



October 1, 2015

REMEDIAL DECISION LETTER / REMEDIAL APPROVAL LETTER

File No. SR-28-1774

VIA HAND DELIVERY

Lisa Primiano, Chief
Rhode Island Department of Environmental Management
Division of Planning and Development
235 Promenade Street
Providence, RI 02908

RE: Blackstone River Bikeway – Segment 1A
East Transit Street to Pitman Street, Providence, RI
Portions of Plat Map 15, Lots 446, 456, and 66
Portions of Plat Map 17, Lot 8
Portion of a paper street (Beach Street)

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 Decision Letter / Remedial Approval Letter (RDL/RAL) is a formal, written communication from the Department that approves a site investigation, identifies the preferred remedial alternative, and approves the remedial action at a contaminated site that does not involve the use of complex engineered systems or techniques (e.g. groundwater pump and treat systems, soil vapor extraction systems, etc.), as further outlined in the submitted Remedial Action Work Plan (RAWP).

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 Waste Release Notification Form with Supporting Documentation, received by the Department on May 29, 2015, and prepared by Vanasse Hangen Brustlin, Inc. (VHB);
2. Pre-Site Investigation Public Comment Summary, received by the Department on July 24, 2015, and prepared by VHB;

3. Site Investigation Report, received by the Department on July 30, 2015, and prepared by VHB;
4. Post-SI Abutter Notification Package, received by the Department on September 8, 2015, and prepared by VHB;
5. Remedial Action Work Plan, received by the Department on September 23, 2015, and prepared by VHB; and
6. Correspondence entitled Segment 1A, received electronically by the Department on September 29, 2015, and prepared by VHB.

Collectively, these documents define “Existing contamination” at the Site, and fulfill the requirements of a Site Investigation Report (SIR) as described in Rule 7.08 of the Remediation Regulations. In addition, according to our records, public notice was conducted to all abutting property owners, tenants, easement holders, and the municipality regarding the substantive findings of the completed investigation in accordance with Rules 7.07(A)(ii) and 7.09 of the Remediation Regulations. The Department has received documentation demonstrating that the requirements of Rhode Island General Laws (R.I.G.L.), title 23, Health and Safety, Chapter 23-19.14, Industrial Property Remediation and Reuse Act, 23-19.14-5, Environmental Equity and Public Participation, have been fulfilled. The opportunity for public review and comment on the technical feasibility of the proposed remedial alternatives commenced on August 12, 2015 and the period closed on August 26, 2015. No comments were received.

The preferred remedial alternative, as stated in the SIR and the RAWP, consists of the following conceptual measures:

- Limited excavation of soils that contain concentrations of arsenic, lead, and polycyclic aromatic hydrocarbons (PAHs) that exceed the Department’s Residential Direct Exposure Criteria (RDEC) in the defined areas and offsite disposal at a licensed disposal facility in accordance with all local, State, and Federal laws.
- Any remaining soils along the path of the proposed bikeway where exceedances of the Department’s RDEC have been identified will be encapsulated with either a minimum of six (6) inches of clean subbase with four (4) inches of asphalt or a minimum of ten (10) inches of clean fill underlain with geosynthetic material.
- An institutional control in the form of a Department approved Environmental Land Usage Restriction (ELUR). The ELUR shall require the performance of annual inspections to document the status of the ELUR and 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 site in the Land Evidence Records for the City of Providence and a recorded copy forwarded back to the Department within fifteen (15) days of recording.

- In areas where the proposed bike path will involve land acquisition of a property that is under the jurisdiction of the OWM's Site Remediation Program, any alterations must meet or exceed the previous proposed remedy (i.e. engineered controls) as specified in the site-specific RAWP and/or ELUR/SMP. If any of these areas are currently not encapsulated, a combination of post-and-beam fencing and/or a restrictive natural barrier shall be required to discourage access.

Based upon review and consideration of the above referenced documents, the Department approves the RAWP through this RDL/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. 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.
9. 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.
10. 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 City of Providence 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.
11. 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.
12. 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.
13. The OWM shall be notified forty-eight (48) hours prior to initiating the remedial activities at the site associated with the Department approved RAWP.
14. The OWM shall be immediately notified of any site or operation condition that results in non-compliance with this RAL.

The Department hereby approves the SIR, and also approves the RAWP, with the above identified preferred remedial alternative to achieve the objectives of the environmental clean-up provided that all activities and procedures detailed in the RAWP are strictly adhered to.

Please note that at this time the Department does not approve the ELUR for recording in the Land Evidence Records with the City of Providence Please forward an electronic version of the draft ELUR and the post-construction SMP in red line / strikeout format for Department review and approval. The approved ELUR and SMP shall be reviewed and approved by the Department, followed by recording, at the completion of all remedial work.

This RDL/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.

Sincerely,



Nicholas J. Noons
Sanitary Engineer
Office of Waste Management

Authorized by,



Ashley L. Blauvelt
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Robert Bailey, RIDEM/Division of Planning and Development
Lambri Zerva, Rhode Island Department of Transportation
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Scott D'Amelio, Vanasse Hangen Brustlin, Inc.
John Marsland, Blackstone River Watershed Council / Friends of the Blackstone