



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

PROGRAM LETTER

File No. SR-01-0106

(Formerly Case No. 2013-024)

February 4, 2016

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) enacted the amended 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 petroleum and hazardous material contaminated sites in order to eliminate and/or control threats to human health and the environment in an efficient manner. A Program Letter is a document used by the Department to signify that a Site Investigation has been completed and that a Performing Party must conduct public notice in accordance with Rules 7.07(A)(ii) and 7.09 of the Remediation Regulations concerning the findings of the investigation and the proposed remedial alternatives.

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; and
8. Response to E-Mail Comments Dated December 23, 2015, received electronically by the Department on February 2, 2016, and prepared by RCA.

The Department regards the information provided in these reports as meeting the requirements pursuant to Rule 7.08 of the Remediation Regulations. The preferred remedial alternative proposes the following remedy:

- 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 acknowledges that the site investigation activities are complete. The Department is not yet able to formally approve the SIR, however, due to the necessity to first allow the public to comment on the technical feasibility of the preferred remedial alternative. Rules 7.07(A)(ii) and 7.09 of the Remediation Regulations outline the requirements for public notice after the SIR is deemed complete to all abutting property owners, tenants, easement holders, and the municipality, regarding the substantive findings of the completed investigation and the opportunity for public review and comment on the technical feasibility of the preferred remedial alternative. Please submit a draft notification to the Department via E-mail for review and approval prior to distribution. A boilerplate notification to be distributed can be found online at <http://www.dem.ri.gov/programs/benviron/waste/topicrem.htm>. The Department will require a copy of the approved public notice letter and a list of all recipients upon issuance.

The Department will formally approve the SIR in the form of a Remedial Decision Letter (RDL) once Public Notice is completed and upon Department approval of all final responses to relevant public comments. At that point, the Department will require submission of the Remedial Action Work Plan (RAWP) and draft versions of the ELUR and SMP, for review and approval in accordance with Sections 8.00 and 9.00 of the Remediation Regulations. Upon receipt of the RDL, be prepared to submit the Remedial Action Approval Application Fee of one thousand dollars (\$1,000.00) in check form made payable to General Treasurer -State of Rhode Island directly to the Office of Management Services.

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.