



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

November 13, 2013

CERTIFIED MAIL

91 7108 2133 3936 0739 8964

Colleen Conley  
c/o Patrick Conley  
1445 Wampanoag Trail, Suite 203  
East Providence, Rhode Island 02915

**RE: *Notice of Intent to Enforce* for Colleen Conley  
OC&I File No. UST 2012-00692; OWM File No. LUST 0329**

Dear Mr. Conley:

Enclosed please find a *Notice of Intent to Enforce* ("NIE") issued to Colleen Conley regarding the failure to comply with the Rhode Island Department of Environmental Management's Rules and Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials, as is or as amended.

A written response is required within fifteen (15) days, stating your intentions of complying with the required actions in the time frame indicated. Failure to comply with the requirements of this NIE will result in the issuance of additional enforcement action by this Office, which would include the assessment of administrative monetary penalties. You should be aware that administrative penalties of up to \$25,000 per day of violation are authorized under *Rhode Island General Laws*.

**PLEASE NOTE: Communication in any form other than writing shall not be deemed a satisfactory response to this NIE. Your written response should be directed to me at the Office of Compliance and Inspection, 235 Promenade Street, Providence, Rhode Island 02908.**

If there are any questions or concerns prior to your written response, you may contact Attorney Joseph LoBianco via telephone at (401) 222-6607.

Sincerely,

Tracey D'Amadio Tyrrell  
Supervising Environmental Scientist  
RIDEM - Office of Compliance and Inspection

Enclosures

XC: Kevin Gillen, DEM/OWM  
Joseph LoBianco, Esq. DEM/OLS

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF COMPLIANCE AND INSPECTION**

**IN RE: Colleen Conley**

**OC&I/UST File No. 2012-00692  
OWM LUST File No. 0329**

**NOTICE OF INTENT TO ENFORCE**

**A. INTRODUCTION**

Pursuant to Sections 42-17.1-2(u) and 42-17.6-3 of the Rhode Island General Laws, as amended, ("R.I.G.L.") you are hereby notified that the Director of the Department of Environmental Management (the "Director" of "RIDEM") has reasonable grounds to believe that the above-named parties ("Respondent") have violated certain statutes and/or administrative regulations under DEM's jurisdiction.

**B. FACTS**

- (1) The subject property is located at 24 North Main Street in the Town of Burrillville, Rhode Island, otherwise identified as Burrillville Tax Assessor's Plat 175, Lot 019 (the "Property" or "Facility").
- (2) Respondent is the owner of the Property.
- (3) Six underground storage tanks ("USTs" or "tanks") were located on the Property, which tanks are/were used for storage of petroleum products and which are subject to the DEM's Rules and Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials, as is or as amended (the "UST Regulations").
- (4) The Facility is registered with RIDEM in accordance with the UST Regulations and is identified as UST Facility No. 00692.
- (5) On September 2, 2001, RIDEM was notified by the Pascoag Fire District that methyl tertiary butyl ether ("MTBE"), a gasoline additive, had been found in two public drinking water wells.
- (6) On September 6, 2001, RIDEM supervised the installation of soil borings and groundwater wells at several locations in the vicinity of the contaminated drinking water wells.
- (7) On September 7, 2001, one monitoring well, located approximately twenty feet from the USTs and indentified by RIDEM as MW-5, was gauged and observed to contain seven (7) inches of free-phase petroleum product (gasoline) floating on the water table.

- (8) On September 7, 2001, groundwater from GW-5 and GW-6 was sampled and analyzed for volatile organic compounds. Sample results revealed the following gasoline-related compounds that were above GAA Groundwater Standards:

Compound Detected	GAA Groundwater Standard (ug/l)	MW-5 (ug/l)	MW-6 (ug/l)
MTBE	40	55,000	250
Benzene	5	3,800	73
Toluene	1000	32,000	340
Ethylbenzene	700	5,600	29
Xylene	10,000	30,000	141

- (9) In December 2001 and June 2002, RIDEM retained a contractor and the USTs were removed from the Property. Significantly contaminated soils were encountered and removed.
- (10) Since November 2001, RIDEM has retained contractors and consultants to design, install and operate Corrective Action Plans (“CAPs”), with active remediation systems located both on and off the subject Property. These activities were implemented utilizing funds RIDEM received from the Environmental Protection Agency (“EPA”).
- (11) On May 19, 2008, RIDEM issued a letter to Respondent requiring that Respondent retain an environmental consultant to sample certain groundwater monitoring wells and submit the results by June 15, 2008 (“LNC”)(copy enclosed). The letter also required the submittal of a CAP by July 15, 2008.
- (12) On October 3, 2008 RIDEM issued a follow-up letter to Respondent for failing to respond to the LNC, requiring a response within seven days.
- (13) On October 9, 2008 RIDEM received a letter from Respondent dated October 8, 2008 indicating that the Town of Burrillville had taken the Property at tax sale.
- (14) On January 27, 2009 RIDEM received a letter from the solicitor of the Town of Burrillville confirming that Respondent was the “underlying title owner with the equity of redemption to the subject Property”.
- (15) On August 22, 2013, RIDEM’s contractor, BETA Group, Inc (“BGI”). submitted a Groundwater Remediation Project Summary Report to RIDEM (“Beta Report”). The Beta Report included updated groundwater contamination data and summarized RIDEM’s

remediation activities. The Beta Report stated that significant groundwater contamination above GAA Groundwater Standards resultant from the gasoline release from the subject Property remains both on the subject property and on several nearby properties. BGI recommended that the existing CAP and remediation system continue to operate and additional remediation is required.

- (16) As of the date of this Notice of Intent to Enforce (“NIE”), RIDEM is continuing to fund the CAP and remediation of the Property.

### C. VIOLATION

Based on the foregoing facts, the Director has reasonable grounds to believe that you are in violation of the following regulations:

- (1) **Rule 12.08, 12.09, 12.10 and 12.12** of the **Rules and Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials** – requiring the completion of a Site Investigation, Site Investigation Report and Corrective Action Plan.

### D. ORDER:

Based upon the violations alleged above and pursuant to R.I.G.L. §42-17.1-2(u), you are hereby ORDERED to:

- (1) **Within fifteen (15) days of receipt of this NIE**, submit a written response to RIDEM and hire an environmental consultant to continue and completed the remedy both on and off the Property. The remedy shall include the following:
- (a) **Immediately** take over the operation and maintenance of the active remediation system along the river currently being operated by RIDEM as recommended in the Beta Report (copy enclosed w/o Tables);
  - (b) **Immediately** submit an annual schedule for quarterly sampling of all of the groundwater monitoring wells both on and offsite;
  - (c) **Within thirty (30) days of receipt of this NIE**, sample and submit the results of the first round of samples from the groundwater monitoring wells both on and offsite;
  - (d) **Within sixty (60) days of receipt of this NIE**, sample and submit the results of the second round of samples from the groundwater monitoring wells both on and offsite;
  - (e) **Within forty-five (45) days of receipt of this NIE**, submit a proposal that includes the addition of pumping wells to the existing remediation system in the area of LE-15D and LE-16 as recommended in the Beta Report dated July 2013. Any comments on deficiencies of the proposal must be addressed with (fifteen) 15 days.

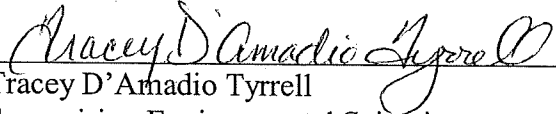
- (f) **Within fifteen (15) days of the approval of the additional pumping wells,** implement the addition of pumping wells to the existing remediation system in the area of LE-15D and LE-16 as recommended in the Beta Report dated July 2013.

**E. POTENTIAL ASSESSMENT OF PENALTY:**

This document constitutes a notice of intent to assess an administrative penalty pursuant to R.I.G.L. Chapter 42-17.6 in the event that you fail to comply with the requirements set forth herein, in a timely and satisfactory manner. If Respondents promptly and satisfactorily comply with the requirements of this NIE, RIDEM may decide to forgo the assessment of an administrative penalty. Continued non-compliance will, however, result in the issuance of a *Notice of Violation*, which will include the assessment of an administrative penalty. Be advised that penalties assessed in a *Notice of Violation* may be as high as \$25,000.00 per violation for each and every day that the violation continues to exist.

If you have any questions concerning this NIE, please contact Kevin Gillen of the OWM at (401) 222-4700, ext 7116 or me of the OC&I at (401) 222-1360, ext. 7407. Please note that communication in any form other than writing shall not be deemed a satisfactory response to this NIE. Thank you for your anticipated cooperation in this matter.

FOR THE DIRECTOR,

  
Tracey D'Amadio Tyrrell  
Supervising Environmental Scientist  
DEM - Office of Compliance & Inspection

Date: November 13, 2013

Enclosure

XC: Kevin Gillen, DEM/OWM  
Joseph J. LoBianco, Esq., OLS  
Cynthia Gianfrancesco, OWM