



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LAND REVITALIZATION & SUSTAINABLE MATERIALS MANAGEMENT

235 Promenade Street, Providence, Rhode Island 02908

LETTER RESPONSE TO SIR PUBIC COMMENTS File No. SR-09-1958

August 24, 2020

Mr. Tim Grenier
Grenier Properties, LLC
3 Cole Circle
East Greenwich, RI 02818

RE: Grenier Properties, LLC
33 Exchange Street
East Greenwich, Rhode Island
Plat Map 85/1 / Lot 382

Dear Mr. Grenier:

Effective April 22, 2020, the Rhode Island Department of Environmental Management's (the Department) Office of Waste Management has changed the office name to the Office of Land Revitalization and Sustainable Materials Management (LRSMM), as reflected in the re-codified 250-RICR-140-30-1, 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 the matter of the above-referenced property (the Site), the Department's Office of LRSMM has received the Public Comment Response Letter, 32 & 33 Exchange Street, Plat 85/1, Lots 87 & 382, East Greenwich, Rhode Island 02818, File No. SR-09-1958 (Response to Public Comments), which was submitted on July 30, 2020, by Redwood Environmental Group, LLC (Redwood) in accordance with 250-RICR-140-30-1, Section 1.8 of the Remediation Regulations. The Department has reviewed the Response to Public Comments with regard to responses to comments and questions on the technical feasibility of the remedial actions proposed in the Site Investigation Report (SIR). Some of the submitted comments address topics beyond the scope of the SIR and the Remediation Regulations, concerning siting and property reuse issues, and therefore did not require responses from Grenier Properties, LLC or Redwood under this regulatory process. As such, a copy of this letter is also being sent to the Town of East Greenwich which has authority over the siting, zoning and permitting of the proposed property redevelopment. Certain other comments and questions required responses from the Department and are addressed below.

Because some of the comments and questions were repeated by commenters, the Department has summarized each question, and where applicable is addressing each topic, rather than repeating the same response numerous times throughout this document.

Comment Document # 1 – Letter from Aimée Heru received June 24, 2020

Comment 1 in multiple parts:

1. Request that the Department not approve of this project until there is identified an authoritative body who will supervise/police the activity for which the Department gives approval.
 - a. Part of the typical job of an environmental professional is to be onsite during certain remedial activities to supervise and oversee those activities to ensure that they are being performed in a manner that is consistent with the final Department approved Remedial Action Work Plan (RAWP), and compliant with all applicable Rules and Regulations, in order to later certify in the Remedial Action Closure Report (RACR) that all remedial work was completed properly. It is the Department's current understanding that Redwood will be operating in that oversight capacity on behalf of the property owner Grenier Properties, LLC.
2. Similar request that the Department not allow this project consideration until there is some understanding of authority (a policing agent/response team) to provide immediate help to residents should there be concern over the actual work on the ground, and requesting a phone number and reassurance that there will be someone answering and responding to assist community concerns in a direct and immediate way.
 - a. The Department's Office of Compliance and Inspection (OC&I) is available by phone at (401) 222-1360 to respond to community complaints regarding dust control or other project management issues that are under the jurisdiction of the Department, and will further report all complaints received to the Office of LRSMM. In the event that remedial work is being performed in a manner that is not compliant with the final Department approved Soil Management Plan (SMP) for the project, all remedial work will be required to be stopped until the deficiencies are corrected and plans for proceeding in a compliant way are presented and approved.
3. Statement that this project should not proceed, because to date, there will be no oversight/monitoring/supervising (i.e. a town or governmental policing agent) of this project.
 - a. The Department does not have the resources available to provide continuous onsite oversight of any Site Remediation project, and must rely on the expertise of the environmental professional working on behalf of the Responsible Party (in this case the property owner), to properly manage all remedial activities, promptly respond to and correct all deficiencies, and provide accurate and responsible reporting of all issues.
4. Statement that no project should be allowed to move forward where the process is unclear.
 - a. The current regulatory process requires that once a conceptual remedy is approved, then a RAWP must be prepared for Department review and approval. The RAWP is a formal technical plan for addressing all aspects of the remedy, including management of the Site and any impacted materials (soil or groundwater) in an appropriate and safe

manner. Failure to properly follow the final approved plan could result in the issuance of violations and associated administrative penalties if deficiencies are not corrected.

Comment 2:

5. Statement primarily expressing concern regarding the need for proper containment and control of impacted soil to prevent potential migrating to the streets and neighboring properties.
 - a. The Department concurs that there is a specific need for proper containment and control of impacted soil to prevent potential migration to the streets and neighboring properties. The final Department approved RAWP will contain a site specific SMP that will at a minimum require dust control and monitoring measures, sedimentation and erosion control measures, security fencing and documentation that the required measures were properly followed.

Comment 3:

6. Statement primarily expressing concern and frustration regarding earlier responses from the Department and the Town of East Greenwich indicating that they would not be providing direct oversight of the project and responding to emergency concerns.
 - a. As indicated in the responses to items 1, 2 and 3 above, it is the responsibility of the Responsible Party/Performing Party (in this case through their environmental consultant), to provide appropriate remedial oversight, dust control and monitoring, reporting, documentation and certification that the remedial work is being performed properly in accordance with all approvals and requirements. If members of the community believe that proper soil management procedures are not being followed and dust generation is not being properly controlled, they should report it to the Department, as outlined in response 2.a above.

Comment 4 in multiple parts:

7. Request for the installation of a 10-foot impermeable barrier surrounding the property to control dust migration.
 - a. Redwood has indicated in their responses that they agreed to erect a standard 6-foot temporary construction chain-link fence, covered by a fence fabric to limit lateral dust migration. The Department concurs with the installation of a standard 6-foot temporary construction chain-link fence, covered by a fence fabric for this project. The Department does not require the installation or usage of temporary fences higher than 6-feet for remedial projects. The final Department approved RAWP and SMP will include best management practices for controlling and managing dust migration from the property during work activities, including at a minimum maintaining a water supply onsite to keep excavations and soil piles wetted, securely covering all soil piles when not actively adding or removing soil and at the end of each work day, providing appropriate sedimentation and erosion controls (i.e. hay bales lining the inside base of

the construction fence), securely covering all trucks removing soil from the property to prevent potential releases of dust, providing appropriate decontamination of all equipment used on site, and constructing a temporary lined decontamination pad where trucks are cleaned before leaving the site and including provisions to collect excess decontamination water to prevent infiltration or runoff. Because the project immediately abuts occupied residential properties, the Department will also be requiring the performance of Air Quality Monitoring for dust at the downwind property perimeter during all activities involving the disturbance of regulated soil. The selected dust monitoring device should be capable of calibration, setting a threshold action level alarm for particulate dust concentrations, and continuous logging of data for documentation and reporting purposes. It is anticipated that Redwood, or a designated subcontractor, will be providing the Department with a summary of the air monitoring results on a weekly basis and the monitoring results will be posted on a dedicated web page for the subject project which the Department is in the process of constructing. The summary shall include an indication of any detected exceedances of any action levels and a complete description of how the detected exceedances were responded to and how the causes were controlled or resolved. This type of dust monitoring has frequently been required at other Sites where dust generation in proximity to residents or a community is a concern. The web page will also be populated with a chronological listing of all submittals received and Department correspondence issued specific to this project, and will be located at <http://dem.ri.gov/programs/wastemanagement/site-remediation/grenier.php>.

8. Request for the installation of a 10-foot impermeable barrier across the street from the property.
 - a. The Department cannot require the installation of barriers on property that is off site or not under the control of the Responsible Party/Performing Party.

Comment 5:

9. Statement drawing attention to the diverse character of the adjacent community.
 - a. It is the goal of the Department, through implementation of this limited regulatory process, to approve a final plan that allows remediation of the property while mitigating risks to all members of the community, regardless of demographics such as age, race, ethnicity, income level, etc. One of the purposes of this Public Comment Process is to provide an opportunity for equal participation in the regulatory process to community members who might feel marginalized or otherwise disenfranchised.

Comment 6 in multiple parts:

10. Statement expressing the need for collection of Phase 2 soil samples.
 - a. The primary purpose of a Phase I Environmental Site Assessment (ESA) is to determine the likelihood that current or historical uses of a property may have contributed to environmental impacts at that property. A Phase II ESA is a follow-

up investigation and report that takes the information gathered in the Phase I and expands upon that by collecting and analyzing samples of media such as soil and groundwater in locations identified as having a higher potential of being impacted to determine if contamination is actually present, and at what concentrations. A Site Investigation Report (SIR) combines the components of a Phase I and Phase II. The submitted SIR includes analytical soil and groundwater data consistent with what would be included in a standard Phase II ESA. In addition, the SIR requires a minimum of three (3) proposed remedial alternatives.

11. Statement expressing concern that only previously disturbed areas of the property were sampled, potentially resulting in erroneous or misleading conclusions about the nature and extent of site impacts.
 - a. Based upon the information provided the Department acknowledges that some portions of the property were disturbed prior to collection of soil samples. The Department further acknowledges that the types of contamination that have been detected in soil on this Site above regulatory levels (lead and polycyclic aromatic hydrocarbons (PAHs)) would be addressed by the anticipated required soil management practices, and the proposed remedy of removal of the top two (2) feet of soil followed by the placement and maintenance of a cap would provide an effective barrier to potential exposure and prevent long-term risk. General Department policy requires that soil on a regulated Site that has not been analyzed or otherwise characterized is presumed to be impacted until it has been demonstrated through sampling and analysis to not be impacted, and must therefore be managed in accordance with the final Department approved Soil Management Plan.

Comment 7 in multiple parts:

12. Statement expressing concern about the potential presence of multiple inorganic contaminants in addition to lead.
 - a. The proposed remedy includes excavation and offsite disposal of the top 2-feet of soil, placement of an engineered control cap, and long-term maintenance of the cap. It is the Department's position that a capping remedy will provide a barrier to potential future exposure to lead and/or any other inorganic substances at the Site, and therefore with no exposure pathway, result in no associated exposure risks. No inorganic substances besides lead were detected in Site soil at levels which exceeded the Department's applicable criteria in the Remediation Regulations.
13. Statement expressing the need to prevent contaminated soil from being disbursed offsite.
 - a. As previously stated, the final RAWP will include an SMP which will address onsite and offsite dust control, management and transportation of impacted soils from the Site, decontamination of equipment used at the Site (including trucks, etc.), therefore if the RAWP and SMP are followed, there should be no significant

releases of dust or soil from the Site.

14. Statement indicating that “*a larger array of exposure to toxicants can cause a wider range of problems.*”

- a. The Department acknowledges the concern that “*a larger array of exposure to toxicants can cause a wider range of problems.*” The expectation during remedial activities is to properly manage and control potential exposure risks, and to implement a final remedy that removes all exposure pathways. If there is no exposure pathway, there is no corresponding risk. The proposed conceptual remedy should effectively remove all potential exposure pathways by placing an engineered cap barrier between a person on Site and any residual impacted soil. If that were not the case, then additional soil assessment for inorganics may otherwise have been warranted. In addition, the proposed remedy includes implementation of an ELUR which requires annual inspections of the engineered cap to ensure that its integrity is being properly maintained.

Comment 8 in multiple parts:

15. Statement that “*Approval should not be given to Mr. Kaufman specifically.*”

- a. The Department cannot refuse to review or approve submittals by any party if they are otherwise meeting the requirements of the Remediation Regulations.

16. Concerns about Mr. Kaufman’s alleged behaviors at the Site and his alleged reluctance to properly and safely implement all aspects of best soil management practices if the project is approved.

- a. As previously discussed, the Department will be requiring the submittal of a draft RAWP and SMP for review and approval and has every expectation that Redwood, and any subcontractors operating at the Site, will follow the final plan as approved, with the understanding that intentional or unintentional failure to follow the requirements could result in potential temporary work stoppages, violations and administrative penalties or fines.

Comment 9:

17. A summary statement regarding the cumulative concerns of many members of the community that signed the additional 4 pages of the letter.

- a. The Department takes the risks and difficulties of implementing a remedial action in the immediate proximity of an occupied residential neighborhood seriously and will continue to review all submittals and plans with the intent of ensuring that the final approved remedy will be safe and can be executed in a safe manner.

Comment Document # 2 – Email from Aimée Heru received July 5, 2020

18. A request for collection of additional soil samples in areas of the Site that were undisturbed by the recent digging activities.

- a. The Department concurs with the request for collection of an additional soil sample at the location identified as #2 where gasoline was allegedly poured on the ground. The Department will require that a Limited Design Investigation (LDI) be included in the RAWP in accordance with Rule 1.10.5 of the Remediation Regulations, that at a minimum will include as part of the remedial work collection of a soil sample at location #2, at a depth of greater than 2 feet below ground surface, and analyzed for total petroleum hydrocarbons (TPH). In the event that concentrations of TPH exceed the applicable Department criteria, the extent of petroleum impacts must be assessed, and the remedy must address those impacts in an appropriate manner.

Comment Document # 3 – Letter from John Wayne Ucci received July 10, 2020

19. Statement expressing concerns about the historic usage of the property, potential exposure to contamination in surficial soils if they are disturbed, and impacts of exposure to resulting dust if not monitored and controlled.

- a. Per the previous bulleted response to item 7. a, the final Department approved RAWP and SMP will include best management practices for controlling and managing dust migration from the property during work activities, including performance of Air Quality Monitoring for dust at the downwind property perimeter during all activities involving the disturbance of regulated soil. The selected dust monitoring device will have a threshold action level alarm for particulate dust concentrations, and continuous logging of data for documentation and reporting purposes. Dust control measures shall include maintaining a means (e.g. water truck) to keep all exposed soil on site moistened with clean water to prevent the generation of dust particles.

Comment Document # 4 – Email from James Gorham received July 15, 2020

20. Statement that developers should construct an impermeable enclosure around the construction site in order to control dust from soil disturbance and asbestos from building demolition.

- a. The Department has addressed the fencing, dust control and monitoring, and other Site management questions regarding remedial activities in the preceding responses. Regarding demolition activities, the Department's jurisdiction under the Remediation Regulations is limited to releases of hazardous materials to soil or groundwater. Demolition activities which typically take place primarily above ground are generally permitted though local municipal authorities. The Rhode Island Department of Health regulates asbestos abatement activities.

21. Statement expressing concerns about potential impacts from the nearby railway, particularly regarding cadmium, and request that the railway embankment also be sampled.

- a. As previously addressed above in this letter, the proposed remedy includes excavation and offsite disposal of the top 2-feet of soil, placement of an engineered control cap, and long-term maintenance of the cap. It is the Department's position that a capping remedy will provide a barrier to potential future exposure to lead and/or any other inorganic substances at the Site (including cadmium), and therefore with no exposure pathway, result in no associated exposure risks. Regarding sampling the railroad embankment, that area is not part of the defined Site and thus not the responsibility of the owner of 33 Exchange Street.

Please submit an SIR Addendum 2 indicating plans to address the Department's requirements regarding the following five items:

- 1) Per 5.a and 6.a - The final Department approved RAWP and SMP must include best management practices for controlling and preventing dust generation and managing dust migration from the property during work activities, including at a minimum maintaining a water supply (e.g. water truck) onsite to keep excavations and soil piles wetted, securely covering all soil piles when not actively adding or removing soil and at the end of each work day, installation of a temporary security construction fence around the Site with appropriate dust proof covering, providing appropriate sedimentation and erosion controls (i.e. hay bales lining the inside base of the construction fence), securely covering all trucks removing soil from the property to prevent potential releases of dust, providing appropriate decontamination of all equipment used on site, constructing a temporary lined decontamination pad where trucks are cleaned before leaving the site and including provisions to collect excess decontamination water to prevent infiltration or runoff, and documentation and certification that the required remedial measures were properly followed and work was performed in accordance with all approvals and requirements.
- 2) Per 7.a - The final Department approved RAWP and SMP must include the performance of Air Quality Monitoring for dust at the downwind property perimeter during all activities involving the disturbance of regulated soil. The selected dust monitoring device should be capable of calibration, setting a threshold action level alarm for particulate dust concentrations, and continuous logging of data for documentation and reporting purposes. A summary of all air monitoring results suitable for posting to the Department's dedicated site web page shall be prepared and submitted to the Department on a weekly basis. The summary shall include an indication of any detected exceedances of any action levels during the monitoring period and a complete description of how any detected exceedances were responded to and how the causes were controlled or resolved.
- 3) Per 11.a - Acknowledgement by Redwood that Department policy requires that soil on a regulated Site that has not been analyzed or otherwise characterized is presumed to be impacted until it has been demonstrated through sampling and analysis to not be impacted, and must therefore be managed in accordance with the final Department approved RAWP and SMP.

- 4) Per 16.a – Acknowledgement by Redwood that they and any subcontractors operating at the Site, will follow the final Department approved RAWP and SMP as approved, with the understanding that intentional or unintentional failure to follow the requirements could result in potential temporary work stoppages, violations and administrative penalties or fines.
- 5) Per 18.a – Inclusion of a Limited Design Investigation in the RAWP with collection of an additional soil sample at the location identified as #2 where gasoline was allegedly poured on the ground, at a depth of greater than 2 feet below ground surface and analyzed for total petroleum hydrocarbons.

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. 7109, or by E-mail at joseph.martella@dem.ri.gov.

Sincerely,



Joseph T. Martella II
Environmental Engineer III
Office of Land Revitalization &
Sustainable Materials Management

cc: Kelly J. Owens, RIDEM/LRSMM
Susan Forcier, Esq., RIDEM/OLS
Nicholas Pisani, RIDEM/OWR
Greg Swift, RIDEM/OWR
Lisa Bourbonnais, East Greenwich Town Planner
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