

COPY

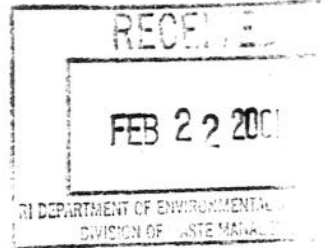
BK 4563 PG 112



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-831-5508



CERTIFIED MAIL

June 4, 1999

Mr. Alan Sepe, Director
Division of City Property
City of Providence
25 Dorrance Street
Providence, R.I. 02903

RE: Remedial Action Order of Approval for the Springfield Street Schools
Providence, R.I. OWM Case #99-018
Assessor's Plat Map 115, Lots 97, 114-126, 132-155, 179-188, 215-218, 234-237
240-256, 259, 261-283, 309-315.

Dear Mr. Sepe:

Enclosed please find the Order of Approval which was issued for the proposed remediation plan at the abovereferenced facility. Please review the stipulations of this Order thoroughly to ensure your compliance with the requirements. If you have any questions regarding this matter, please contact Jeffrey Crawford 222-2797 x7102.

This Order shall be recorded in the land evidence records of the City of Providence as required by law and a recorded copy returned within 5 days to this Office.

Sincerely,

Leo Hellested P.E., Acting Chief
Office of Waste Management
Department of Environmental Management

cc: Greg Fine, Supervising Engineer, RIDEM/OWM
Claude Cote, Esq., RIDEM/Office of Legal Services
Jeffrey Crawford, Principal Environmental Scientist, RIDEM/OWM

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

In the matter of the application
or Remedial Action Approval at:
Springfield Street, Providence
Plat Map 115

Case #99-018

(Lots 97, 114-126, 132-155, 179-188, 215-218, 234-237, 240-256, 259, 261-283, 309-315)

ORDER OF APPROVAL

In the above entitled matter wherein City of Providence, the following documents were filed and/or on record with the Rhode Island Department of Environmental Management (RIDEM):

Notification at the RI Department of Environmental Management, Office of Waste Management on February 17, 1999; Preliminary Soil Sampling Results acknowledging jurisdiction dated March 10, 1999; Immediate Compliance Order issued to the City of Providence and O. Ahlborg & Sons, Inc. dated March 19, 1999; Site Investigation Report dated March 25, 1999 by ATC Associates, Inc.; Additional Groundwater analytical data results dated April 5, 1999; Remedial Decision Letter dated April 9, 1999 and the Remedial Action Work Plan & amendments dated April 2nd, May 3rd and May 9th, 1999 with revisions.

These documents describe a Remedial Action Work Plan (RAWP) or means to prevent pollution as defined in Chapter 46-12 of the General Laws of 1956, as amended and the Department's Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations), effective 31 March 1993 (amended August 1996) in accordance therewith.

This Order pertains to the plans to encapsulate the former Springfield Street dump by an approved engineered encapsulation design; operating, monitoring and maintaining a sub-slab ventilation system beneath each proposed school location; installing, monitoring and maintaining a series of gas monitoring wells around the perimeter of the property for measuring and mitigating any landfill gas generated; monitoring and maintaining groundwater wells for measurement of contaminant concentrations in accordance with an approved groundwater monitoring plan, and reusing the site as the location of an elementary and middle school in accordance with an approved Long Term Monitoring and Contingency Plan (herein after, "the Remedy").

Upon consideration thereof, the Department of Environmental Management, Office of Waste Management (OWM) approves said plan or means to prevent pollution provided that all work is performed in accordance with all applicable regulations and the Department approved RAWP and the following:

1. The RAWP shall be initiated within ninety (90) days of receipt of this order.
2. The soil remediation goal shall be consistent with Rule 8.01 (Remedial Objectives) achieved by encapsulation via an approved solid waste closure cap twenty four (24") inches thick. Said cap shall also include an indicator barrier (orange snow fencing) at the 2 foot depth. The two-foot cap will include an 18" gravel subbase and 6 inch loam layer with seed. Approved areas requiring less than two feet of fill will have at least one foot of gravel subbase, a geotextile layer installed and a final cover of either 2-2" perpendicular lifts of asphalt or 5 inches of concrete. At the conclusion of the Remedy and initiation of the Long Term Monitoring Plan, a closure report detailing the Remedial Action shall be submitted to the OWM. Upon approval of the closure report, the Office will issue an Interim Letter of Compliance (ILOC) to the City of Providence for the Remediation Regulations.
4. The OWM shall be immediately notified of any site or operation condition that results in non-compliance with this Order.
5. Any RAWP interruptions shall be reported to Jeff Crawford of the OWM by telephone (222-2797 x7102) within one (1) working day and in writing within seven (7) days.
6. Any waste derived from implementation of the RAWP shall be managed in accordance with the Department's Remediation Regulations and the Rules and Regulations for Hazardous Waste Management, as appropriate.
7. This Order of Approval does not remove the obligation of the City of Providence to obtain any necessary permits from other state, local, or federal agencies.
8. This Order shall be recorded in the City of Providence Land Evidence Records of the subject property and a recorded copy forwarded back to OWM within 5 days.

This Order shall remain in full force and effect as long as said plan or means shall be operated and maintained in a condition satisfactory to the Department of Environmental Management. Failure to comply with all points outlined in the Department approved RAWP and stipulated in this Order shall result in the issuance of a Notice of Violation and Order against the owner of the property.

This Order shall be subject to modification or revocation in accordance with law.

Entered as the Order of the Department of Environmental Management on this 4th of June 1999.

By:



Leo Hellested P.E., Acting Chief
Office of Waste Management
Department of Environmental Management

AFFIDAVIT

I, Alan Sepe of Providence, Rhode Island, upon oath do depose and state as follows:

1. I am employed by the City of Providence as the Director of Public Property.
2. In such capacity, I oversee matters that, amongst other things, involve the acquisition of property by and for the use of public agencies of the City of Providence.
3. In June 1999, the City of Providence, by and through the Providence Redevelopment Agency (hereinafter, the "PRA") condemned certain lots on Providence Assessor's Plat 115 for construction of the proposed Springfield Street School (C.A. NO. PM 99-2964).
4. As part of that condemnation action and as a condition for its use of the site for school construction, the City of Providence was required by applicable law to submit to the Rhode Island Department of Environmental Management (hereinafter, the "DEM") a Remedial Action Work Plan (hereinafter, the "RAWP") to address the then existing environmental condition of the proposed school site.
5. The City contracted with ATC Associates, Inc. of 1 Richmond Square, Tech Center, Providence, RI hereinafter, "ATC"), to prepare and submit the RAWP to the DEM.
6. On April 2, May 3 and May 9, 1999 and as required by DEM prior to the start of remedial activities and /or building construction at the site, ATC submitted for review to DEM the proposed RAWP.
7. By letter dated June 4, 1999, DEM approved the proposed RAWP in the form of a Remedial Approval Letter (Case No. 99-018), which names the City of Providence as the "performing party" and which is "a document used by DEM to approve remedial actions at contaminated sites which do not involve the use of complex engineered systems or techniques."
8. An original of said Remedial Approval Letter was sent to my attention by certified mail.

9. I in fact received and reviewed the original of said Remedial Approval Letter.

10. DEM requires that the Remedial Approval Letter be recorded in the Records of Land Evidence in the City of Providence.

11. As of this date, I have not been able to locate an original Remedial Approval Letter.

12. The Remedial Approval Letter attached hereto and being presented for recording is in fact a true and authentic copy of the original Remedial Approval Letter.

I can attest to the above facts from my own personal knowledge.



Alan Sepe

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

In Providence, in said county, on the _____ day of January, 2001 before me personally appeared Alan Sepe, to me known and known by me to be the party executing the foregoing instrument, and he acknowledged said instrument and his execution thereof, to be his free act and deed in his capacity as Director of Public Property of the City of Providence, Rhode Island.



Notary Public
My Commission Expires: July-7-01

PROVIDENCE, RI
RECEIVED FOR RECORD
2001 JAN 12 P 2:11
BARBARA A. TRONGY
ACTING RECORDER OF DEEDS
Barbara A. Trongy