



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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September 21, 2006

Sara Rapport, Esq.  
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City of Providence, Dept. of Law  
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Providence, RI 02903-1845

Mr. Gregory L. Simpson  
Project Manager  
Textron, Inc.  
40 Westminster Street  
Providence, RI 02903

2006 SEP 28 P 1:44  
RECEIVED  
D.E.M./O.W.M.

RE: Former Gorham Manufacturing Facility – Park Parcel, 333 Adelaide Ave., Providence, RI  
Slag Pile Removal  
Case No. 2005-059 (Associated with Case No. 97-030)

Dear Ms. Rapport & Mr. Simpson:

Several issues have recently been brought to my attention relating to the removal of the so-called “slag pile” that I am concerned may result in the need for additional legal action by the Department if certain on-site activities are not carefully monitored. I hope to avoid any such action by clearly communicating the fears that have been relayed to me as well as the Department’s expectations as to how these issues should be handled by the City, Textron and its consultant MACTEC Engineering and Consulting, Inc. (MACTEC).

First, both DEM’s Project Manager, Joe Martella, and various concerned citizens have commented that various materials (rocks, tree stumps, soil from the adjacent school site) are being either intentionally or inadvertently deposited into or moved precariously adjacent to the slag pile excavation area. Obviously, the concern here is that the slag removal area is effectively being backfilled before MACTEC has properly completed required compliance sampling and/or removal activities. These sampling and removal requirements were thoroughly reviewed by Mr. Martella in his recent letter of September 18, 2006. The Department expects that the requirements outlined in Mr. Martella’s letter will be fully complied with before the slag removal area is backfilled. To the extent that any backfilling occurs (or has already occurred) before DEM issues its approval of the slag removal action, the City and/or Textron will be required to remove any and all fill materials

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that impede the proper completion of the slag removal action. At the present time, no backfilling or other dumping or disposal of materials in the slag removal area has been authorized by DEM.

Second, sometime last week, a concern was raised by David Heislein of MACTEC, that it might soon lose access to the slag removal area through the back of Parcel B. (the school parcel) due to advancing construction activities on Parcel B. Since that time, DEM has been orally assured by Peter Grivers at EA Engineering, that he is not aware of any pending conflict between the construction activities on Parcel B and MACTEC's ongoing need for access to the Park Parcel and slag removal area through the back of Parcel B. While DEM certainly has no reason to disbelieve Mr. Grivers, as he himself points out, he is not employed by the general construction contractor and may not be up-to-date on that contractor's plans for working on the portion of Parcel B that MACTEC is currently using to access the slag removal area. Accordingly, in an effort to head off any conflict between the City's construction efforts and MACTEC's remedial efforts, DEM would like to make it absolutely clear that in the event that the City or its contractors take any action that would negatively impact MACTEC's access to the Park Parcel or its ability to complete the slag removal remedy (as discussed above), DEM will immediately seek injunctive relief to maintain such access as is necessary to properly complete the slag removal activities.

Very truly yours,



Brian A. Wagner, Esq.

XC: Terrence D. Gray, P.E., Assistant Director, RIDEM/AW&C  
Leo Hellested, P.E., Chief, DEM/OWM  
Joseph Martella, RIDEM/OWM  
Frank Battaglia, EPA – Region 1  
Hon. David N. Cicilline, Mayor, City of Providence  
Senator Juan M. Pichardo, District 2  
Representative Thomas Slater  
Providence City Councilman Ronald Allen  
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