



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

**LETTER OF RESPONSIBILITY**  
**CASE No. 2013-024**

May 24, 2013

**CERTIFIED MAIL**

Bay Spring Realty Company  
c/o Andrew Schuster  
909 North Main Street  
Providence, RI 02904

RE: Bay Spring Realty Company  
90 Bay Spring Avenue  
Barrington, Rhode Island  
Plat Map 2 / Lot 154

Dear Mr. Schuster:

On November 9, 2011, the Rhode Island Department of Environmental Management (the Department) enacted the amended 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 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 Performing Party.

Please be advised of the following facts:

1. The above referenced property is located at 90 Bay Spring Avenue in Barrington, Rhode Island (the Site). The Site is further identified by the Town of Barrington Tax Assessor's Office as Plat Map 2 / Lot 154.
2. The Department is in receipt of the following document[s]:
  - a. Hazardous Material Release Notification Form, received by the Department on May 17, 2013, prepared by Resource Control Associates, Inc.
3. The above referenced document identifies concentrations of arsenic and polycyclic aromatic hydrocarbons in Site soils that exceed the Department's Method 1 Direct Exposure Criteria, as referenced in the Remediation Regulations. The above referenced document also identifies concentrations of arsenic and lead in the Site groundwater that exceeds the Department's GA Groundwater Objectives.

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4. Based on the presence and nature of these Hazardous Substances the Department concurs that a Release of Hazardous Materials has occurred as defined by Rules 3.33, 3.34, and 3.63 of the Remediation Regulations.
5. Bay Spring Realty Company is identified as the current owner of the Site by the Town of Barrington's Tax Assessor's office and as such is a Responsible Party as defined by Rule 3.70 of the Remediation Regulations.

As a result of the information known and the conditions observed at the site, the Department requests that Bay Spring Realty Company comply with the following:

1. If necessary, prior to the implementation of any additional site investigation field activities and in accordance with Rule 7.07(A)(i) of the Remediation Regulations, Bay Spring Realty Company must notify all abutting property owners, tenants, easement holders, and the municipality that an investigation is about to occur. The notice should briefly indicate the purpose of the investigation, the work to be performed, and the approximate scheduled dates of activities. Please submit a draft notification to the Department via E-mail for review and approval prior to distribution. A boilerplate notification to be distributed can be found online at: <http://www.dem.ri.gov/programs/benviron/waste/topicrem.htm#process>.

The Department will require a copy of the public notice letter and a list of all recipients. Failure to comply with the aforementioned items may result in enforcement actions as specified in Rhode Island General Laws 23-19.1-17 and 23-19.1-18.

2. Conduct further investigation of the Site soil and groundwater, if warranted, in accordance with Section 7.00 of the Remediation Regulations.
3. Upon completion of the additional site investigation submit a Site Investigation Report (SIR) in accordance with Section 7.00 of the Remediation Regulations within ninety (90) days from that date of this letter. Given that some limited environmental investigation has already been performed at the Site, you may incorporate portions of the information already gathered and work already performed to address the items covered in Section 7.00. The SIR should include at least two remedial alternatives other than no action/natural attenuation and include future plans for the re-use or redevelopment (if applicable) of the property.
4. Submit an SIR checklist in accordance with Rule 7.08 of the Remediation Regulations. The SIR checklist was created as a supplemental tool to expedite the review and approval process by cross-referencing the specific sections and pages within the SIR that provide the detailed information that addresses each stated requirement within Section 7.00 of the Remediation Regulations.
5. Upon approval by the Department of the SIR, be prepared to bring the Site into compliance with the Remediation Regulations.

Please be advised that Bay Spring Realty Company, as the Responsible Party, is responsible for the

proper investigation and remediation of hazardous substances at this site. Also be advised that any remedial alternative that proposes to leave contaminated media on-site at levels which exceed the Department's Residential Direct Exposure Criteria, applicable Leachability 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.

Please notify this office within seven days of the receipt of this letter of your plans to address these items. All correspondences 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, ext. 7147, or by E-mail at [tim.fleury@dem.ri.gov](mailto:tim.fleury@dem.ri.gov).

Sincerely,



Timothy M. Fleury  
Senior Engineer  
Office of Waste Management

cc: Kelly Owens, Office of Waste Management  
Jeffrey Crawford, Office of Waste Management  
Julie Freshman, Resource Control Associates, Inc.