



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

**REMEDIAL APPROVAL LETTER**

September 14, 2018

**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 Approval Letter (RAL) is a document used by the Department to approve remedial actions at contaminated sites that do not involve the use of complex engineered systems or techniques (e.g. groundwater pump and treat systems, soil vapor extraction systems, etc.).

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. Remedial Action Work Plan, received by the Department on September 14, 2017, and prepared by Environmental Strategies & Management, Inc. (ES&M); and
2. Remedial Action Work Plan Addendum, received by the Department on July 20, 2018, and prepared by ES&M.

Together these documents fulfill the requirements of Section 8.00 (Risk Management) and Section 9.00 (Remedial Action Work Plan (RAWP)) of the Remediation Regulations.

The preferred remedial alternative involves:

- 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.).
- 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.

Based upon review and consideration of the above referenced documents, the Department approves the Remedial Action Work Plan (RAWP) through this RAL provided that:

1. All work must be performed in accordance with all applicable regulations and the Department approved RAWP.
2. Start of the work described in the Department approved RAWP must be initiated within sixty (60) days of issuance of this RAL.
3. Prior to initiating any remedial activities, the Department shall be provided with a list of all contractors, and their respective contact information, that will be used on Site to complete the remedial work described in the Department approved RAWP. The Department shall be notified, when feasible, a minimum of five (5) working days in advance of any changes in contractors and/or consultants involved with the remedial work on this Site. The notification must be promptly supplied in writing with complete contact information for each new contractor or consultant (including but not limited to company name and address, contact name and address, contact telephone number and e-mail address).
4. All excavated regulated soil, if not approved for encapsulation onsite, shall be disposed of off-site at an appropriately licensed disposal facility in accordance with all local, State, and Federal laws. Copies of the material shipping records and manifests associated with the disposal of the material shall be included along with the Closure Report.
5. Areas of the site where contaminated soils are to be excavated must be staged and temporarily stored in a designated area, as proposed in the RAWP, of the site with proper polyethylene covers. Any stockpiled materials, including clean fill, must be underlain and covered with polyethylene sheeting and be secured at the end of each day with all appropriate erosion and sediment controls to limit the loss of the cover and protect against storm-water and wind erosion (i.e. hay bales, rocks, silt fencing). These appropriate

sedimentation and erosion controls must be in place and in proper working order at all times until all disturbed areas are stabilized and capped as proposed. Within reason, the storage location will be selected to limit the unauthorized access to the materials (i.e. away from public roadways/walkways). No regulated soil will be stockpiled on-site for greater than thirty (30) days. In the event that stockpiled soils pose a risk or threat of leaching hazardous materials, a proper leak-proof container (i.e. drum or lined roll-off) or secondary containment will be required and utilized.

6. The OWM no longer requires the submittal of analytical data prior to clean fill being brought to a Site. It is the sole responsibility of the Performing Party and their consultant to analyze the material, certify that the material meets the Department's Residential Direct Exposure Criteria (RDEC), as defined by the Remediation Regulations, for all constituents, and is suitable for use on the Site. The OWM strongly suggests that enough representative samples of the clean fill are collected prior to moving the material to the Site to satisfy the Performing Party and their consultant that the material meets the RDEC. Please note that the OWM reserves its rights to sample the fill, if suspect, to confirm compliance with the RDEC.
7. All regulated soil remaining onsite shall be encapsulated by an engineered control consistent with those described in the Department approved RAWP.
8. If any jurisdictional quantity of solid waste is encountered during the implementation of the proposed remedial alternative, it shall be disposed of off-site in accordance with applicable laws and disposal facility requirements. No jurisdictional quantity of solid waste shall be encapsulated on-site without consultation with and written concurrence from the Waste Facilities Management Program.
9. Dust suppression techniques (i.e. watering) must be employed at all times during all soil disturbing/handling activities at the site in order to minimize the generation of fugitive dust.
10. Within sixty (60) days of completion of the work described in the Department approved RAWP, a Closure Report detailing the remedial action and including any disposal documentation shall be submitted to the OWM.
11. Within sixty (60) days of completion of the work described in the Department approved RAWP, the final Department approved ELUR shall be recorded in the Town of Barrington Land Evidence Records for the property and a stamped, certified copy returned to the Department within fifteen (15) days of recording. Upon receipt of a copy of the recorded (stamped) ELUR, the OWM will issue a Letter of Compliance.
12. Following recording of the ELUR, the site shall be maintained and annually inspected to evaluate the compliance status of the site with the ELUR. Within thirty (30) days of each annual inspection, an evaluation report shall be prepared and submitted to the OWM detailing the findings of the inspection and noting any compliance violations at the site.
13. Any changes in the activities detailed in the RAWP shall be reported to the OWM by telephone within one (1) working day and in writing within five (5) business days.

14. The OWM shall be notified forty-eight (48) hours prior to initiating the remedial activities at the site associated with the Department approved RAWP.
15. The OWM shall be immediately notified of any site or operation condition that results in non-compliance with this RAL.

At this time, the OWM offers its concurrence with the proposed remedial action for the property. The Department approves the RAWP provided that all activities and procedures detailed in the RAWP are strictly adhered to. Furthermore, this letter continues to place primary responsibility for the construction, operation, maintenance, and monitoring of the approved RAWP and its associated implementation on Bay Spring Realty. As the Responsible Party and Performing Party, Bay Spring Realty is expected to implement the RAWP in an expeditious and professional manner that prevents non-compliance with this RAL and said RAWP, and is protective of human health and the environment.

Based upon our review, the Department approves the ELUR and SMP submitted with the RAWP. The ELUR shall be recorded in the Land Evidence Records for the Town of Barrington for the abovementioned property and a recorded, stamped copy forwarded back to the Department within fifteen (15) days of recording in accordance with Rule 8.09 of the Remediation Regulations.

This RAL does not remove your obligation to obtain any other necessary permits from other local, State, or Federal agencies.

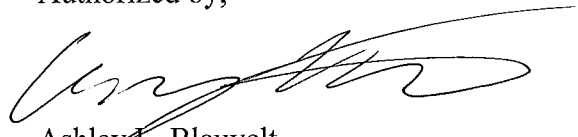
If you have any questions regarding this letter or would like the opportunity to meet with Department personnel, please contact me by telephone at (401) 222-2797, ext. 7517, or by E-mail at [nicholas.noons@dem.ri.gov](mailto:nicholas.noons@dem.ri.gov).

Sincerely,



Nicholas J. Noons, P.E.  
Sanitary Engineer  
Office of Waste Management

Authorized by,



Ashley L. Blauvelt  
Principal Sanitary Engineer  
Office of Waste Management

Cc: Kelly Owens, RIDEM/Office of Waste Management  
Mark House, ES&M  
Evan Cucé, ES&M