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June 2, 2009

Hon. Edward C. Clifton  
Associate Justice  
Newport County Superior Court  
45 Washington Square  
Newport, RI 02840

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JUN 3 2008  
RHODE ISLAND OFFICE OF LEGAL SERVICES

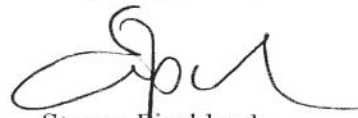
RE: Hartford Park Tenant Association v. R.I. Department of Environmental  
Management et al., C.A. 99-3748

Dear Judge Clifton:

Please find enclosed an executed copy of the Assented to Supplemental Order which DEM and plaintiffs request the Court to enter as an order of the Court. The enclosed document contains the changes you requested during our chambers conference on May 13, 2009. I have enclosed a self addressed stamped envelope and request that a signed copy of the order be returned to me. I will forward a signed copy of the order to all counsel of record.

Thank you for your assistance in this matter.

Very truly yours,



Steven Fischbach  
Community Lawyer / Unit Head

CC: Terrence Tierney, Esq.  
Susan Forcier, Esq.  
Kevin McHugh, Esq.

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

HARTFORD PARK TENANTS ASSOCIATION, :  
DEBRA A. MARTIN, on behalf of herself and as :  
Next friend to her minor child MICHAEL J. MARTIN, :  
SHEILA WILHELM, on behalf of herself and as :  
Next friend to her minor children MIKAELAH :  
WILHELM, JOSHUA WILHELM and RICHARD :  
WILHELM, and NICHOLAS J. MARSELLA :  
*Plaintiffs* :

vs. :

C. A. No. 99-3748

RHODE ISLAND DEPARTMENT OF :  
ENVIRONMENTAL MANAGEMENT, CITY OF :  
PROVIDENCE, RHODE ISLAND, PROVIDENCE :  
SCHOOL BOARD, and ALAN SEPE, in his capacity as :  
Acting Director of the Department of Public Property of :  
The City of Providence :  
*Defendants* :

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RHODE ISLAND OFFICE OF LEGAL SERVICES

**ASSENTED TO SUPPLEMENTAL ORDER**

1. Plaintiffs shall withdraw their Motion to Adjudge Defendant DEM in Contempt and to Appoint a Special Master to Oversee Implementation of the Order and Plaintiffs' Motion to Enforce Side Agreement with Defendant DEM, without prejudice. The issue of the Five-Year review raised in said Motion shall be presented to the Court in chambers on May 13, 2009, and the parties request that the Court assist them to resolve said issue based on the Agreed Statement of Facts Regarding the Five-Year Review Requirement of the Side Agreement submitted to the Court on February 4, 2009.
2. DEM shall take the following steps to ensure compliance with the Court's April 13, 2006 Order (hereafter "Remedy"):
  - A) DEM will finalize the agency's Final Draft Guidance Policy for Considering Environmental Justice in the Review of Investigation and Remediation of Contaminated Properties dated July 2008 (hereafter "Draft Policy") by June 30, 2009.
  - B) DEM will reconvene the stakeholder group established pursuant to the Remedy on or before June 30, 2009 for an initial meeting without the aid of a facilitator. The membership of said group will be the same to the extent that the continuing membership is representative of the interests that were

represented in the original membership. Before reconvening the stakeholder group DEM will make a good faith effort to contact and poll the original stakeholder group members to determine their interest in continuing to participate in said group. Should any of the original members fail to respond to DEM's good faith efforts, or elect not to participate, they will only be replaced to the extent necessary to ensure that all of the interests that were originally represented remain so. Any replacement members will be added to the stakeholder group within fourteen (14) days of DEM's determining that a replacement is necessary.

- C) DEM will complete the proposed amendments to the Site Remediation Regulations which address issues A , B, and E in the Remedy, and will submit said regulatory proposals to the stakeholder group for review, discussion and comment prior to the same regulations being noticed for public comment through the Rhode Island Administrative Procedures Act (hereafter "APA") process.
- i. The regulations to address the notice issue in A will include the action items set out in the Draft Policy relating to the amendment of the Site Remediation Regulations to require the posting of signs at EJ sites and to require that all submissions provided to DEM under the Site Remediation Program be made in both hard copy and electronic format.
  - ii. The jurisdictional issue in B will be addressed after a thorough review of the current Site Remediation Regulations and statutes relating to DEM's assumption of jurisdiction over a site. DEM will assemble and publish a fact sheet explaining the steps that the agency will take in the event it is consulted about the redevelopment of a potentially contaminated site, in order to ensure greater public understanding of and involvement in that process. DEM will also address this issue by amending the Site Remediation Regulations if necessary after conducting the review described in this subsection (ii).
  - iii. The document repository issue in E will be addressed by amending the site remediation regulations to require the establishment of repositories when requested, similarly to how the Draft Policy addresses this issue.
- D) A sub-committee of the stakeholder group will be formed to address issue C of the Remedy. This sub-committee will be organized, facilitated and led by a non-DEM party, to be nominated and selected at the meeting described in paragraph 2.B., above. DEM will participate in the subcommittee's discussions. The sub-committee will hold its first meeting within 2 weeks of the meeting described in paragraph 2.B. above, and will be charged with presenting a report and recommendations to the full stakeholder group at the end of the sub-committee process. Any recommendations shall be in the form

of proposals for policies, regulations, or legislation (including amendments to existing policies, regulations or statutes). After discussion, the full stakeholder group will make recommendations to DEM for further action, with or without consensus, as documented by a vote of the group members.

- E) A second sub-committee of the stakeholder group will be formed to address issue D of the Remedy. This sub-committee will be organized at the meeting described in paragraph 2.B., above. DEM will organize, support and participate in this sub-committee by first undertaking an intensive internal evaluation of the community involvement process and reporting the results of that evaluation to the sub-committee. The sub-committee will hold its first meeting within 4 weeks of the meeting described in paragraph 2.B. above, and will be charged with reviewing the results of said evaluation and presenting a report and recommendations to the full stakeholder group at the end of the sub-committee process. Any recommendations shall be in the form of proposals for policies, regulations, or legislation (including amendments to existing policies, regulations or statutes). After discussion, the full stakeholder group will make recommendations to DEM for further action, with or without consensus, as documented by a vote of the group members.
  - F) The two sub-committees will be given a reasonable, but not unlimited, amount of time to complete their work before the full stakeholder group is reconvened. Thereafter, with the aid of a facilitator, the full stakeholder group will be reconvened for a meeting to hear and discuss the recommendations of the sub-committees, and if necessary, will meet one or two additional times to finalize and vote on proposals and wrap up the work of the stakeholder group.
  - G) Within thirty (30) days of the final stakeholder meeting, DEM will publish a work plan for implementing the recommendations that the stakeholder group reached consensus on (note: consensus of the stakeholder group includes agreement by DEM) and implementing recommendations where there was not consensus by exercising DEM's best professional judgment as set forth in the Remedy. The timeframes in said work plan shall be consistent with the timeframes set forth in the Remedy.
  - H) The scope and agendas for all stakeholder group meetings, including meetings of stakeholder group subcommittees, will be finalized and distributed to the group no later than 10 business days prior to a scheduled meeting.
  - I) DEM will also publish within 30 days of the final stakeholder group meeting a written explanation why no action will be taken on the group's recommendations where there was not consensus of the stakeholder group.
3. In order to assure compliance with the Agreement for Resolution of Claims dated April 13, 2006 (hereafter "Side Agreement"), DEM shall henceforth

include all emails that constitute public documents and which are subsequently printed and included in the paper file, in the on-line document repository.

4. The parties will work in good faith to conclude the stakeholder group process by March 31, 2010. If the process is not completed by that date, the deadline may be extended, at no more than three month intervals, by agreement of the Plaintiffs and DEM, to allow for the reasonable continuation towards completion of the process.
5. Unless specifically modified by this supplemental order the terms of the Remedy and Side Agreement shall remain in full force and effect.

ENTER:

PER ORDER:

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Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

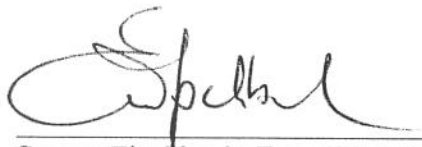
Submitted by:

PLAINTIFFS:

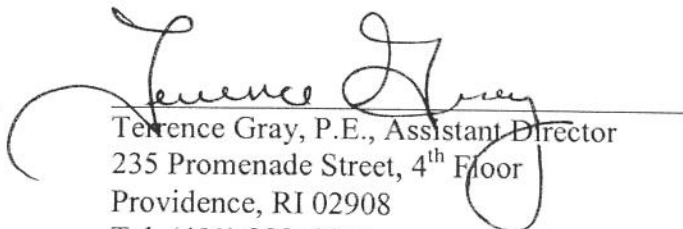
DEFENDANT:

By their attorneys,

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,



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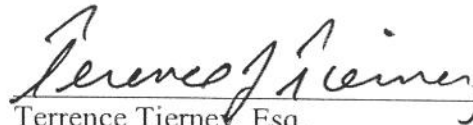
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As approved by counsel:



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