



Providence, R.I. March 3, 2003

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Metro

Parents, neighbors in court over schools' site

Their concern is possible environmental hazards because the three schools were built on a former city dump.

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BY KAREN A. DAVIS
Journal Staff Writer

PROVIDENCE -- Three and a half years after a group of parents and residents filed a lawsuit to prevent the city from building schools atop a city landfill, the case is scheduled to be heard, starting today in Superior Court.

Anthony Carnevale Elementary School and Governor Christopher Del Sesto Middle School opened in 1999, and the Springfield Middle School opened in 2000. But the school site has been the subject of lingering environmental concern since the city rushed to construct the buildings to meet the need for more classroom space.

Steven Fischbach, the lawyer for the plaintiffs, said his clients want a judge to have the schools either closed or extensively tested to make sure that they do not pose an environmental hazard for students and teachers.

The 10-acre site at Springfield Street and Hartford Avenue became the subject of public scrutiny and environmental debate in the spring of 1999, as construction began, with city officials pushing for completion by that fall.

Some area residents questioned whether the site -- part of which was a municipal dump -- would be a health hazard. For example, they feared the dust particles from soil contaminated by lead or other particles might be dangerous for students with asthma.

Longtime neighbors who remembered the former dump at the site criticized building contractors for failing to control dust and odors as they dug into the ground to lay the foundation for the schools. They also took issue with the fact that they were not given time to participate in the selection of the new school site before construction began.

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In the summer of 1999, Fischbach filed a lawsuit against the city, the state Department of Environmental Management, the Providence School Board and Alan Sepe, the city's acting director of public property, on behalf of the Hartford Park Tenants Association and several parents.

The lawsuit alleges that, while the city did some environmental testing at the site, the testing was not extensive enough and that the site still posed a health risk. It raises such issues as whether gases from buried, decomposing garbage could collect beneath the buildings or seep inside them.

City officials, represented by Asst. City Solicitor Kevin McHugh, have denied such assertions.

Representatives of the city have said that the low levels of lead, arsenic and petroleum found in soil samples at the site are not unusual for an urban area. And they note that the DEM gave the city approval to build the schools, as long as it followed a remediation plan calling for the removal of 20,000 cubic yards of solid waste; the capping of contaminated soil with a protective cover and two feet of clean soil; and the installation of an underground ventilation and gas-monitoring system, to be checked quarterly.

In their lawsuit, the plaintiffs sought to prohibit the schools from opening until the case was resolved.

But after an emergency hearing in August 1999, Superior Court Judge Michael A. Silverstein ruled that the schools would be allowed to open because the plaintiffs had failed to offer proof that the site posed an immediate danger to children.

Silverstein did order the city to monitor the ventilation/extraction system for harmful gases; to test for lead dust inside the buildings; to make test results and nurses' logs available to the plaintiffs; and to allow the plaintiffs to observe quarterly testing.

In the spring of 2001, the city was found to be in contempt of court for having failed to provide copies of the environmental reports and logs to the plaintiffs.

In April, the city was ordered by the DEM to repair the gas-extraction monitoring system or face fines of up to \$1,000 per day.

As part of the initial remediation plan, the DEM had called for the monitoring systems to operate 24 hours a day, seven days a week. But during a testing session in December 2001, Fischbach discovered that the system had been turned off by school maintenance staff.

The staff had not been trained on how to maintain the monitoring system, Fischbach said.



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