



STATE OF RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
BUREAU OF ENVIRONMENTAL PROTECTION
OFFICE OF COMPLIANCE AND INSPECTION
235 Promenade Street, Suite 220
Providence, RI 02908-5767

April 3, 2024

CERTIFIED MAIL

Soscia Holdings, LLC
c/o Richard E. Fleury, Resident Agent
33 College Hill Road, Building 20
Warwick, RI 02886

Re: *IMMEDIATE COMPLIANCE ORDER*
File No.: OCI-DAMS-23-28

Dear Sir/Madam:

Enclosed please find an Immediate Compliance Order (“ICO”). As set forth in the ICO, the Rhode Island Department of Environmental Management (“RIDEM”) has determined that Soscia Holdings, LLC must take the actions specified in the ICO to protect the environment. Pursuant to *R.I. Gen. Laws §§42-17.1-2(21)(ii)(A)*, Soscia Holdings, LLC has no right to an administrative hearing with regard to the ICO in that RIDEM has determined that the actions specified herein are immediately necessary to protect and prevent harm to the environment and public safety.

If Soscia Holdings, LLC wishes to discuss the ICO, please contact:

Anna Maria Cole, Office Manager
Telephone: (401) 222-1360, ext. 2777431

Sincerely,

A handwritten signature in purple ink, reading "Christina Hoefsmit".

Christina Hoefsmit, Deputy Administrator
RIDEM Office of Compliance and Inspection

enc: Immediate Compliance Order

cc: Terrence Gray, RIDEM Director
Susan Forcier, RIDEM Deputy Director
Tricia Quest, Esquire, RIDEM Deputy Chief Legal Counsel

**STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

OFFICE OF COMPLIANCE & INSPECTION

IN RE: SOSCIA HOLDINGS, LLC

File No.: OCI-DAMS-23-28

IMMEDIATE COMPLIANCE ORDER

A. INTRODUCTION

Pursuant to § 42-17.1-2(21) of the Rhode Island General Laws, as amended, (“R.I. Gen. Laws”) you are hereby notified that the Director of the Rhode Island Department of Environmental Management (“Director” of “RIDEM”) has determined that the above named party (“Respondent”) is ORDERED TO TAKE THE FOLLOWING IMMEDIATE ACTION to protect the environment and public safety in response to conditions that violate one or more of the following statutes and/or regulations as further detailed in this Immediate Compliance Order (“ICO”).

B. FACTS

- (1) Respondent purchased the Flat River Reservoir Dam, State Identification Number 167 (“Dam”) located in Coventry, Rhode Island, along with certain land and water rights commonly known as Johnson’s Pond (“Johnson’s Pond”) from the Quidnick Reservoir Company in March 2020 by quitclaim deed.
- (2) The Dam is classified by RIDEM as High Hazard.
- (3) On or about the afternoon of March 27, 2024, RIDEM received information from Respondent’s legal counsel regarding potential structural and safety concerns at the Dam. Respondent further indicated that it possessed a video documenting the potential structural and safety concerns.
- (4) On March 28, 2024, RIDEM requested a copy of the video from Respondent be provided that day. RIDEM also requested that Respondent retain a professional engineer fully registered in the State of Rhode Island, who is experienced with dam inspections, design, construction, and repair (“Dam Engineer”) to inspect the Dam and provide a report of the engineer’s findings to RIDEM.
- (5) On March 29, 2024, RIDEM was provided a video from Respondent regarding potential structural and safety concerns at the Dam.
- (6) On March 29, 2024, RIDEM inspected the Dam. The inspection noted the following:
 - a. Water was ejecting through the spillway at several locations.

- b. At the locations where water was ejecting through the spillway the water was clear with no evidence of sediment, soil, or other materials escaping with the water.
 - c. Observations of the top of the spillway from the walkway did not show any areas where the water was creating a vortex.
 - d. Evidence of protruding stones which were not flush with the rest of the spillway.
- (7) On April 1, 2024, RIDEM inspected the Dam. The inspection noted the following:
- a. Water was ejecting through the stone spillway at several locations.
 - b. The protruding stones observed in the March 29, 2024 inspection were no longer in the spillway wall leaving an upside down triangle hole in the spillway wall approximately 2 feet in vertical length and 1.5 feet in horizontal length. The material remaining in the hole was composed of loose rocks.
- (8) On or about the afternoon of April 1, 2024, RIDEM received information from Respondent's legal counsel, including additional videos, regarding potential structural and safety concerns at the Dam, including statements and video about a vortex that had formed next to the Dam.
- (9) On April 2, 2024, Respondent and RIDEM met to discuss ongoing concerns about the structural integrity and safety of the Dam. Respondent indicated the following:
- a. A dam engineer that had agreed to inspect the Dam subsequently declined to conduct the inspection.
 - b. Despite having declined to conduct an inspection of the Dam, the dam engineer had recommended the placement of boulders along the portions of the spillway that were ejecting water to reinforce the spillway and the removal of a portion of the spillway.
- (10) On April 2, 2024, RIDEM met Respondent's representatives at the Dam to better understand Respondent's proposed course of action to address the potential structural and safety concerns of the Dam.
- (11) On April 2, 2024, RIDEM inspected the Dam in the late afternoon and observed that boulders were placed against the downstream side of the spillway ("Boulders").
- (12) As of the date of this ICO, RIDEM has not approved any repair, alterations, or work to the Dam or the placement of the Boulders.
- (13) Upon information and belief, as of the date of this ICO, Respondent has not caused the Dam to be inspected by a Dam Engineer, specifically as it relates to the potential structural and safety concerns giving rise to this ICO.
- (14) As of the date of this ICO, Respondent has not provided RIDEM with a report, plan, or anything in writing from a professional dam safety engineer detailing recommendations for addressing the potential structural and safety concerns of the Dam giving rise to this ICO.

- (15) RIDEM considers the Dam unsafe because of a compromised spillway and deteriorating conditions of the Dam (specifically the loss of stone from the spillway over the course of a few days and vortex).

C. VIOLATIONS

Based on the foregoing facts, RIDEM has determined that violations of the following regulations exist:

- (1) **Rhode Island's *Rules and Regulations for Dam Safety* ("Dam Safety Rules") (250-RICR-130-05-1), Part 1.6(A)** – requiring owners of high hazard dams to keep their dams and appurtenant works in a safe condition.

D. IMMEDIATE COMPLIANCE ORDER

Pursuant to R.I. Gen. Laws §§42-17.1-2(21)(ii)(A), Respondent is hereby ORDERED to:

- (1) **IMMEDIATELY** draw down and maintain the water level two (2) feet below the top of the spillway. If water is ejecting through the spillway at two (2) feet below the top of the spillway, lower and maintain the water level one (1) additional foot below the top of the spillway. Continue to do this as necessary until water is not ejecting through the spillway, but in no event shall the water level exceed five (5) feet below the top of the spillway.
- (2) **WITHIN THREE (3) DAYS** place standard sandbags between the Boulders in coordination with and as directed by RIDEM.
- (3) **WITHIN FOURTEEN (14) DAYS** retain a Dam Engineer to complete the following in accordance with the Dam Safety Rules, Part 1.11(C):
 - a. A detailed investigation of the spillway of the Dam and its appurtenant works to evaluate its structural integrity.
 - b. Submit a report of the findings to RIDEM. The report must identify the specific deficiencies and specify further investigation or corrective measures, including but not limited to short term measures to support the spillway such as coffer dams, timber supports, liners, epoxy sealing, and/or sandbags. The report must provide a recommended schedule to complete any work identified as necessary to correct the deficiencies noted in the report. For any proposed repairs, the report must include an application prepared in accordance with the Dam Safety Rules, Part 1.10(B).
 - c. Submit a plan to install siphons and/or large capacity pumps to provide additional capacity to draw down and maintain the water level as noted in section D (1) above. The plan must include a schedule to complete the installation of the siphons and/or large capacity pumps.

This Immediate Compliance Order will be effective for 45 days after issuance and may be renewed for one additional period of 45 days.

E. NO RIGHT TO ADMINISTRATIVE HEARING

- (1) Pursuant to R.I. Gen. Laws §§42-17.1-2(21)(ii)(A), Respondent has NO RIGHT TO AN ADMINISTRATIVE HEARING regarding the ICO in that RIDEM has determined that the actions specified herein are immediately necessary to protect the environment and public safety.
- (2) The ICO is a final Compliance Order and is enforceable in Superior Court. See R.I. Gen. Laws §§42-17.1-2(21)(vi).
- (3) Failure to comply with the ICO may subject each Respondent to additional civil and/or criminal penalties as possible by law.
- (4) The ICO does not preclude RIDEM from taking any additional enforcement action nor does it preclude any other local, state, or federal governmental entities from initiating enforcement actions based on the acts or omissions described herein.

If you have any legal questions, you may contact (or if you are represented by an attorney, please have your attorney contact) Tricia Quest of RIDEM's Office of Legal Services at (401) 537-4413 or at tricia.quest@dem.ri.gov. All other inquiries should be directed to Christina Hoefsmit of RIDEM's Office of Compliance and Inspection at (401) 537-4448 or at christina.hoefsmit@dem.ri.gov.



Christina Hoefsmit, Deputy Administrator
RIDEM

Dated: 4/3/2014

CERTIFICATION

I hereby certify that on the 3rd day of April, 2024
the within Notice of Violation was forwarded to:

SOSCIA HOLDINGS, LLC
c/o Richard E. Fleury, Resident Agent
33 College Hill Road
Building 20
Warwick, RI 02886

by Certified Mail.



I hereby certify that on the 3rd day of April
the within Immediate Compliance Order was forwarded to:

SOSCIA HOLDINGS, LLC
c/o Richard E. Fleury, Resident Agent
33 College Hill Road
Building 20
Warwick, RI 02886
rfleury40@yahoo.com

Patrick J. Dougherty, Esq.
Dougherty & Associates Law, Inc.
887 Boston Neck Road, Suite #1
Narragansett, RI 02882
pjdoughertylaw@verizon.net

by electronic mail.

