlighted to give the reader a sense of the types of activities that OC&I regulates.

**Barrington:** In February OC&I resolved a hazardous waste violation at Cove Haven Corporation on Narragansett Avenue. A compliance monitoring inspection revealed numerous violations involving improper labeling, training, waste determination, contingency plans, inspections and secondary containment. The company quickly corrected the violations.

**Bristol:** In September OC&I resolved a solid waste violation at property on Metacom Avenue. An inspection of a complaint revealed 239 cubic yards of used furniture, used mattresses, leaves, grass clippings, tree waste, construction and demolition debris, wood waste, plastic waste, piping, used windows, vehicle parts, steel drums with unknown liquid contents and other mixed solid waste deposited on the ground. The owner properly removed and disposed of the waste to resolve the violation.

**Burrillville:** In May OC&I resolved an underground storage tank (UST) violation at New England Farms of R.I. on Douglas Pike. A compliance monitoring inspection revealed numerous violations involving equipment testing, spill containment basins, and inventory control. The company corrected the violations to resolve the matter.

**Central Falls:** In February OC&I investigated a complaint that a building formerly used by Liberty Plating company was abandoned and that people were transporting hazardous waste from the building without a permit. The complaint was closed as unfounded.

**Charlestown:** In November OC&I resolved an onsite wastewater treatment system (OWTS) violation on property located on Upland Road. An inspection of a complaint revealed that the owner failed to obtain a certificate of conformance from the RIDEM for the OWTS that was installed at the property. The owner submitted the paperwork to correct the violation.

**Coventry:** In August OC&I resolved a water pollution violation on property located on Mapledale Street. An inspection of a complaint revealed the discharge of sewage to the ground surface and a nearby storm water drainage structure from a failed onsite wastewater treatment system (OWTS) that served a multi-family dwelling and commercial building. The storm water drainage structure empties into a wetland associated with the Pawtuxet River. The owner repaired the OWTS and paid a penalty to resolve the violation.

**Cranston:** In April OC&I resolved an air pollution violation at a private residence on Hudson Place. An inspection of a complaint revealed improper removal of lead paint without a HEPA vacuum unit attached to the mechanical sander and failure to use ground sheeting to prevent lead paint debris from being deposited on the ground. The company that performed the work, JJJ Painting & Construction, properly cleaned up the property to resolve the violation. OC&I issued a warning letter to the company stating that any future violations may result in a formal notice of violation.

**Cumberland:** In April OC&I resolved a hazardous waste violation at Classic Cabinetry & Woodworking on Martin Street. A compliance monitoring inspection revealed numerous violations involving failure to obtain an EPA identification number and improper shipment of hazardous waste, labeling, and container management. The company corrected the issues to resolve the violation.

**East Greenwich:** In March OC&I resolved a solid waste violation on property on Middle Road. An inspection of a complaint revealed 45 cubic yards of construction and demolition debris, pressure treated wood, household waste, tires, mattresses, and other mixed solid waste. The owner properly removed and disposed of the waste.

**East Providence:** In March OC&I resolved an air pollution violation at the East Providence wastewater treatment facility on Crest Drive. The violation involved the failure to obtain a permit for a diesel fired emergency generator at the facility. The city resolved the violation by submitting an application and paying an administrative penalty.

**Exeter:** In October OC&I resolved an onsite wastewater treatment system (OWTS) violation on property located on Nooseneck Hill Road. An inspection of a complaint revealed the discharge of laundry wastewater to the ground surface. The owner quickly corrected the violation.

**Foster:** In October OC&I resolved a hazardous waste violation at Foster Auto Parts for property located on Mill Road. A compliance monitoring inspection revealed improper labeling of used oil containers and improper management of used oil, specifically failing to properly respond to a spill and failing to provide a roof structure for the used oil containers. The company also failed to determine whether waste at the property met the definition of a hazardous waste. The company corrected the violations.

**Glocester:** In December OC&I resolved a dam violation against the Glocester Land Trust for the Hawkins Pond dam located north of Putnam Pike, west of Pulaski Road and east of the CT line. A compliance monitoring inspection revealed excessive leakage under the penstock on the downstream slope of the embankment and excessive vegetation on a portion of the dam that inhibited a proper inspection to be performed. The owner inspected and repaired the dam to resolve the violation.

**Hopkinton:** In September OC&I resolved a underground storage tank (UST) violation at Fasmart on Main Street. A compliance monitoring inspection revealed violations involving improper labeling, spill containment basins, and operator training. The violations were quickly corrected by the company.

**Jamestown:** In April OC&I resolved a hazardous waste violation at Jamestown Boat Yard, Inc. on Dumpling Drive. A compliance monitoring inspection revealed violations involving labeling of containers. The company quickly corrected the violations.

**Johnston:** In October OC&I resolved a water pollution violation against 167 Putnam Avenue LLC for property at that address. An inspection of a complaint revealed the installation of an underground injection control (UIC) system to treat storm water runoff from the property without a permit from RIDEM. The company obtained a permit from RIDEM and constructed the UIC system in accordance with the permit and paid an administrative penalty to resolve the violation.

**Lincoln:** In July OC&I resolved a freshwater wetland violation on property located on Grandstand Drive. An inspection of a complaint revealed clearing and filling and installing a chain linked fence, basketball court and lawn in buffer wetlands. The owners restored the altered wetlands in accordance with a plan approved by OC&I and paid an administrative penalty to resolve the violation.

**Little Compton:** In April OC&I resolved a solid waste violation on property on Willow Avenue. An inspection of a complaint revealed 76 cubic yards of solid waste deposited on the ground in the form of used vehicle parts, unregistered vehicles, used tires, steel drums, lawn chairs, scrap metal, gasoline cans and other mixed solid waste. The owner properly removed and disposed of the waste to resolve the violation.

**Middletown:** In January OC&I resolved underground storage tank (UST) violations at Fast Gas on East Main Road. A compliance monitoring inspection revealed numerous violations involving inventory control, testing of equipment, improper response to alarms, spill containment basins, and labeling. The operator corrected all the issues to resolve the violations.

**Narragansett:** In April OC&I resolved a long standing onsite wastewater treatment system (OWTS) violation at property located on Pond View Drive. An inspection of a complaint revealed a failed OWTS that serves the residential dwelling. The owner corrected the violation by connecting the plumbing for the dwelling to the town's sewerage system.

**Newport:** In October OC&I investigated a complaint that white pieces of plastic were blowing off the roof of a restaurant on West Howard Wharf and entering Newport Harbor. The inspector saw no evidence of any plastic in the water or any plastic on the roof of the building.

**New Shoreham:** In March OC&I investigated a complaint regarding filling of wetlands on property owned by Block Island Power Company. An OC&I supervisor spoke with an inspector in DEM's Office of Customer and Technical Assistance regarding an inspection she recently conducted at the facility associated with a permit application. The inspector reported that she saw no evidence of any alteration of wetlands.

**North Kingstown:** In March OC&I resolved an underground storage tank (UST) violation involving a RI Department of Transportation highway garage located on Tower Hill Road. A compliance monitoring inspection revealed a failure to perform tightness testing of the USTs. The RIDOT quickly corrected the violation.

**North Providence:** In September OC&I resolved a long standing freshwater wetlands violation at a property owned by the town of North Providence at the intersection of Charles Street and Miner Street. An inspection of a complaint revealed clearing, excavating, grading and filling within swamp and its associated buffer wetland. The town restored the wetlands and paid an administrative penalty to resolve the violation.

**North Smithfield:** In September OC&I resolved a hazardous waste violation at North East Auto Recycling on Canal Street. A compliance monitoring inspection revealed violations involving improper labeling of containers of used oil and lead-acid batteries. The company quickly resolved the violations.

**Pawtucket:** In July OC&I resolved an onsite wastewater treatment system (OWTS) violation for property located on Chandler Avenue. An inspection of a complaint revealed the discharge of sewage to the ground surface from the failed OWTS. The owners corrected the violation by connecting to the city's sewerage system.

**Portsmouth:** In April OC&I resolved an onsite wastewater treatment system (OWTS) violation for property located on Heritage Drive. An inspection of a complaint revealed the discharge of sewage to the ground surface from the failed OWTS. The owner corrected the violation by repairing the failed OWTS and paid an administrative penalty.

**Providence:** In April OC&I resolved an air pollution violation at the Blue Cross & Blue Shield facility on Exchange Street. The violation involved the failure to obtain a permit for one diesel fired emergency generator and two natural gas fired emergency generators at the facility. The company resolved the violation by submitting an application for the generators and paying an administrative penalty.

**Richmond:** In October OC&I resolved a solid waste violation against Oldcastle Lawn & Garden for property located on Stilson Road. An inspection of a complaint revealed 29,036 cubic yards of off spec wood product and pad scrapings piled on the ground (from wood chips that are processed into dyed mulch) and 303 cubic yards of composted cow manure. The manure was produced in CT and transported to the property, however, it was not approved for distribution in RI by RIDEM. The company submitted a plan to OC&I to resolve the violation, which was approved by RIDEM. The company complied with the plan to resolve the violation.

**Scituate:** In November OC&I resolved a water pollution violation against the town of Scituate for property located at the intersection of Crestview Drive and Hartford Avenue. An inspection of a complaint revealed the discharge of road sand into a pond that caused the filling of about 5,000 square feet of the pond to a depth of about 2 to 4 feet. The town removed the fill from the pond and was given a credit for removing additional fill from the pond in lieu of payment of an administrative penalty.



**Smithfield:** In October OC&I resolved a dam violation against the town of Smithfield for the Georgiaville Pond dam located west of Stillwater Road and east of Farnum Pike. A compliance monitoring inspection revealed excessive vegetation on a portion of the dam that inhibited a proper inspection to be performed. The town cleared the vegetation and had an engineer submit a report on the findings of the inspection to resolve the violation.

**South Kingstown:** In November OC&I resolved UST violations at Snug Harbor Marina on Gooseberry Road. A compliance monitoring inspection revealed violations involving leak detection, inventory control, spill containment basins and operator training that were quickly corrected.

**Tiverton:** In March OC&I resolved a solid waste violation on property on Stafford Road. An inspection of a complaint revealed 24 cubic yards of processed wood, vinyl siding, glass, construction and demolition debris, and other mixed solid waste deposited on the ground. The owner properly removed and disposed of the waste to resolve the violation.

**Warren:** In January OC&I resolved a hazardous waste violation at Choice Collision Center on New Industrial Way. A compliance monitoring inspection revealed violations involving improper labeling, management and record keeping of used oil containers. The company quickly resolved the violation.

**Warwick:** In November OC&I resolved a hazardous waste violation at Rudy Falls Auto Body on Locust Avenue. A compliance monitoring inspection revealed the shipment of hazardous waste without an EPA identification number issued by RIDEM. The owner quickly resolved the violation.

**West Greenwich:** In November OC&I investigated complaints involving alleged alterations to freshwater wetlands on Burnt Sawmill Road. The complaints were closed as unfounded.

**Westerly:** In April OC&I resolved a freshwater wetland violation against Granite APR Development Corp. and Celtic Management Group, LLC for property located on Granite Street. An inspection of a complaint revealed alterations to buffer wetlands adjacent to a pond in nonconformance with a permit issued by RIDEM. The companies restored the altered wetlands and paid an administrative penalty to resolve the violation.

**West Warwick:** In January OC&I resolved an air pollution violation at the West Warwick wastewater treatment facility on Pontiac Avenue. The violation involved the failure to obtain a permit for four diesel fired emergency generators at the facility. Three generators were installed at the facility and one generator was installed at a pumping station on Duke Street. The town resolved the violation by submitting applications for the generators and paying an administrative penalty.

**Woonsocket:** In August OC&I resolved a hazardous waste violation at Blackstone Valley Self Storage on Mechanic Avenue. A compliance monitoring inspection revealed that the company failed to properly determine if the waste it generated met the definition of a hazardous waste. The violation was quickly corrected.

## ***Training***

OC&I staff attended 9 separate training courses in 2012. The courses were provided by the Northeast Environmental Enforcement Project (NEEP), the Rhode Island Fire Academy, the New England Interstate Water Pollution Control Commission (NEIWPC), Eastern Technical Associates (ETA), and the Environmental Protection Agency (EPA). A list of the courses and number of staff who attended each course is shown in Appendix E.

## ***Questions***

Questions on 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: 401.222.1360 ext. 7400).

## Appendix A: Facilities Inspected for Compliance Monitoring—Air Pollution

Facility Name/Site/Address	City/Town	Fully Compliant at the Time of the Inspection
59 Washington Road	Barrington	YES
61 Indian Trail	Coventry	YES
Pasteryak Asphalt 75 Airport Road	Coventry	YES
T. Miozzi 75 Airport Road	Coventry	YES
20 Hudson Place	Cranston	YES
36 Kenyon Avenue	Cranston	YES
PJ Keating 875 Phenix Avenue	Cranston	YES
Miller's Auto Body 1211 Mendon Road	Cumberland	YES
306 Main Street	East Greenwich	YES
16 Rounds Avenue	East Providence	YES
22 Mechanic Street	Hopkinton	YES
Central Landfill 65 Shun Pike	Johnston	YES
Johnston Asphalt 100 Allendale Avenue	Johnston	YES
Ocean State Peeled Potatoes 1587 Plainfield Pike	Johnston	YES
6 Sayles Hill Road	Lincoln	YES
Mello Construction Coddington Highway	Middletown	YES
23 Holland Street	Newport	YES
343 Thames Street	Newport	YES

## Appendix A: Facilities Inspected for Compliance Monitoring—Air Pollution

Facility Name/Site/Address	City/Town	Fully Compliant at the Time of the Inspection
Wastewater Treatment Facility—Newport 250 JT Connell Road	Newport	YES
86 Armistice Boulevard	Pawtucket	YES
Key Container Corporation 21 Campbell Street	Pawtucket	<b>NO</b>
NE Food, Paper & Poultry 2 Amherst Street	Providence	YES
21 Pallas Street	Providence	YES
SIMS Metal Management 242 Allens Avenue	Providence	YES
265 Washington Avenue	Providence	YES
55 Terrace Avenue	Providence	YES
285 Smith Street	Providence	<b>NO</b>
101-103 America Street	Providence	YES
Area of New York and Allens Avenue	Providence	YES
226-228 Atwells Avenue	Providence	YES

## Appendix A: Facilities Inspected for Compliance Monitoring—Air Pollution

Facility Name/Site/Address	City/Town	Fully Compliant at the Time of the Inspection
470 Branch Avenue	Providence	YES
21 Lotus Place	Providence	YES
9 Smith Avenue	Smithfield	YES
382 Main Street	Warren	YES
22 Miller Street	Warren	YES
43 Miller Street	Warren	YES
555 Love Lane	Warwick	YES
191 Squantum Drive	Warwick	YES
18 Algonquin Street	Warwick	YES
Copar Quarries 271 Church Street	Westerly	YES
Dent Pro 6 Westerly Street	West Warwick	YES
CVS Corporation 1 CVS Drive	Woonsocket	YES
Wastewater Treatment Facility— Woonsocket 11 Cumberland Hill Road	Woonsocket	YES

## Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste

Facility Name/Address	City/Town	LQG/SQG	Fully Compliant at the Time of the Inspection
JC Automotive	Bristol	SQG	<b>NO</b>
Country Cleansers	Bristol	SQG	<b>NO</b>
International Yacht Restoration	Bristol	SQG	<b>NO</b>
Jude Engineered Plastics	Bristol	SQG	YES
Bristol Auto Salvage	Bristol	SQG	<b>NO</b>
Algonquin Gas Transmission	Burrillville	LQG	<b>NO</b>
Tom Ready & Sons Excavating	Charlestown	SQG	<b>NO</b>
Coventry Auto Body, Inc.	Coventry	SQG	YES
P&P Auto Sales/P&P Auto Body	Coventry	SQG	YES
MAACO Auto Body Painting & Body Works	Cranston	SQG	<b>NO</b>
Action Auto Collision Center	Cranston	SQG	<b>NO</b>
Tiffany & Co.—Forest Hill Manufacturing	Cumberland	LQG	<b>NO</b>
Neurotech USA, Inc.	Cumberland	SQG	<b>NO</b>
DSM Neoresins Inc	East Providence	LQG	<b>NO</b>

## Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste

Facility Name/Address	City/Town	LQG/SQG	Fully Compliant at the Time of the Inspection
Interplex Engineered Products	East Providence	LQG	<b>NO</b>
Underground Chopper, Inc	Glocester	SQG	YES
Ashaway Performance Engine	Hopkinton	SQG	<b>NO</b>
Jamestown Boat Yard, Inc.	Jamestown	SQG	<b>NO</b>
Art's Auto Body Shop	Jamestown	SQG	YES
FM Global	Johnston	SQG	<b>NO</b>
Tanury Industries	Lincoln	LQG	<b>NO</b>
Craveiro Auto Body Collision Specialists	Lincoln	SQG	YES
Incytu, Inc	Lincoln	SQG	<b>NO</b>
Hinckley Yacht Services	Middletown	SQG	<b>NO</b>
Fuji Film Electronics	North Kingstown	LQG	YES
SENECO Marine, LLC	North Kingstown	LQG	<b>NO</b>
Quonset Naval Yacht Club	North Kingstown	SQG	<b>NO</b>
Induplate, LLC	North Providence	LQG	<b>NO</b>

## Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste

Facility Name/Address	City/Town	LQG/SQG	Fully Compliant at the Time of the Inspection
Northeast Auto Recycling	North Smithfield	SQG	<b>NO</b>
Bernard's Auto Parts, Inc.	North Smithfield	SQG	YES
J.P. Collision & Auto Sales	Pawtucket	SQG	<b>NO</b>
Hinckley Yacht Services	Portsmouth	SQG	<b>NO</b>
Aquidneck Collision	Portsmouth	SQG	<b>NO</b>
Admiral Packaging	Providence	LQG	<b>NO</b>
Roger Williams Medical Center	Providence	LQG	<b>NO</b>
Univar USA, Inc	Providence	LQG	YES
Electrolizing, Inc.	Providence	LQG	<b>NO</b>
MAHR Federal, Inc.	Providence	LQG	<b>NO</b>
M & S Auto Motors, Inc.	Providence	SQG	YES
A+ Auto Body, Inc.	Providence	SQG	<b>NO</b>



## Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste

Facility Name/Address	City/Town	LQG/SQG	Fully Compliant at the Time of the Inspection
C & J Jewelry Co	Providence	SQG	<b>NO</b>
National Grid	Providence	SQG	<b>NO</b>
Central Auto Body	Providence	SQG	YES
ACN-Providence, LLC	Smithfield	LQG	YES
C & M Manufacturing Co.	Smithfield	SQG	<b>NO</b>
Alexion Pharmaceuticals	Smithfield	SQG	<b>NO</b>
Sherman's Auto Parts	South Kingstown	SQG	<b>NO</b>
Jack's Auto Body	Tiverton	SQG	YES
Warren Auto Body	Warren	SQG	YES
Mitkem Corporation	Warwick	LQG	<b>NO</b>
Vishay Electro-Films	Warwick	LQG	YES
D & H Auto Group	Warwick	SQG	<b>NO</b>
Security Cleaners, Inc.	Warwick	SQG	<b>NO</b>

## Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste

Facility Name/Address	City/Town	LQG/SQG	Fully Compliant at the Time of the Inspection
East Coast Collision, Inc.	Warwick	SQG	<b>NO</b>
Rudy Fallo Auto Body	Warwick	SQG	<b>NO</b>
J & D Auto Salvage, Inc	West Warwick	SQG	YES
Technic Inc.—Engineered Powders Division	Woonsocket	LQG	<b>NO</b>
Interstate Towing Corporation	Woonsocket	SQG	YES
Walgreens #03898	Woonsocket	SQG	<b>NO</b>
D & J Salvage	Woonsocket	SQG	YES

## Appendix C: Facilities Inspected for Compliance Monitoring—UST

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
New England Farms of RI 605 Douglas Pike	Burrillville	339	YES
Town of Charlestown 4540 South County Trail	Charlestown	2920	YES
Edgewood Service 1647 Broad Street	Cranston	589	NO
R.J. Carbone Co. One Goddard Drive	Cranston	3067	NO
Alex's Auto Repair 266 Park Avenue	Cranston	1607	YES
Oaklawn Mart 644 Oaklawn Avenue	Cranston	305	YES
Hess #39205 305 Phenix Avenue	Cranston	294	YES
Bestway 1353 Park Avenue	Cranston	607	NO
Greylawn Foods 2032 Plainfield Pike	Cranston	1184	YES
Con-way Central Express 15 Southern Industrial Drive	Cranston	18926	NO
Speedy Gas 95 Warwick Avenue	Cranston	1909	YES
Oaklawn Village Service Station 908 Oaklawn Avenue	Cranston	788	NO
New Penn Motor Express 2110 Plainfield Pike	Cranston	3219	YES
Ocean State Mobil 1282 Elmwood Avenue	Cranston	1139	YES
Pepsi Bottling Group 1400 Pontiac Avenue	Cranston	1247	YES
General Oil Co., Inc. 208 Gansett Avenue	Cranston	851	YES

## Appendix C: Facilities Inspected for Compliance Monitoring—UST

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
Waste Management of RI, Inc. 1688 Pontiac Avenue	Cranston	3133	YES
Verizon #310606 56 Phenix Avenue	Cranston	1208	YES
Penske Truck Leasing Co., LP 65 Amflex Drive	Cranston	19311	YES
East Greenwich Yacht Club 10 Water Street	East Greenwich	1187	YES
Cumberland Farms #3815 5687 Post Road	East Greenwich	748	YES
Fred's Service Center 3730 Pawtucket Avenue	East Providence	2198	YES
Bradley Hospital 1101 Veterans Memorial Parkway	East Providence	2580	YES
EP Fire Station #2 329 Bullocks Point Avenue	East Providence	1433	YES
Green Valley Oil #68607 230 Massasoit Avenue	East Providence	333	YES
Gulf #119714 612 Taunton Avenue	East Providence	1068	YES
Agawam Hunt North Broadway	East Providence	2406	YES
Shell 2563 South County Trail	East Providence	796	YES
Brothers Gas 317 North Broadway	East Providence	2171	YES
BDPS, LLC 100 Water Street	East Providence	3277	YES
Verizon #335306 60 Somerset Avenue	East Providence	1193	YES

## Appendix C: Facilities Inspected for Compliance Monitoring—UST

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
Hassell's Garage 269 Wampanoag Trail	East Providence	664	YES
Adriance Group, Inc. #2545 900 Wampanoag Trail	East Providence	1013	YES
A.B. Munroe Dairy, Inc. 151 North Brow Street	East Providence	1043	YES
Contractor's Supply, Inc. 3340 Pawtucket Avenue	East Providence	2256	YES
Wannamoisett Country Club 96 Hoyt Avenue	East Providence	1576	<b>NO</b>
Orchard View Manor 135 Tripps Lane	East Providence	2276	YES
NES Rentals 73 Commercial Way	East Providence	3213	YES
Crescent Park Manor 243 Crescent View Avenue	East Providence	18203	YES
Rumford Irving 411 North Broadway	East Providence	3223	YES
DFH Management Corp 50 Jordan Street	East Providence	2573	YES
Petro Plus Service Station 2851 Pawtucket Avenue	East Providence	3254	<b>NO</b>
Homestead Baking Co. 145 North Broadway	East Providence	3425	YES
J.J. Gregory & Son, Inc. 77 Highland Avenue	East Providence	1760	<b>NO</b>

## Appendix C: Facilities Inspected for Compliance Monitoring—UST

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
Valley Auto Service and Fuel 517 Warren Avenue	East Providence	1327	YES
Little Stevie's Gas & Convenience 1345 Wampanoag Trail	East Providence	2186	NO
Mobil #2714 2336 Pawtucket Avenue	East Providence	478	YES
Total Mart 970 Willett Avenue	East Providence	610	NO
Sunoco 481 Warren Avenue	East Providence	642	NO
Citizens Bank Data Center (EPOC) 115 Tripps Lane	East Providence	2998	YES
EP Water Pollution Control Facility 1 Crest Avenue	East Providence	1445	YES
Silver Street Pumping Station 140 Silver Street	East Providence	1438	YES
South County Business Park Exxon 561A South County Trail	Exeter	19016	YES
Pick 'N Pay Food Mart 94 George Waterman Road	Johnston	738	YES
Plainfield Mobil 1897 Plainfield Pike	Johnston	3348	YES
Fedex Ground 6 Earth Lane	Johnston	19313	YES

## Appendix C: Facilities Inspected for Compliance Monitoring—UST

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
Fasmart #335 216 Main Street	Hopkinton	309	YES
Apple Valley Citgo Food Mart 514 Greenville Avenue	Johnston	613	YES
UPS Ground Freight 617 George Washington Highway	Lincoln	479	YES
Twin River 100 Twin River	Lincoln	3034	YES
Westlake's Garage 707 Point Judith Road	Narragansett	505	YES
Taylor's Garage Narragansett Avenue	Narragansett	655	YES
RIDOT Facility 439 Tower Hill Road	North Kingstown	1283	YES
Green Valley Oil #68011 700 Post Road	North Kingstown	333	YES
Brook Village Apartments 2072 Smith Street	North Providence	3324	<b>NO</b>
Verizon #337206 85 High Street	Pawtucket	1204	YES
Bestway 823 Newport Avenue	Pawtucket	591	YES
Fuel N Go 168 Lonsdale Avenue	Pawtucket	1638	YES

## Appendix C: Facilities Inspected for Compliance Monitoring—UST

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
Newport Express 54 Newport Avenue	Pawtucket	761	<b>NO</b>
100 Westminster 50 Kennedy Plaza	Providence	3633	YES
Providence Water Supply Board 552 Academy Avenue	Providence	1698	YES
101 Plain, LLC 101 Plain Street	Providence	3446	<b>NO</b>
Prefco II Limited Partnership 1301 Atwood Avenue	Providence	1762	YES
Cumberland Farms #3813 1297 Broad Street	Providence	746	YES
Verizon #323306 1096 Broad Street	Providence	1207	YES
D'Ambra's Service Station 761 Hope Street	Providence	1042	YES
Barrett Service Center 1019 Main Street	Richmond	180	<b>NO</b>
Richmond Airport 23 Heaton Orchard Road	Richmond	2123	YES
PWSB-PJ Holton Purification Plant 61 North Road	Scituate	1699	YES
Quickets 285 George Washington Highway	Smithfield	2247	<b>NO</b>



## Appendix C: Facilities Inspected for Compliance Monitoring—UST

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
Bryant University 1150 Douglas Pike	Smithfield	1623	<b>NO</b>
Smithfield Mobil 364 Putnam Pike	Smithfield	1014	YES
Smithfield Sewer Authority 20 Esmond Mill Drive	Smithfield	2483	YES
Fuel Depot 644 Putnam Pike	Smithfield	879	<b>NO</b>
Apple Valley Car Wash 6 Cedar Swamp Road	Smithfield	2122	<b>NO</b>
Smithfield DPW Facility 3 Spragueville Road	Smithfield	827	<b>NO</b>
Chester's Service Station 351 Douglas Pike	Smithfield	1916	<b>NO</b>
7-Eleven #32614 970 Douglas Pike	Smithfield	573	YES
Point Judith Marina 360 Gooseberry Road	South Kingstown	139	YES
Snug Harbor Marina 410 Gooseberry Road	South Kingstown	1841	<b>NO</b>
South Kingstown Xtra Fuels 72 Old Tower Hill Road	South Kingstown	585	YES
West Kingston Xtra Mart 3411 Kingstown Road	South Kingstown	574	YES

## Appendix C: Facilities Inspected for Compliance Monitoring—UST

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
Wakefield Service 186 Main Street	South Kingstown	2779	YES
Balise Toyota of Warwick 1400 Post Road	Warwick	1613	YES
Airfield Maintenance Facility 300 Airport Road	Warwick	19305	YES
Metropolitan Life Insurance Co 700 Quaker Lane	Warwick	3154	<b>NO</b>
Ray's Service 92 New London Turnpike	West Greenwich	571	YES
Sunoco Ultra Service Center #0014-3362 100 Nooseneck Hill Road	West Greenwich	637	YES
Begos Brothers 1780 Main Street	West Warwick	311	YES
West Warwick Regional Wastewater Treatment Facility 1 Pontiac Avenue	West Warwick	3159	YES
Westerly Xtra Fuels 155 Main Street	Westerly	581	YES
Avondale Boat Yard 47 Avondale Road	Westerly	2199	YES
7-Eleven #32509 11 Post Road	Westerly	506	YES

## Appendix C: Facilities Inspected for Compliance Monitoring—UST

<b>Facility Name/Address</b>	<b>City/Town</b>	<b>Facility I.D. No.</b>	<b>Fully Compliant at the Time of the Inspection</b>
Woonsocket Department of Public Works 943 River Street	Woonsocket	18604	<b>NO</b>
Woonsocket Water Treatment Plant 1500 Manville Road	Woonsocket	1082	<b>NO</b>

## **Appendix D: SEPs Agreed to in 2012**

### **SEP #1**

#### **Rhode Island Department of Transportation**

The SEP pertained to efforts by the town of Scituate to restore a freshwater pond that was filled with road sand and soil located at the intersection of Route 6 and Crestview Drive in the towns of Johnston and Scituate (see SEP #4). Stormwater runoff discharged into the pond resulted in the filling of about 5,000 square feet of the pond to a depth of about 2 to 4 feet. The pond restoration involved the removal of about 800 cubic yards of sediment from the eastern portion of the pond. The SEP involved a monetary payment to the town of Scituate for the removal of 500 cubic yards of sediment (and is included in the total of 800 cubic yards) and the use of a RIDOT facility for the stockpiling of the sand and soil excavated from the pond. The RIDOT was given a credit of \$40,000 for this SEP.

### **SEP #2**

#### **Rhode Island Department of Transportation**

The SEP pertained to performing an environmental management audit of the RIDOT's environmental policies, practices and controls that meets the requirements set forth in R.I. General Laws Section 42-17.8-2 and implementing the findings of the audit in accordance with a schedule approved by RIDEM. RIDOT was given a credit of \$60,000 for this SEP.

### **SEP #3**

#### **The Estate of Marjorie G. McGinnes, Clifford R. McGinnes, Sr., Clifford R. McGinnes, Jr., M&C Associates, LLC, Ballard's Service Center, Inc., and Marjorie G. McGinnes**

The SEP pertained to a gasoline service station located at 596 Corn Neck Road in the town of New Shoreham. The Respondents upgraded the underground storage tank (UST) instrumentation that was above and beyond what is required by law or the RIDEM's regulations. The upgrade to the instrumentation will provide better protection to health and the environment in preventing a leak of gasoline. The Respondents were given a credit of \$29,125 for this SEP.

#### **SEP #4**

##### **Tuckahoe Land Company L.P. and Benjamin Tucker Hodgson**

The SEP pertained to property located off of Slocum Road near the intersection of Slocum Road and Glen Hill Drive in the town of Exeter. The Respondents altered about 7 1/2 acres of a marsh/swamp wetland complex, rivers, streams and buffer wetlands. The SEP involved restoring about 2 acres of the wetlands that had been altered to provide a more diverse habitat than what existed prior to the alteration, which was dominated by phragmites. The Respondents were given a credit of \$31,500 for this SEP.

#### **SEP #5**

##### **Town of Scituate**

The SEP pertained to efforts by the town of Scituate to restore a freshwater pond that was filled with road sand and soil located at the intersection of Route 6 and Crestview Drive in the towns of Johnston and Scituate (see SEP #1). Stormwater runoff discharged into the pond resulted in the filling of about 5,000 square feet of the pond to a depth of about 2 to 4 feet. The pond restoration involved the removal of about 800 cubic yards of sediment from the eastern portion of the pond. The SEP involved the removal of 125 cubic yards of sediment from the pond that the OC&I determined came from runoff not associated with the town's roads (and is included in the total of 800 cubic yards). The town was given a credit of \$6,250 for this SEP.

## Appendix E: Training Completed by Staff in 2012

<b>Month</b>	<b>Course Title</b>	<b>Number of Staff Attended</b>	<b>Trainer</b>
March	National Tanks Conference and Expo	1	NEIWGCC
April	Visible Emission Evaluator	2	ETA
June	New England States/EPA Planning Meeting	3	EPA
	Advanced Hazardous Waste Inspector Training	3	EPA
	UST Operator Training	1	In House
	Environmental Justice Training	2	EPA
September	Hazwoper 8 hour Refresher Course	8	RI Fire Academy
October	75th NEEP Membership Meeting	1	NEEP
	Visible Emission Evaluator	2	ETA

## Appendix F: Enforcement Activity in 2012

<b>Complaints</b>	<b>Air Pollution</b>	<b>Dam Safety</b>	<b>Freshwater Wetlands</b>	<b>Hazardous Waste</b>
Received	714	3	241	48
Investigations Conducted <sup>1</sup>	693	4	193	48
Unable to Investigate	21	0	2	0
Unfounded	668	2	53	32
No Action	2	2	39	1
Inspections	360	1	421	57
Referred <sup>2</sup>	12	0	0	0
<b>Compliance Monitoring</b>				
Inspections	67	46	—	136
<b>Enforcement Actions</b>				
Informals-issued	17	0	32	63
Informals-resolved	15	—	3	71
Formals-issued <sup>3</sup>	23	10	8	2
Formals-closed	16	4	17	23
Consent Agreements executed	1	0	1	2
Penalties Proposed (NOVs)	\$183,539	\$0	\$72,250	\$16,250
Penalties Assessed (Consent Agreements)	\$15,413	\$0	\$6,500	\$33,000
Penalties Collected	\$98,530	---	\$8,500	\$70,756.28
SEP Agreed to	0	0	1	0
SEP Monetary Value	—	—	\$31,500	—
AAD Hearings Held	0	0	2	0
Superior Court Complaints Filed	0	0	2	1

<sup>1</sup> Complaint Investigations are counted only once even though one investigation may address multiple complaints received

<sup>2</sup> Referred to other program, department or agency

<sup>3</sup> Multi-media NOVs issued=2, these are included in the program counts

## Appendix F: Enforcement Activity in 2012

<b>Complaints</b>	<b>OWTS</b>	<b>Solid/Medical Waste</b>	<b>UST/LUST</b>	<b>Water Pollution</b>	<b>Total</b>
Received	153	66	1	95	1321
Investigations Conducted <sup>1</sup>	141	80	1	68	1228
Unable to Investigate	11	4	0	0	38
Unfounded	69	59	0	48	929
No Action	14	18	0	3	77
Inspections	144	163	0	54	1200
Referred <sup>2</sup>	1	14	1	1	29
<b>Compliance Monitoring</b>					
Inspections	---	---	108	---	357
<b>Enforcement Actions</b>					
Informals-issued	36	25	70	4	247
Informals-resolved	14	24	59	0	186
Formals-issued <sup>3</sup>	16	2	2	7	70
Formals-closed	19	7	32	6	124
Consent Agreements executed	4	1	3	4	19
Penalties Proposed (NOVs)	\$17,600	\$8,750	\$28,300	\$196,450	\$523,139
Penalties Assessed (Consent Agreements)	\$5,275	\$2,500	\$13,666	\$50,000	\$126,354
Penalties Collected	\$9,900	\$52,749	\$74,779	\$54,610	\$369,824
SEP Agreed to	0	0	1	3	5
SEP Monetary Value	—	—	\$29,125	\$106,250	\$166,875
AAD Hearings Held	0	2	0	1	5
Superior Court Complaints Filed	2	1	0	1	7

<sup>1</sup> Complaint Investigations are counted only once even though one investigation may address multiple complaints received

<sup>2</sup> Referred to other program, department or agency

<sup>3</sup> Multi-media NOVs issued=2. These are included in the program counts.