



[Home](#) > [News](#) > News Item

[Rhode Island
Recycled
Metals & ACR
Realty NOV](#)

[SMM New
England NOV](#)

News Release

RI Department of Environmental Management
235 Promenade Street, Providence, RI 02908
(401) 222-2771 TDD/(401) 222-4462

For Release: May 11, 2012

Contact: Gail Mastrati 222-4700 ext. 2402

**DEM ISSUES NOTICES OF VIOLATION TO RHODE ISLAND RECYCLED
METALS, LLC, ACR REALTY, LLC AND SMM NEW ENGLAND
CORPORATION**

**Firms Run Metal Recycling and Ship Repair/Maintenance and Scrap Metal Recycling
Operations along Providence Waterfront on Allens Avenue**

PROVIDENCE - The Department of Environmental Management has issued Notices of Violation (NOV) to three businesses for alleged environmental violations arising from the recycling of metal and ship repair/ maintenance and scrap metal recycling along the Providence waterfront on Allens Avenue.

One NOV was issued to Rhode Island Recycled Metals, LLC (RIRM) and ACR Realty LLC for numerous alleged violations of Rhode Island's Water Pollution Act, state water quality regulations, RI Pollutant Discharge Elimination System (RIPDES) regulations, and state oil pollution control regulations. The violations carry a \$46,250 penalty. RIRM operates a business at 434 and 444 Allens Avenue that is engaged in the recycling of metal, and ACR Realty LLC owns the property.

DEM issued a permit to RIRM on September 14, 2011 to discharge storm water associated with industrial activity. The permit required the installation of storm water controls. However, the permit does not authorize some of the auto salvage activity that is ongoing at the Allens Avenue site because RIRM failed to disclose this activity on the permit application. According to the NOV, the permit application made no mention of activity involving vehicle crushing or engine removal and storage.

According to DEM inspectors, vehicle crushing, vehicle engine removal, vehicle engine storage activities, and repair and maintenance of equipment were being conducted at the facility as early as November 2011. DEM inspections also found oil staining on the land in the vehicle engine storage area. In January 2012, RIRM notified DEM that four derelict vessels - a sunken barge, tugboat, ferry, and submarine - are undergoing vessel dismantling activity. To date, RIRM has not obtained a water quality certificate from DEM for the vessel dismantling activity. Further, RIRM has not obtained approval from DEM to undertake repair and maintenance of equipment, vehicle crushing, or vehicle engine removal and storage on the property. RIRM also has not installed the storm water controls as required under the permit.

Under the terms of the NOV, the Respondents are ordered to immediately cease receiving any additional derelict vessels for dismantling until all required permits from DEM are obtained; immediately cease receiving any scrap metal and vehicles until certain conditions are met; and immediately cease releasing oil/petroleum onto the surface of the ground and report any future oil/petroleum releases to DEM. Further, the Respondents must immediately cease equipment repair and maintenance, vehicle crushing, vehicle engine removal, and engine storage activities. They are also required to immediately install and maintain oil/petroleum containment boom surrounding all in-water operations, and collect and properly dispose of all produce captured by the boom. Finally, the Respondents are ordered to immediately install as necessary, repair, and continuously maintain all erosion and sedimentation controls as required.

Within 60 days, they must remove all scrap metal, engines, and vehicles. By December 31, 2012, Respondents must complete the dismantling of the sunken barge, tugboat, ferry and submarine, and dispose of all ballast and bilge water from the vessels.

A second NOV was issued to SMM New England Corporation (SMM), which operates a business engaged in ship repair/maintenance and scrap metal recycling at 242 Allens Avenue, for alleged violations of Rhode Island's Water Pollution Act, state water quality regulations, and RIPDES regulations. The violations carry a \$25,000 penalty.

SMM acquired the 242 Allens Avenue property from Promet Marine Services Corporation and began operating the facility on October 7, 2011. On October 25, 2011 SMM informed DEM that at present it wanted to continue with the ship building/repair business previously done by Promet. DEM then advised SMM that it needed to file a request to transfer the stormwater permit that DEM issued to Promet to SMM. DEM also advised SMM that if and should it decide to expand the activities beyond ship building/repair it would need to reapply for authorization and submit a new storm water plan that addressed the proposed activities. According to the NOV, SMM did not file a request to transfer the stormwater permit issued to Promet until January 2012, and expanded its activities to scrap metal recycling without reapplying to DEM for authorization to do so. Last December, DEM inspectors observed a discharge of storm water associated with scrap metal recycling and ship repair/maintenance to the Providence River. To date, SMM has not obtained approval from DEM to discharge stormwater associated with industrial activity.

Under the terms of the NOV, SMM is ordered to immediately cease receiving any scrap metal until such time that the firm obtains a storm water permit from DEM and constructs the required storm water controls. Also, SMM is ordered to immediately cease receiving any ships for repair/maintenance until it obtains a storm water permit from DEM. Within 60 days of receipt of the NOV, SMM must remove all scrap metal from the property and complete repairs/maintenance to all ships on the property; within seven days of completing these actions, SMM must clean the property of any waste debris associated with ship repair/maintenance and properly dispose of the waste.

In accordance with the RI Administrative Procedures Act, the recipients of NOV's have the right to request a hearing on the alleged violations and the penalties assessed in the actions. Recipients must file a request for a hearing within 20 days of their receipt of the NOV with the Department's Administrative Adjudication Division, which then directs the process for the appeal hearing.