

PRE-APPLICATION PLAN

PLAT 10, LOT 52
MATTITY ROAD
NORTH SMITHFIELD, RHODE ISLAND
DATE: FEBRUARY, 2021

SCALE: 1" = 80'

CERTIFICATION

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN
PREPARED PURSUANT TO SECTION 9 OF THE RULES AND
REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF

REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON
NOVEMBER 25, 2015, AS FOLLOWS:

STATEMENT OF PURPOSE
LIMITED CONTENT BOUNDARY SURVEY: CLASS I
TOPOGRAPHIC ACCURACY T-4

STATEMENT OF PURPOSE

BY: Mare Myberg

MARC N. NYBERG License No. 1797 COA No.: A52

MARC N. NYBERG


No. 1797

PROFESSIONAL
LAND SURVEYOR

LAND SURVEYOR

A diagram of a pulley system. A horizontal bar with a pulley is attached to a wall. A string is attached to the pulley and hangs vertically, ending in a circular weight.

INSITE Engineering Services, LLC
PROFESSIONAL ENGINEERS | LAND SURVEYORS

Precision. Clarity. Certainty.
501 Great Road, Unit 104

North Smithfield, Rhode Island 02896
Phone: (401) 762-2870 Fax: (401) 401-762-2871
Web Address: InsiteEngineers.com

SHEET NUMBER JOB NUMBER

1 of 1 18-200

111

MAP LEGEND

Area of Interest (AOI)	
	Area of Interest (AOI)
Soils	
	Soil Map Unit Polygons
	Soil Map Unit Lines
	Soil Map Unit Points
Special Point Features	
	Blowout
	Borrow Pit
	Clay Spot
	Closed Depression
	Gravel Pit
	Gravelly Spot
	Landfill
	Lava Flow
	Marsh or swamp
	Mine or Quarry
	Miscellaneous Water
	Perennial Water
	Rock Outcrop
	Saline Spot
	Sandy Spot
	Severely Eroded Spot
	Sinkhole
	Slide or Slip
	Sodic Spot
Water Features	
	Streams and Canals
Transportation	
	Rails
	Interstate Highways
	US Routes
	Major Roads
	Local Roads
Background	
	Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: State of Rhode Island: Bristol, Kent, Newport, Providence, and Washington Counties

Survey Area Data: Version 20, Jun 9, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 24, 2020—Jul 18, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AfB	Agawam fine sandy loam, 3 to 8 percent slopes	10.0	4.4%
CeC	Charlton fine sandy loams, 3 to 15 percent slopes, very rocky	32.9	14.3%
ChB	Charlton fine sandy loams, 0 to 8 percent slopes, very stony	49.3	21.4%
ChC	Charlton fine sandy loams, 8 to 15 percent slopes, very stony	6.5	2.8%
FeA	Freetown muck, 0 to 1 percent slopes	0.3	0.1%
HkA	Hinckley loamy sand, 0 to 3 percent slopes	0.1	0.1%
HkC	Hinckley loamy sand, 8 to 15 percent slopes	67.0	29.1%
HkD	Hinckley loamy sand, 15 to 25 percent slopes	13.3	5.8%
MmA	Merrimac fine sandy loam, 0 to 3 percent slopes	7.2	3.1%
Pg	Pits, gravel	10.8	4.7%
Rf	Ridgebury, Leicester, and Whitman soils, 0 to 8 percent slopes, extremely stony	0.6	0.3%
Sb	Scarboro mucky fine sandy loam, 0 to 3 percent slopes	1.6	0.7%
StA	Sutton fine sandy loam, 0 to 3 percent slopes	2.4	1.0%
UD	Udorthents-Urban land complex	27.7	12.0%
W	Water	0.7	0.3%
Totals for Area of Interest		230.3	100.0%

Assessor's Lots 52 and 93 Mattity Road, North Smithfeild and 140 Log Road, Burrillville

RI DEM Notice of Violation – North American Broadcasting, Burrillville Book 149 Page 254

RI DEM – North American Broadcasting, Burrillville Book 217, Page 148

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF AIR AND HAZARDOUS MATERIALS

RE: North American Broadcasting Company Inc.
Nasonville, Rhode Island

ERB No. 91-11

NOTICE OF VIOLATION AND ORDER

Notice is hereby given that North American Broadcasting Company Inc. (hereinafter the company) is and/or has been in violation of the Hazardous Waste Management Act of 1978, Chapter 23-19.1 of the Rhode Island General Laws (hereinafter the Act) as amended and the regulations adopted pursuant thereto. The Director of the Rhode Island Department of Environmental Management (hereinafter the Director) has the authority to adopt regulations pursuant to R.I.G.L. Section 23-19.1-6(a).

According to R.I.G.L. 23-19.1-15, 23-19.1-10, 42-17.1-2, the Director, or her designee, has the authority to enforce the provisions of the Act and the regulations adopted pursuant thereto.

FINDINGS OF FACT

1. *On 24 January 1991 personnel from the Department of Environmental Management (hereinafter the Department) responded to a complaint that transformers were being stored on the WALE Radio Station property in Nasonville, Rhode Island.*
2. *During the 24 January 1991 inspection, Department personnel observed an area, behind the station building, that was visibly stained with oil. Small pools of oil were also observed in this area. There were also signs of stressed vegetation.*
3. *During the 24 January 1991 inspection, Department personnel received information that three transformers had been stored behind the station building. Two of the transformers were allegedly removed from the site and the third*

500-0149-00254

transformer was stripped and transformer oil had leaked onto the ground. The transformer carcass was observed in a nearby garage.

4. On 24 January 1991 Department personnel obtained two samples: a sample from the visibly stained soil and a liquid sample from a pool of oil.
5. On 15 February 1991 analytical results, received from Rhode Island Analytical Laboratory, of the samples obtained on 24 January 1991 indicated that polychlorinated biphenyls (PCB's) were present in both the soil and the oil sample. (See attached certificate of analysis).
6. Based upon the results of the two aforementioned samples, the concentration of PCB's in one of the samples is hazardous as defined by the State of Rhode Island Rules and Regulations for Hazardous Waste Generation, Transportation, Treatment, Storage and Disposal.
7. As of 24 January 1991 the records of the Burrillville Tax Assessor's office indicate this property (Plat 38 Lot 1) is owned by North American Broadcasting Company, Inc.

As a result of the above investigations and inspections, it was determined that North American Broadcasting Company Inc. is in violation of the following regulations:

RULES AND REGULATIONS FOR HAZARDOUS WASTE GENERATION, TRANSPORTATION, TREATMENT, STORAGE AND DISPOSAL

- 5.00 **GENERATORS:** These rules shall apply to all generators of hazardous waste.
- 5.01 **Identification:** The generator shall apply for and obtain an EPA I.D. No. and shall not offer waste for shipment without an EPA I.D. No. Generators, other than those not covered by the federal system, must apply directly to the Regional Office of the Environmental Protection Agency. Small generators and others not included in the federal system but covered under Rhode Island rules and regulations must apply for an EPA I.D. No. through the Department. Temporary EPA I.D. Nos. may be obtained from the Department.
- 5.02 **Storage:** Any material designated as a hazardous waste stored on site by a generator for a period not to exceed 90 days shall be termed

storage and excluded from storage permit requirements provided that such waste is managed in accordance with the provisions of 40 CFR 262.34 and 264.175, as are or as amended, except for 40 CFR 262.34 (d), (e), and (f). These regulations include, but are not limited to, requirements for personnel training, preparedness and prevention, contingency plans, and secondary containment.

5.08 **Hazardous Waste Determination:** The generator must determine if any of his wastes meet any of the definitions of a hazardous waste. He must first determine if his waste meets any of the federal definitions of hazardous waste as required by 40 CFR 262.11, as is or as amended. If the waste does not meet any of the federal definitions, the generator must then determine if any of the Rhode Island waste types apply, as defined by Rule 3.53 of these regulations. Regardless of any advisory opinions or statements from any laboratory or government agency, it remains the generator's responsibility to properly characterize his wastes. Testing employed by the generator to determine if a material is hazardous waste must be an approved method set forth in 40 CFR 260.11 or 40 CFR 261 Subpart C, as are or as amended. Equivalent testing methods are not allowed.

5.10 **Notification of Spills or Releases:** In the event of a spill or release of hazardous waste or material on the generator's property which presents a substantial risk of injury to health or the environment, the generator shall notify the Department immediately of the spill or release. In all cases of spills or releases, the generator shall immediately take steps to contain and clean up the hazardous waste or material.

7.01 A. **Permits and Approvals -** All persons who shall construct, substantially alter or operate a hazardous waste treatment, storage or disposal facility or who shall treat, store or dispose of hazardous waste must first obtain an operating permit or approval from the Director for such activities and must have permits during the active life of the facility, and for any unit which closes after 26 January 1983, for any postclosure care period required under these rules, except that the following shall not require a permit approval nor shall the following be required to be in compliance with Rule 9 of these regulations:

1. The storage of hazardous waste on site by a generator in accordance with Rule 5.02 of these regulations.

000-0149-00256



2. The re-use, recycling or reclamation of hazardous waste as referred to in Rule 3.25 of these regulations.
3. The treatment of waste at facilities which neutralize and/or treat aqueous waste at the site of generation where such treatment is subject to regulation under Section 402 or 307(b) of the Federal Clean Water Act, as amended, and Section 46-12-5 of the General Laws of Rhode Island, as amended, unless otherwise required by the Director except for those operations at the facility which are not covered by either of the aforementioned laws.

Note: Any sludge or other waste materials generated from the treatment of such aqueous waste must be managed as a hazardous waste if such sludge or waste material meets the criteria of a hazardous waste.

Specifically, North American Broadcasting Company Inc. is violating the above-cited regulations as follows (notations include any referenced EPA regulations):

1. *North American Broadcasting Company Inc. is storing hazardous waste in violation of (Rule 5.02, 40 CFR 264.175).*
2. *North American Broadcasting Company Inc. failed to determine if materials on-site met any of the definitions of a hazardous waste (Rule 5.08, 40 CFR 262.11).*
3. *North American Broadcasting Company Inc. failed to obtain an EPA I.D. Number for the generation of hazardous waste (Rule 5.01, 40 CFR 262.12).*
4. *North American Broadcasting Company Inc. failed to notify the Department that a hazardous material was released to the environment (Rule 5.10).*
5. *Hazardous waste has been disposed of on the property belonging to North American Broadcasting Company Inc. North American Broadcasting Company Inc. did not obtain an operating permit nor approval from the Director to operate a hazardous waste treatment, storage or disposal facility (Rule 7.01A).*

North American Broadcasting Company Inc. is hereby ORDERED TO:

800-0149-000-0257

- A. *Inform all persons who come onto this property of this Order.*
- B. *Permit the Director, her agents or employees to enter upon the aforementioned property to undertake any sampling or investigation which she deems necessary to carry out her duties under Title 23, Chapter 19.1 and Title 46, Chapter 12 of R.I.G.L.*
- C. *Apply to Rhode Island Department of Environmental Management, Division of Air and Hazardous Materials for an EPA Identification Number.*
- D. *Make arrangements with a qualified hazardous waste contractor by 26 April 1991 for the removal and proper disposal of all hazardous wastes at a licensed treatment, storage, or disposal facility.*
- E. *By 24 May 1991 complete the removal and proper disposal of all hazardous wastes from the property (including the transformer carcass). The required cleanup level for PCB contamination is one (1) part per million (ppm). Confirmation that this level has been achieved throughout the area, must also be submitted to this Division.*
- F. *Notify this Department two days prior to collection of samples and/or the removal of waste from the aforementioned property.*
- G. *Provide the Department with documentation for the shipment and disposal of all hazardous waste removed from the site within three (3) weeks of removal.*

The Department reserves the right to impose administrative penalties based upon the information contained herein and/or any information received from its continuing investigation.

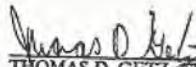
Pursuant to Section 42-17.1-2(u), and Chapter 42-35 of the General Laws of Rhode Island, 1956, (1984 Reenactment), as amended, North American Broadcasting Company Inc. is entitled to request a hearing, in writing, before the Director or her designee within 10 days of receipt of this Notice of Violation and Order to show cause why this finding of violation should not stand and why this Order should not be enforced. North American

000-0149830258

Broadcasting Company Inc. is also entitled, as with all meetings regarding this order, to representation by council. Any request for a hearing should, as required by R.I.G.L. 42-17.6-4, indicate whether North American Broadcasting Company Inc. denies the alleged violations. If North American Broadcasting Company Inc. fails to request a hearing within the aforesaid period of time, it is hereby notified that this Notice will automatically become a compliance order.

Failure or inability to comply with this Order will result in the Director petitioning the Superior Court to prevent any further storage of hazardous waste by North American Broadcasting Company Inc. and/or to impose the civil and/or criminal penalties specified in R.I.G.L. Sections 23-19.1-17 and 23-19.1-18 of the aforesaid Hazardous Waste Management Act. Criminal penalties specify a maximum fine of \$10,000 per day and/or five years imprisonment.

12 April 1991
Date


THOMAS D. GETZ, Chief
Division of Air and Hazardous Materials

walc.nvp/bc

500-0149 PAGE 0259



R.I. Analytical

Specialists in Environmental Services

RECEIVED

FEB 12 1991

CERTIFICATE OF ANALYSIS

RI Dept. of Environmental Mgt.
Div. of Air & Hazardous Material
291 Promenade Street
Providence, RI 02908
Attn: Mr. Tom Campbell

DATE RECEIVED: 02/01/91
DATE REPORTED: 02/07/91
P.O. #: 108838
INVOICE #: D1338

SAMPLE DESCRIPTION: One (1) oil sample from Log Road.,
Burrillville, W.A.L.E.

Subject sample has been analyzed by our laboratory with the
following results:

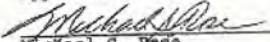
PARAMETER	RESULTS
- Polychlorinated Biphenyls:	
Aroclor 1016	ND
Aroclor 1221	ND
Aroclor 1232	ND
Aroclor 1242	ND
Aroclor 1248	ND
Aroclor 1254	ND
Aroclor 1260	69 mg/kg

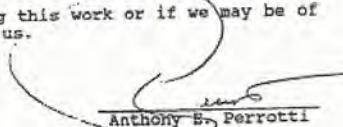
Detection Limit: 5.0 mg/kg

Reference: The Determination of Polychlorinated Biphenyl in Transformer Fluid and Waste Oils. EPA-600/4-81-045.

If you have any questions regarding this work or if we may be of further assistance, please contact us.

Approved By:


Michael S. Rose
Laboratory Manager


Anthony B. Perrotti
President

cmc

000-0149-00260

RI Analytical Laboratories, Inc.
41 Illinois Ave, Warwick, RI 02886 (401) 738-8500 • Fax (401) 738-1970



RI Analytical



RI Analytical

Specialists in Environmental Services

CERTIFICATE OF ANALYSIS

RECEIVED

FEB 19 1991

U.S. DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF AIR AND HAZARDOUS MATERIALS

RI Dept. of Environmental Mgt.
Div. of Air & Hazardous Material
291 Promenade Street
Providence, RI 02908
Attn: Mr. John Leo

DATE RECEIVED: 01/29/91
DATE REPORTED: 02/15/91
P.O. #: 108838
INVOICE #: D1285

SAMPLE DESCRIPTION: One (1) soil sample from Radio Transformer
Log Rd., Burrillville

Subject sample has been analyzed by our laboratory with the
following results:

PARAMETER	RESULTS
Polychlorinated Biphenyls:	
Aroclor 1016	<0.7 mg/kg*
Aroclor 1221	<0.7 "
Aroclor 1232	<0.7 "
Aroclor 1242	<0.7 "
Aroclor 1248	<0.7 "
Aroclor 1254	<0.7 "
Aroclor 1260	6.9 "

*Calculated on dry weight basis.

Reference: Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, U.S. EPA, SW-846, July 1982, second edition.

If you have any questions regarding this work or if we may be of further assistance, please contact us.

Approved By:

Michael Rose
Michael S. Rose
Laboratory Manager

djr

Received for record APR 18 1991 @ 8:34 a.m.

Anthony B. Perrotti
President

Recorded by Debra L. Gandy, Town Clerk

- RI Analytical Laboratories, Inc.
41 Illinois Ave., Warwick, RI 02888 (401) 738-8500 - Fax: (401) 738-1970
500-0149-0261



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-831-5508

LETTER OF COMPLIANCE

Case #93-038

Re-issued

January 12, 1999

Book 149, Page 254
Cross Reference 590

Mr. David J. Strachman, Esq.
Skolnik, McIntyre & Tate
321 South Main Street, Suite 400
Providence, RI 02903

RE: North American Broadcasting Company, Inc. Transmitter Site
Log Road, Burrillville, R.I. - Plat 38, Lot 1
Notice of Violation and Order and Penalty (NOVAP) #93-038
Letter of Compliance dated November 3, 1994
Superior Court - Plea Agreement P295-0846A

Dear Mr. Strachman:

The Rhode Island Department of Environmental Management, Office of Waste Management (formerly the Division of Site Remediation) has received and reviewed the request from Attorney Stephen P. Ashukian dated December 28, 1998 concerning the chain of title for Plat 38, Lot 1 in Burrillville. [The Superior Court Plea Agreement nullified and superceded the original Notice of Violation, Order and Penalty. The abovementioned Criminal Plea Agreement in Superior Court in March 1995 released the penalty portion of the NOVAP.]

The portion of the property behind the transmitter building which involved the release of PCB's was in compliance at the time of issuing the November 1994 Letter of Compliance. The current status of the property, in general, is not known to this Office at this time. **This letter shall serve as a release of the NOVAP #93-038, which was recorded as part of the Department's requirements in the NOVAP.**

Be advised that the Department reserves the right to require additional actions under the abovementioned Regulations at the subject substation should any of the following occur:

- A. Conditions at the site previously unknown to the Department are discovered.
- B. Information previously unknown to the Department becomes available.
- C. Policy and/or regulatory requirements change.

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For your information, the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases were amended effective August 1996. Nothing in this letter relieves the responsible party, nor the site, from compliance with all other applicable State or Federal regulations.

If you have any further questions regarding this matter, please direct them to Jeff Crawford at 222-2797 (x7102).

Sincerely,



Greg Fine, P.E. Supervising Engineer
Office of Waste Management
Department of Environmental Management

cc: T. Gray, Chief
J. Crawford
C. Cote, DEM Legal Services
S. Ashukian, Esq.

North American Broadcasting/jc

Recorded in Burthville, RI on JUL 14 1999
9:14 o'clock P m. Mary M. Rydell
Town Clerk

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