



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

REMEDIAL DECISION LETTER

May 27, 2016

File No. SR-01-0106

(Formerly Case No. 2013-024)

Mr. Jack Cutlip, Real Estate Manager
Bay Spring Realty Company
909 North Main Street
Providence, RI 02904

RE: Bay Spring Realty Company
90 Bay Spring Avenue
Barrington, Rhode Island
Plat Map 2 / Lot 154

Dear Mr. Cutlip:

On November 9, 2011, the Rhode Island Department of Environmental Management's (the Department) Office of Waste Management (OWM) amended the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations). The purpose of these regulations is to create an integrated program requiring reporting, investigation and remediation of contaminated sites in order to eliminate and/or control threats to human health and the environment in a timely and cost-effective manner. A Remedial Decision Letter (RDL) is a formal, written communication from the Department that approves a site investigation, identifies the preferred remedial alternative and authorizes the development of a Remedial Action Work Plan (RAWP) in order to achieve the objectives of the environmental clean-up.

In the matter of the above-referenced property (the Site), the Department's OWM is in receipt of the following documentation submitted pursuant to the Remediation Regulations in response to the reported release at the Site:

1. Hazardous Material Release Notification Form, received by the Department on May 17, 2013, and prepared by Resource Control Associates, Inc. (RCA);
2. Notification to Abutters: Site Investigation & Public Notification List, received by the Department on March 31, 2014, and prepared by RCA;
3. Notification to Abutters: Site Investigation & Public Notification List, received by the Department on May 22, 2014, and prepared by RCA;

4. Underground Storage Tank Closure Assessment Report, received by the Department on August 1, 2014, and prepared by RCA;
5. Site Investigation Report, received by the Department on October 30, 2014, and prepared by RCA;
6. Site Investigation Report Addendum, received by the Department on May 7, 2015, and prepared by RCA;
7. Site Investigation Report Addendum, received by the Department on December 2, 2015, and prepared by RCA;
8. Response to E-Mail Comments Dated December 23, 2015, received by the Department on February 5, 2016, and prepared by RCA;
9. Notification to Abutters, received electronically by the Department on February 24, 2016, and prepared by RCA; and
10. Response to Post-Site Investigation Public Comments, received by the Department on May 24, 2016, and prepared by RCA.

Collectively, these documents define “Existing contamination” at the Site, and fulfill the requirements of a Site Investigation Report (SIR) as described in Rule 7.08 of the Remediation Regulations. In addition, according to our records, public notice was conducted to all abutting property owners, tenants, easement holders, and the municipality, regarding the substantive findings of the completed investigation in accordance with Rules 7.07(A)(ii) and 7.09 of the Remediation Regulations. The opportunity for public review and comment on the technical feasibility of the proposed remedial alternatives commenced on February 18, 2016 and the period closed on March 10, 2016. An extension of the comment period was requested by multiple residents and the comment period was extended from the initial closing date of March 2, 2016. Public comments were received regarding technical terminology, risks to sensitive receptors, contaminants of concern at the Site, the proposed remedial alternatives, the future use of the property, and many other issues related to the proposed redevelopment of the site.

Due to the overwhelming interest in the remediation and proposed redevelopment of the Site, a public meeting was held on March 16, 2016 at the Bay Spring Community Center located at 170 Narragansett Ave, Barrington. Representatives from the Department and Resource Control Associates, Inc. were in attendance to present the findings of the site investigation and to answer any questions pertaining to the remediation of the Site. In addition, a representative from Shuster Realty was in attendance, on behalf of Bay Spring Realty Company, to answer any questions pertaining to the proposed redevelopment of the site. Public comments were accepted for ten (10) days following the meeting. However, no additional comments related to the technical feasibility of the proposed remedy were received. All of the comments received were formally responded to in writing on May 13, 2016 by Resource Control Associates, Inc.

The preferred remedial alternative, as stated in the SIR, consists of the following conceptual measures:

- The encapsulation of site soils that exceed the Department's Method 1 Residential Direct Exposure Criteria (RDEC) with a Department approved engineered control consisting of either two (2) feet of clean fill, one (1) foot of clean fill underlain with a geotextile fabric, four (4) inches of pavement above six (6) inches of clean subgrade, or equivalent.
- Development (i.e. buildings and/or subsurface structures) shall be prohibited in areas of the property where residual volatile organic compound (VOC) contamination has been identified in groundwater unless said development includes a Department approved vapor intrusion mitigation technology (e.g. sub-slab depressurization system, vapor barriers, etc.).
- Groundwater monitoring for VOCs will be conducted on a quarterly basis and include monitoring wells MW-3, MW-5 and MW-105. Groundwater monitoring shall continue until three consecutive quarters of analytical results demonstrate compliance with the Department's GA Groundwater Criteria.
- The integrity of the cap shall be preserved through the recording of an Environmental Land Usage Restriction (ELUR) on the deed for the entire property. The ELUR shall require the performance of annual inspections to document the status of the ELUR and the condition of the engineered controls at the Site. The ELUR shall include a soil management plan (SMP), which will address post remediation activities that disturb onsite soils. The ELUR, once approved by the Department, shall be recorded for the property (Plat Map 2, Lot 154) in the Land Evidence Records for the Town of Barrington and a recorded copy forwarded back to the Department within fifteen (15) days of recording.

The Department hereby approves the SIR, with the above identified preferred remedial alternative, and requires a RAWP be submitted for review and approval, and implemented, to achieve the objectives of the environmental clean-up, in accordance with the following conditions:

1. In accordance with Sections 8.00 and 9.00 of the Remediation Regulations, a RAWP, ELUR, and SMP shall be submitted for Department review and approval within sixty (60) days from the date of this letter. The RAWP shall describe all of the technical details, engineer design elements, and schedules associated with the implementation of the proposed remedy. All of the subsections outlined in Section 9.00 of the Remediation Regulations must be included in order to facilitate the review and approval of the RAWP. If an item is not applicable to this Site, simply state that it is not applicable and provide an explanation in the RAWP.
2. Pursuant to Rule 10.02 of the Remediation Regulations, an application fee for Remedial Action Approvals in the amount of one thousand (\$1,000.00) dollars shall be made payable to the State of Rhode Island General Treasurer and remitted to the Office of Management Services with the attached Remedial Action Approval Application Fee Form. Receipt of

this Remedial Action Approval Application Fee is required prior to the Department's RAWP review.

3. Once the Department reviews the RAWP for consistency with Sections 8.00 and 9.00 of the Remediation Regulations, any written comments generated and forwarded as a result of the review(s) shall be incorporated forthwith into a RAWP Addendum, to be submitted for final approval.
4. Upon finalization of the RAWP, the Department will issue a Remedial Approval Letter (RAL), signifying Department approval. All remedial measures required by the Department shall be implemented, in accordance with the approved schedule, to ensure all applicable exposure pathways at the site are appropriately addressed.

Please be advised that the Department reserves the right to require additional actions under the aforementioned Remediation Regulations at the Property should any of the following occur:

- Conditions at the Site previously unknown to the Department are discovered;
- Information previously unknown to the Department becomes available;
- Policy and/or regulatory requirements change; and/or
- Failure by Bay Spring Realty Company or any future holder of any interest in the Property to adhere to the terms and conditions of the Department approved RAWP, schedule, RAL, ELUR and/or SMP for the Property.

If you have any questions regarding this letter or would like the opportunity to meet with Department personnel, please contact me by telephone at (401) 222-2797, ext. 7517, or by E-mail at nicholas.noons@dem.ri.gov.

Sincerely,



Nicholas J. Noons
Sanitary Engineer
Office of Waste Management

Cc: Kelly Owens, RIDEM/Office of Waste Management
Ashley Blauvelt, RIDEM/Office of Waste Management
Julie Freshman, Resource Control Associates, Inc.

Attachment: Remedial Action Approval Application Fee Form