



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

April 9, 2007

Mr. James W. Ryan, Esquire  
Partridge Snow & Hahn, LLP  
180 South Main Street  
Providence, RI 02903-7120

RE: Response to Letter from James W. Ryan, Esquire, dated March 14, 2007  
Former Gorham/Textron Dump Property, 333 Adelaide Avenue, Providence  
City of Providence Tax Assessor's Office Plat 51, Lot 323, Parcel B  
Case No. 2005-029 (Formerly part of Case No. 97-030)

Dear Mr. Ryan:

I am writing to respond to your letter dated March 14, 2007, regarding the February 27, 2007 Order of Approval Addendum (the "Addendum") issued by the Rhode Island Department of Environmental Management (the "Department"). The Addendum was issued to clearly re-state the minimum sampling and analysis requirements the Department expected for the school, when a misunderstanding by the City and/or City's contracted services surfaced at the public meeting on February 5, 2007, between your consultant, Peter Grivers of EA Engineering, Science, and Technology, Inc. (EA), and Department staff. Additional modifications were also incorporated to address the revised construction schedule/school opening date, and new information Mr. Grivers made known to the Department in a follow up meeting on February 9, 2007. In that meeting your consultant indicated that elevated levels of volatile organic compounds (VOC's) were now expected to be detected in the sub-slab ventilation system. For these reasons, the Department still feels and perhaps with further conviction that the sampling and analysis requirements mandated in the Addendum, are the minimum needed to ensure indoor air quality is safe for the students and staff.

Among the concerns raised in your letter, you make reference to other contaminated sites that have undergone remediation/redevelopment in Providence, including the Save the Bay (STB) site at Field's Point. The Department strongly believes this reference is inappropriate as the situations are not analogous. Differences between these two sites include, but are not limited to, the following:

- Remediation efforts to date have not shown success in addressing the impacts of the VOC plume from the Stop & Shop portion of the Gorham site, yet the school is slated to open this September;
- Methane was the primary contaminant of concern at STB, not the VOC's being detected at Gorham. Suggesting comparability between these very different contaminants is inappropriate and factually inaccurate;
- School attendance is mandatory for children, 180 days per year, and visiting the site in question is not optional as it is at STB;
- The associated risk analysis for school age children and adults in the workplace are different and not comparable;

- Recent advances in the science of assessing impacts to indoor air quality from low level VOC contamination and the recognition that intrusion of contaminated soil vapor is a serious exposure concern even at relatively low concentrations.

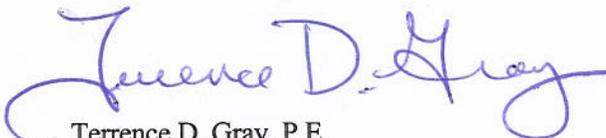
The unique issues impacting each site, therefore, need to be considered independently.

Your letter also cites a dramatic increases in costs "... well into the hundreds of thousands of dollars," as one of the complaints of the City. While the Department understands, and can appreciate, that it can be very expensive to develop contaminated industrial properties for sensitive reuses, it is not acceptable to use the costs associated with bringing the property into compliance with applicable rules and regulations as an excuse or a justification for not implementing a safe and protective remedy. A Providence Journal article on the site from October 19, 2005 quotes Mayor Cicilline assuring residents with this exact, and specific concern, specifically stating "... that he would not allow a high school to be built on the former Gorham Manufacturing site if that parcel is not deemed safe for the city's children." The City, therefore, chose this location for a school, and it is the City's burden to implement a satisfactory remedy, sufficiently demonstrate that it functions as designed, and continue to perform the necessary long-term testing, monitoring, operation and maintenance required to keep occupants safe. It is the Departments responsibility to achieve adequate and appropriate protections for the anticipated occupants even if the City alters its commitment.

It is my understanding that a recent submission has been made by your consultant in response to the requirements mandated by the Department in the Addendum. Department staff is reviewing that letter and will discuss it further, including as part of the agenda for a meeting now scheduled for April 27, 2007 for the attorneys involved in this case. The minimum sampling and analysis requirements outlined in the Addendum, however, must form the basis for determining compliance, and keeping the school safe as long as a risk of exposure to harmful contamination exists at the site should the remedy fail.

I look forward to a continuing dialog to resolve the issues raised on this complex site.

Sincerely,



Terrence D. Gray, P.E.  
Assistant Director for Air, Waste and Compliance

cc: W. Michael Sullivan, Director, RIDEM  
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