



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
235 Promenade Street, Providence, RI 02908-5767 TDD 401-222-4462

6 September 2006

INTERIM PROGRAM LETTER
Case No. 99-037

CERTIFIED MAIL

Michael Healy
Charbert- Division NFA
299 Church Street
Richmond, Rhode Island

Dear Mr. Healy;

On February 4, 2004, the Rhode Island Department of Environmental Management (the Department; RIDEM 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 an efficient manner. The purpose of the Interim Program Letter (IPL) is to indicate that the Department deems the overburden portion of the investigation of the reported release to be complete, that the response to comments is satisfactory, and to notify the Performing Party that public notice must be conducted in accordance with Section 7.07 and 7.09 of the Remedial Regulations and Item C (4) (t) of the 25 June 2005 executed Consent Agreement between the Department and Charbert, Division of NFA Corp (Charbert).

The Department has the following documents on file in the matter of the above referenced property:

1. Environmental Audit/Phase 1 Investigation, Charbert, Inc, Church Street, Alton, Rhode Island, dated August 8, 1991, by Rizzo Associates (in UIC Files);
2. UIC Issues at Alton Operating/Charbert Facility, Richmond. Status Report of Charbert, Division of N.F.A. Corp. 299 Church Street, Town of Richmond, Alton, Rhode Island, dated March 19, 1997, by Clayton Environmental Consultants (in UIC Files);
3. Findings of the Lagoon #4 Sediment Investigation at Charbert, prepared by Clayton, dated 3 August 2001;

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4. November 2003 Groundwater Sampling Report, Charbert, Division of N.F.A. Corporation, dated 17 February 2004;
5. Interim Site Investigation Report for Charbert, prepared by Clayton Group Services, dated 13 May 2004;
6. Deep Aquifer Investigation Interim Data Report and Monthly Progress Report #2, prepared by GZA dated 24 September 2004;
7. Stockpiled Soil Reuse Plan for the Charbert Facility, prepared by GZA, dated 13 April 2005;
8. Response to RIDEM Comment on the April 13, 2005 Stockpiled Soil Reuse Plan prepared by GZA, dated 29 April 2005;
9. Phase II Site Investigation Report and Drawings for the Charbert Facility, prepared by GZA, dated June 2005;
10. Phase II Site Investigation Responses to Comments for Charbert, Division of NFA, prepared by GZA, dated 18 August 2005;
11. Supplemental Site Investigation Report for Charbert prepared by GZA, dated 9 January 2006;
12. Bedrock Aquifer Evaluation Work Plan prepared by GZA, dated 15 March 2006;
13. Additional Sediment Sampling Supplemental Site Investigation Report prepared by GZA, dated 28 April 2006;
14. Old Lagoon 5 Sediments Supplemental Site Investigation Report prepared by GZA, dated 7 August 2006.

Together, the Department regards these documents as collectively constituting the Site Investigation Report (SIR) for the overburden portion of the site investigation pursuant to Rule 7.08 of the Remediation Regulations. However, the Department is not yet able to formally approve the complete SIR for the overburden portion of the site, due to the necessity to first conduct public notice on the complete package with the proposed remedial alternative. Rule 7.07 and 7.09 of the Remediation Regulations and the June 25, 2005 executed Consent Agreement between the Department and Charbert addresses the requirements for public notice regarding the substantive findings of the completed investigation and the opportunity for public review and comment on the technical feasibility of the proposed remedial alternative. The Department will formally approve the SIR for the overburden portion of the site once public notice is completed and upon Department approval of all final responses to relevant public comment and with the following stipulations:

- A. In accordance with the 7 August 2006 Old Lagoon 5 Sediments Supplemental Site Investigation Report, when the 2001/2004 soil stockpiles are moved from their current location, Charbert will make an effort to locate the Old Lagoon 5 sediments through a test pit exploration program. If the sediments are located, several samples will be collected for a suite of analysis similar to the 2001/2004-soil stockpile analysis. Charbert will evaluate this information with respect to relevant RIDEM soil quality standards and appropriate remedial action will be taken.
- B. Charbert must provide the Department with a schedule for the completion of activities outlined in Stipulation A, above, and provide the Department with quarterly updates on the progress of environmental activities associated with this effort.
- C. Please be advised that public notice requirements of the Consent Agreement must be performed for each phase of the investigation including the Bedrock Aquifer Evaluation and the Lagoon 5 Sediment Exploration and Test Pit Program.

Also, in accordance with the Consent Agreement, Charbert has initiated a bedrock aquifer investigation. This investigation is to characterize any contaminants present in the bedrock aquifer that are related to the site based on the findings and results of the SIR. Please be advised that the Department shall only issue a final Remedial Approval Letter (RAL) for the entire site after satisfactory completion of the Lagoon 5 Sediment Exploration and Test Pit Program and the Bedrock Aquifer Evaluation and, if necessary, Bedrock Aquifer remedial action.

Please notify the Department of your plans to address the public notice/public comment period requirements. In accordance with Item C, (4), (t) of the Consent Agreement, Charbert must initiate the public comment period within thirty (30) days of receipt of this Interim Program Letter. At a minimum, public notice must include a thirty (30) day public comment period, written notice to abutting property owners, the Town of Richmond Town Clerk, and in accordance with the Consent Agreement, a notice in a major local newspaper(s). Please provide the Department with an affidavit of publication of the published public notice and a list of those parties to whom the public notice was distributed upon initiation of the public notice and public comment period.

In addition, Charbert shall prepare a written summary of significant comments and new relevant information submitted during the public comment period. This responsiveness summary shall be made available to the Department within thirty (30) days after the public comment period closes.

Upon receipt of a satisfactory response to Stipulation B, above, and upon receipt of the public notice responsiveness summary and satisfactory response to any public comments received, the RIDEM will issue an Interim Remedial Decision Letter (IRDL) for the overburden portion of the site investigation.

Correspondence regarding this matter should be sent to the attention of:

Joan Taylor, Senior Environmental Scientist
Office of Waste Management
Department of Environmental Management
235 Promenade Street
Providence, RI 02908

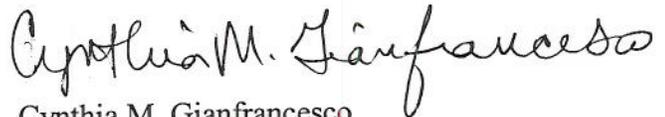
Please notify this Office of your plans to address the public notice requirement. If you have any questions regarding this letter, please contact Joan by telephone at (401) 222-4700 Extension 7514, or by e-mail at joan.taylor@dem.ri.gov.

Sincerely,



Joan Taylor
Senior Environmental Scientist

Authorized by:



Cynthia M. Gianfrancesco
Principal Environmental Scientist

cc: Matthew DeStefano, RIDEM OWM
David Chopy, RIDEM OCI
Ed Summerly, GZA
Mary Morgan, Richmond Town Hall
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