

# Air Enforcement: Rhode Island Attorney General and Johnston, Rhode Island Metal Shredding Facility Operator Enter into Consent Judgment



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The State of Rhode Island, by and through the Attorney General (“AG”) and SMM New England Corporation, d/b/a SIMS Metal Management (“SIMS”) entered into an August 18th Consent Judgment (“CJ”) addressing alleged violations of the Rhode Island Clean Air Act. See C.A. No.: PC20-.

The CJ provides that SIMS operates a metal shredding facility (“Facility”) in Johnston, Rhode Island.

The Facility is stated to accept delivery of, stores, prepares and/or maintains scrap metal for off-site shipment or sale, and/or shreds end-of-life automobiles and end-of-life appliances and other light gauge recyclable metal-bearing materials using a metal shredder along with other stationary and mobile equipment.

The AG alleged that SIMS illegally commenced construction and was operating the Facility in violation of the Rhode Island Clean Air Act. Such violations are alleged to include the failure to secure a major source permit and a Title V operating permit to limit emissions of Toxic Air Contaminants. The violations are also alleged to include control of fugitive dust and visible emissions.

SIMS expressly denies these allegations.

The CJ requires that the Facility install certain additional pollution control equipment. This will include an air pollutant enclosure system to limit emissions while the shredder is operating. Further, it assesses a total penalty of \$875,000. The cash portion of the penalty is \$550,000 and includes a supplemental environmental project which requires SIMS to pay \$325,000 to fund projects in Johnston and Providence.

The projects are described as follows:

- Town of Johnston - \$200,000 to offset air pollution issues
- Port of Providence - \$125,000 to address air pollution issues

A copy of the CJ can be downloaded [here](#).