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November 25, 2011

BY ELECTRONIC AND REGULAR MAIL

Mr. Richard M. Bianculli, Jr., Esq.
Office of Legal Services
R.I. Department of Environmental Management
235 Promenade Street – 4th Floor
Providence, RI 02908

RE: Notice Seeking Comments on Five Year Review Report

Dear Mr. Bianculli:

I am writing to inform the Department of Environmental Management (DEM) that the November 15, 2011 notice the agency sent to Project Stakeholders and the General Public failed to comply with the Second Assented to Supplemental Order; and to request DEM to send out a new notice providing a 30-day comment period on the Five Year Review Report conducted at the Springfield Street Schools Site.

The November 15, 2011 notice failed to inform Project Stakeholders and the General Public that they could ask DEM to convene a public hearing about the report, at which DEM would take additional comments on the Five Year Review. This requirement is set forth in the second and fourth sentences of paragraph 4 of the Second Assented to Supplemental Order which state:

The notice regarding the comment period shall specify the date by which written comments must be received by DEM (said comment period to be at least thirty (30) days in duration), the name and address of the person to send comments to and that persons may request that DEM hold a public hearing about the Written Draft. . . . If requested during the thirty (30) day comment period, DEM shall conduct a public hearing about the Written Draft only and take further comments on the Draft at said hearing.

Since the November 15, 2011 notice failed to comply with the requirements of the Second Assented to Supplemental Order, the new notice must provide a comment period that expires no sooner than thirty days of the date the new notice is sent to Project Stakeholders and the General Public. I would appreciate receiving a written reply to this

letter (which could be in the form of a new 30 day notice). Thank you in advance for your cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S Fischbach', with a long horizontal flourish extending to the right.

Steven Fischbach
Community Lawyer / Unit Head

PS—My copy of the November 15, 2011 notice was not mailed until November 18, 2011, and I received the notice on November 21, 2011. If a new notice is going to be sent out, please make sure it does not take 3 days to get mailed out—as that will further diminish the length of the public comment period.

CC: Jeffrey Crawford (electronic copy only)