

From: Kelly Owens  
Sent: Friday, October 28, 2011 10:53 AM  
To: Jeffrey Crawford  
Subject: FW: Springfield Street Schools - Hartford Park Tenants Association et al v. DEM et al - PC No. 99-3748

-----Original Message-----

From: Steve Fischbach [<mailto:steve.fischbach@gmail.com>]  
Sent: Wednesday, October 26, 2011 6:13 PM  
To: Richard M. Bianculli, Jr  
Cc: Mike Rubin; Kelly Owens; Patrick Dowling; Terry Gray; Leo Hellested  
Subject: Re: Springfield Street Schools - Hartford Park Tenants Association et al v. DEM et al - PC No. 99-3748

Dear Richard:

The plaintiffs have no objection to DEM's request for an extra two weeks to complete the Draft Five Year Review report. Although you are new to the case, the plaintiffs have always taken the position that strict adherence to deadlines was less important than insuring a quality product at the end of the process.

With that in mind, I expect to be requesting an extension of the comment period to respond to the Five Year review. For almost a year now, the plaintiffs have been trying to obtain technical assistance from EPA regarding the Five Year review. Last summer we asked DEM to extend the comment period for recommendations on issues the Five Year review should focus on. DEM denied that request because EPA did not know when the T/A provider could be contracted to provide the assistance. Plaintiffs have continued to press EPA for a T/A provider and as of today EPA still has not determined when the T/A provider will be in place. Hopefully between now and November 15th EPA will determine when the T/A provider can start work. I hope that DEM will accommodate a request to extend the comment period on the 5 year draft to enable the T/A provider to review the report and the many documents in the record to date.

If you have any questions about this communication do not hesitate to contact me.

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On Tue, Oct 25, 2011 at 4:55 PM, Richard M. Bianculli, Jr  
<richard.bianculli@dem.ri.gov> wrote:

> Steven and Michael: Pursuant to Paragraph 6 of the "Second Assented  
> to Supplemental Order," DEM hereby requests a two (2) week extension  
> of the current November 1 deadline for the Draft Report required  
under

> Paragraphs 2 and 3 of the same Supplemental Order. The notice  
> required under Paragraph 2 was issued on August 1, 2011. Although  
DEM

> intended to produce the Draft Report prior to November 1, 2011,  
> difficulties in obtaining access to the school sites have arisen,  
preventing reasonable progress in this endeavor.

> Interviews with school staff have been scheduled for this Friday,  
> October 28. DEM's consultant (Fuss and O'Neill) has requested that  
it

> be allowed up and until November 15, 2011 to produce the Draft  
Report.

> I would appreciate your consideration in our request for a two (2)  
> week extension. Please feel free to contact me directly if you have  
any questions. Thank you.

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> Richard M. Bianculli Jr., Esq.

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> Before printing, think green!