



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

LETTER OF RESPONSIBILITY

CERTIFIED MAIL

May 21, 2010

Mr. Joseph Dias, Chief
Planning and Development
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, RI 02908

RE: Trestle Trail Bike Path
Trestle Trail Right-of-Way
Coventry, Rhode Island
Case No. 2010-019

Dear Mr. Dias:

On February 24, 2004, the Rhode Island Department of Environmental Management (RIDEM) enacted the amended Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases, (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 an efficient manner. A Letter of Responsibility (LOR) is a preliminary document used by the Department to codify and define the relationship between the Department and a Responsible Party.

Please be advised of the following facts:

1. The Department is in receipt of a the following documents:
 - *Limited Subsurface Soil and Groundwater Investigation (LSSGI)*, dated December 2008. This LSSGI was submitted for the proposed Trestle Trail Bike Path located in Coventry, Rhode Island, hereinafter referred to as the "Site."
2. The Rhode Island Department of Environmental Management is identified as the current **owner** of the Site and as such is a **Responsible Party** as defined by Rule 3.60 of the Remediation Regulations.
3. The above referenced notification identifies concentrations of Arsenic, Beryllium, and Polycyclic Aromatic Hydrocarbons (PAHs) exceeding the Department's Method 1 Residential and Industrial/Commercial Direct Exposure Criteria as referenced in the Remediation Regulations. This notification also identifies concentrations of Beryllium, Chromium, Lead, Nickel, and Arsenic exceeding the Department's GA Groundwater Objectives.

4. Based upon the presence and nature of these **Hazardous Substances**, the Department concurs that a **Release of Hazardous Materials** has occurred as defined by Rules 3.28, 3.29, and 3.54 of the Remediation Regulations.

As a result of the information known and the conditions observed at the Site, the Department requests that you comply with the following:

1. Submit a Site Investigation Report (SIR) checklist to supplement the submitted LSSGI. The SIR checklist has been created as a supplemental tool to expedite the reviewing and approval process by cross-referencing the specific sections and pages within the LSSGI that provide the detailed information that addresses each stated requirement within Section 7.0 of the Remediation Regulations.
2. Ensure 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*, Section 23-19.14-5, *Environmental Equity and Public Participation*, have been fulfilled. A copy of this section of the RIGL has been attached for your reference.
3. In accordance with the above referenced Industrial Property Remediation and Reuse Act, prior to the establishment of a final scope of investigation for the Site and after the completion of All Appropriate Inquiries (AAI), coordinate a public meeting with neighborhood residents, community leaders, property abutters, and Town Officials for the purposes of obtaining information about conditions at the Site that may be useful in establishing the scope of the investigation and/or establishing the objectives for the environmental clean-up of the Site.
 - a. The public meeting shall be held in the city/town in which the Site is located
 - b. Public notice shall be given of the meeting at least ten (10) business days prior to the meeting.
 - c. Following the meeting, the record of the meeting shall be open for a period of not less than ten (10) and not more than twenty (20) business days for the receipt of public comment.
 - d. The results of all appropriate inquiries analysis and the public meeting, including the comment period and responses to all comments received, shall be documented in a written report submitted to the Department on or before April 30, 2010.
4. Upon approval of the LSSGI and issuance of a Program Letter, conduct public notice in accordance with Section 7.07.
5. Upon approval by the Department of the submitted documents and upon completion of the required public notice, be prepared to submit a Remedial Action Work Plan (RAWP) with a Soil Management Plan (SMP) for the proposed project that shall bring the site into compliance with the Remediation Regulations.

Be advised that **RIDEM**, as site **owner**, is responsible for the proper investigation and, if necessary, remediation of hazardous materials at this site. Also be advised that any remedial alternative that proposes to leave contaminated soil on-site at levels which exceed the Department's Residential Direct Exposure Criteria or applicable Groundwater Criteria will at a minimum necessitate the recording of an institutional control in the form of an Environmental Land Usage Restriction (ELUR)

on the deed for the site, and will likely require implementation of additional engineered controls to restrict human exposure.

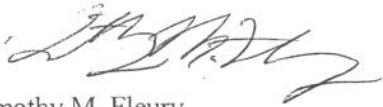
As stated above, **RIDEM** must notify all abutting property owners and tenants if additional investigation is about to occur prior to the implementation of any investigation field activities in accordance with the Industrial Property Remediation and Reuse Act (Rhode Island General Law 23-19.14, Section 11) and the Remediation Regulations Section 7.07. The notice should briefly indicate the purpose of the sampling, the work to be performed and the approximate schedule date of activities. Failure to comply with any of the aforementioned laws and regulations may result in enforcement actions as specified in Rhode Island General Law 23-19.1-17 and 23-19.1-18.

Please notify this office within seven days of the receipt of this letter of your plans to address these items. All correspondence should be sent to the attention of:

Timothy M. Fleury
RIDEM / Office of Waste Management
235 Promenade Street
Providence, RI 02908

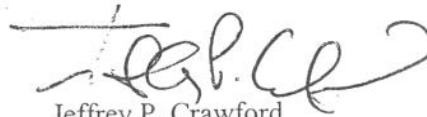
If you have any questions regarding this letter or would like the opportunity to meet with Department personnel, please contact me by telephone at (401) 222-2797-extension 7147 or by e-mail at tim.fleury@dem.ri.gov.

Sincerely,



Timothy M. Fleury
Senior Engineer
Office of Waste Management

Authorized by,



Jeffrey P. Crawford
Principal Environmental Scientist
Office of Waste Management

cc: Kelly J. Owens, Office of Waste Management
Bob Bailey, Office of Planning and Development
Peter Healey, RIDOT
Anita Marshall, RIDOT
Suzanne Courtemanche, VHB