

RHODE ISLAND LEGAL SERVICES, INC.
56 PINE STREET - SUITE 400
PROVIDENCE, RHODE ISLAND 02903-2819

TELEPHONE: (401) 274-2652
TOLL FREE: 1-800-662-5034

TDD: (401) 272-5335
FAX: (401) 453-0310

September 5, 2008

Mr. Kevin McHugh, Esq.
Department of Law
275 Westminster Street
Providence, RI 02903

RECEIVED

SEP 8 2008

RE: Hartford Park Tenant Association v. R.I. Department of Environmental Management et al., C.A. 99-3748

RIDEM OFFICE OF LEGAL SERVICES

Dear Mr. McHugh:

I am writing again regarding the City's non-compliance with various provisions of the Court's February 24, 2007 Order in the above referenced matter. While the City has taken actions on many of the issues raised in my January 15, 2008 letter to you there are a number of items that the City has not acted upon.

Paragraph 2

This paragraph requires the City to send written notice (in both English and Spanish) to parents of students at the Springfield Street Schools and workers at said schools about contamination and remediation at the Site and the location of document repositories regarding the Site. A copy of that notice is also to be forwarded to plaintiffs' counsel. To date, plaintiffs' counsel has not received any such notice. Plaintiffs are aware that a letter written in English was sent by former Providence School Superintendent Donnie Evans on February 26, 2008 about the subjects covered in this paragraph (copy enclosed). To bring the City into compliance with this paragraph plaintiffs request that the City send out a new notice in both English and Spanish to all parents of students and workers at the Schools within 15 days, with a copy to plaintiffs' counsel. If the City already sent a notice in Spanish please provide plaintiffs' counsel with a copy of the same within 15 days. Regardless, the City must still send a notice (in both English and Spanish) to all new students and workers at the school (with a copy to plaintiffs' counsel), and plaintiffs request that this notice be sent within 15 days.

Paragraph 5

This paragraph requires the City to cooperate with any requests from DEM to distribute flyers at the Springfield Street Schools. Plaintiffs recently took DEM's

deposition and learned that on at least three occasions DEM tried communicating with the City to distribute flyers about the creation of the agency's Internet document repository about the Springfield Street Schools site. DEM testified that the City never responded to any of those communications. To bring the City into compliance with this paragraph plaintiffs suggest that the appropriate City personnel contact Jeff Crawford at DEM within 15 days and make the necessary arrangements for DEM to distribute notices about the Internet document repository.

Paragraph 7

The City is required to pay each plaintiff nominal damages in the amount of one dollar. The City has not made the required payment. To bring the City into compliance with this paragraph please make a check payable to each of the named plaintiffs and forward the same to me within 15 days.

Plaintiffs request that the City respond to this letter in writing within 20 days of the receipt of this letter. If the City prefers to meet to discuss the points raised in this letter please notify me of this within 10 days of receipt of this letter. Thank you in advance for your cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S Fischbach', with a large, stylized initial 'S'.

Steven Fischbach
Community Lawyer / Unit Head

Enclosure

CC: Terrence Tierney, Esq.
Susan Forcier, Esq.

DAVID N. O'CALLINE
Mayor

DONNIE W. EVANS, ED.D.
Superintendent



Providence Public School District
Office of the Superintendent
797 Westminster Street
Providence, RI 02903-4045
tel. 401.456.9211
fax 401.456.9252

February 26, 2008

Re: Hartford Park Tenants Association v. City of Providence
Superior Court C.A. No. 99-3487

Dear Families, Staff and Community,

This notification is being sent to you per order of Judge Edward C. Clifton of the Rhode Island Superior Court. The purpose of this notification is to inform you that contamination was found at the site of the Springfield Street School in March of 1999 and that the City took immediate steps, with the approval of the Rhode Island Department of Environmental Management, to remedy the contamination of the site. To date, there has been no evidence that anyone at the site has been harmed by these contaminants.

In March of 1999, the following contaminants were found at the site for the School: lead, arsenic, petroleum, hydrocarbons. These substances were found to be present in an amount that exceeds the Rhode Island Department of Environmental Management's objectives.

Several measures were taken soon after that to remedy the contamination:

In the areas not covered by the school buildings, two feet of clean fill were placed over the site. An indicator barrier underlies the clean fill. Certain areas of the site are covered with less than two feet of fill material. For these areas, a geotextile fabric lays beneath the cover. 8,000 cubic yards of waste material that lies under the elementary school building and 12,000 cubic yards from the foundation of the middle school and the southeastern parking lot were removed and disposed of off-site.

Beneath the middle and elementary school buildings a soil gas collection system was installed. The system extracts soil gas and discharges same in accordance with applicable air pollution control requirements. Both systems are operational for 24-hours per day. The system is also monitored quarterly by a consulting firm. Once per quarter the system components, including indoor monitoring devices are evaluated to ensure proper working order. Additionally, influent and effluent sampling is performed to assess the efficiency of the system. The results of the quarterly analysis, which include maintenance logs and analytical results, are compiled quarterly and submitted to the Rhode Island Department of Environmental Management and the City of Providence.

To supplement the system inspection, the air space within the building is monitored continuously for methane gas and quarterly for other potential gases (volatile organic compounds, hydrogen sulfide, carbon monoxide and carbon dioxide).

Documents containing information about environmental conditions at the site are located in the libraries in both of the Springfield Street Schools.

Sincerely,

A handwritten signature in cursive script that reads "Donnie W. Evans".

Donnie W. Evans
Superintendent