

Adelaide Avenue Environmental Justice Coalition

May 2, 2007

Mr. David Heislein
Project Manager
Mactec Engineering and Consulting
107 Audubon Road, Bldg. 2, Suite 301
Wakefield, Massachusetts 01880

**Re: Confirmatory Sampling and Remediation Alternatives
Parcel A, Asphalt Cap (parking lot specifications)
Textron/Gorham Hazardous Waste Site
333 Adelaide Avenue
Providence, Rhode Island 02907**

Dear Mr. Heislein:

In the fall of 2001 Richard Baccari , president and sole owner of the development company Churchill & Banks (**Developer**) was beginning a long awaited project on the Gorham Silver Manufacturing property located at 333 Adelaide Avenue (**Site**) in the city of Providence (**Owner**). Harding Lawson & Associates (**Mactec**) was the author of a Remedial Action Work Plan (**RAWP**) developed for the primary potential responsible party (**Textron**); previous owner and operator of the manufacturing facility and adjacent industrial hazardous waste site. The final RAWP for an Industrial/Commercial level clean up plan for the “developed” section of the Site was approved in October of 2001 by the Rhode Island Department of Environmental Management (**RIDEM**). The two lots comprising the “developed” portion were designated Parcel A (12.1 acres) and Parcel B (4.0 acres). Mr. Baccari had secured a very favorable twenty-year ground lease for both parcels from the Providence Redevelopment Agency (**PRA**). The Developer constructed a 70,000 sqft. Building on Parcel A and installed a Super Stop & Shop as (**Tenant**). The Stop & Shop Corporation abandoned the facility in October of 2006. It has not been made clear by the PRA or the city if unresolved contamination questions contributed to the decision to prematurely terminate their lease. The footprint of the building along with a six hundred (600)-car parking lot, ancillary roads, access routes and a fueling station essentially “capped” Parcel A in its entirety.

According to Mactec’s selected remediation alternative for Parcel A; capping the Site with a minimum of twelve inches of clean fill or an approved equivalent, would have achieved minimal compliance with RIDEM’s direct exposure criteria regulations for commercial retail facilities. This one foot thick “cap” did not address the other subsurface contamination exceedences identified on the property, which were to be remedied by others. As of today these additional issues are still incomplete and/or unresolved by Textron and their subcontractors. In the instance of the extensive parking area and access roads; a minimum of six to eight inches of clean fill covered by four inches of asphalt was

to be applied over the heavily contaminated surface and subsurface soils. The paving material was to be installed in two, two-inch layers (lifts) perpendicular to one another.

The particular individuals or parties who were responsible for completing and paying for the above mentioned parking lot is not clear. What is made clear in work plans and contracts alike is that Mactec is ultimately responsible for the successful implementation, inspection, and final approval of the remediation plan in place for Parcel A. This would include at a minimum, a parking area that would comply with the RIDEM regulations for capping contaminated commercial properties. These remediation regulations enjoy the support of the Rhode Island State Legislature, as well as the federal government through the actions of the Environmental Protection Agency (EPA). It should also be noted that the area of concern is in an Environmental Justice district, with all of the legal significance that can be brought to bear, in support of such special consideration.

The following observations have been made by the community and their consultants:

- The 1994 agreement between Textron and the City of Providence concerning this Site does not stipulate nor clarify who will be responsible for the installation of a parking area over almost nine (9) acres of a significantly contaminated area. The contaminants of concern include but are not limited to arsenic, lead, dioxin and furans, PAHs, volatile organic compounds, TPH (petroleum and gasoline), and others. All of these contaminants are found on Parcel A in exceedence of the RIDEM industrial/commercial levels. This nine-acre parking lot is essentially the remediation cap for Parcel A in its entirety. Clearly a discussion and negotiations of some nature must have taken place to determine at the very least who was paying for nine acres of asphalt and the six to eight inches of uncontaminated, and supposedly documented clean fill used as its base. Textron clearly did not incur this expenditure. We are assuming Jamison Schiff Esq. and Gregory Benik Esq., legal counsel for Textron and the City respectively, determined the division of labor and costs, when together they crafted the 1994 “mutual indemnification agreement” mentioned above. This same agreement was used as the basis of the relationship established between Textron and the city during court proceedings last March. Their input would be much appreciated and invaluable now. The PRA and it’s Executive Director, Tom Deller, has been unable, or unwilling to unravel this mystery to date.
- At the time the Site was being readied by Churchill & Banks to begin construction, Mactec was overseeing a concurrent petroleum contamination remediation located in the northwest quadrant of the same property. Mactec’s mobilization began in early December 2001 and continued unabated thru April of 2002. As part of the approved RAWP for that portion of Textron’s site, Mactec generated monthly progress reports, as is required by the RIDEM. You monitored the various sub-contractors involved, as well as the disposition of all material departing and arriving for the project. Included in these particular activities was a comprehensive confirmatory testing regimen, done on a daily basis to track the progress of the petroleum contamination clean up. Unfortunately, we have been unable to locate or identify any documentation or data (similar to the TPH remediation logs) concerning the delivery and installation to the Site of the clean fill necessary to achieve a satisfactory six to eight inch base for the nine (9) acre parking lot. It

would require approximately twenty three thousand (23,000) cubic yards of clean fill to establish a legal substratum for the four inches of heavy-duty asphalt.

- It has also come to our attention that the surface soils were never tested in the area of the Stop & Shop, because, according to Mactec's project manager; the entire site would be covered by buildings, sidewalks, and parking area. What is particularly disturbing about this revelation is that if Upper Contamination Levels (UCLs) were present on this section of Parcel A, they were simply ignored. We believe Dave MaCabe designed the RAWP, and most other relevant documents for this site when he was employed with Mactec as this sites project manager. Since his departure from Mactec in early 2001, he immediately began working for Textron as their Site Remediation Manager. He works closely with Jamison Schiff Esq., lead environmental counsel at Textron, and both should be intimately familiar with the details at this site. Their contributions and extensive knowledge concerning the development of this Site and it's remediation (or the lack there of) should allow you to answer these questions and clear up the confusion that continues to exist regarding these critical issues. The conditions on Parcel A directly impact both the integrity and quality of the school's safety and environment on Parcel B. We have always stressed the importance of a complete and through remediation of the entire site by all responsible parties

The community has strived to become an educated and contributing stakeholder in the revitalization of the Gorham Manufacturing Company property. Without the cooperation and guidance of Mactec, Textron, and the City of Providence, specifically the Providence Redevelopment Agency, we will be unable to resolve the many unanswered issues concerning this site. The Department of Public Property, in it's infinite wisdom, has decided to place a high school on Parcel B. Both community members and parents of the future student body seriously question the intelligence of this decision. If Textron and the city of Providence, as responsible parties, are unable or unwilling to assist us in understanding what appear to be significant gaps and, or irregularities in the characterization and remediation of the entire site, then it is likely we will pursue an alternative avenue for resolution.

We are formally requesting that Mactec respond to the issues presented above concerning the legitimacy of the remediation cap installed on Parcel A, a portion of the Textron/Gorham Industrial Waste Site. As we understand the law, this site is under the sole authority of the Rhode Island Department of Environmental Management.

Sincerely,

Adelaide Avenue Environmental Justice Coalition

60 Crescent Street
Providence, Rhode Island 02907
401-749-7048

Concerned Citizens of the Reservoir Triangle and South Providence

cc:

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