

COPY



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE / DIVISION OF WASTE MANAGEMENT
235 Promenade Street, Room 380
Providence, Rhode Island 02908

VOLUNTARY PROCEDURE LETTER
File No. SR-01-1795

24 February 2016

CERTIFIED MAIL

Kathleen Bazinet, Executive Director
East Bay Community Development Corporation
150 Franklin Street
Bristol, RI 02809

RE: Palmer Pointe
Sowams Road
Barrington, Rhode Island
Plat Map 28 / Lots 72, 73, 246, 249,263, and a portion of 248

Dear Ms. Bazinet:

On November 9, 2011, the Rhode Island Department of Environmental Management (the Department) enacted the amended Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations). The purpose of these Regulations is to create an integrated program requiring reporting, investigation, and remediation of contaminated sites in order to eliminate and/or control threats to human health and the environment in a timely and cost-effective manner. A Voluntary Procedure Letter (VPL) is a preliminary document used to define the relationship between the Department and a Performing Party under the Remediation Regulations. In the case of a Voluntary Procedure Letter, a Performing Party may be a Voluntary Party or a Bona Fide Prospective Purchaser.

Please be advised of the following facts:

1. The above referenced property is located on Sowams Road, Barrington, Rhode Island (the Site). The Site is further identified by the Town of Barrington Tax Assessor's Office as Plat Map 28 / Lots 72, 73, 246, 249,263, and a portion of 248.
2. On July 31, 2013, East Bay Community Development Corporation (EBCDC) submitted a Brownfields Targeted Site Assessment Application form requesting

assistance with assessment of the Palmer Pointe site. The Department completed a Phase I Environmental Site Assessment (ESA), and referred the application to the US Environmental Protection Agency, Region 1 (USEPA), who initiated a Phase II ESA/Targeted Brownfields Assessment (TBA) in June 2015.

3. The Department is in receipt of the following documents:
 - a. Brownfields Targeted Site Assessment Application Form, received by the Department on July 30, 2013, and prepared by East Bay Community Development Corporation (East Bay CDC);
 - b. ASTM Phase I Environmental Site Assessment Report, received by the Department on November 3, 2014, and prepared by Resource Control Associates, Inc.(RCA) under contract with the Department;
 - c. Field Task Work Plan and Quality Assurance Project Plan Addendum, received by the Department on September 18, 2015, and prepared by Nobis Engineering, Inc. (Nobis) under contract with the USEPA;
 - d. Final Targeted Brownfields Assessment Report, received by the Department on February 8, 2016, and prepared by Nobis under contract with the USEPA; and
 - e. Hazardous Materials Release Notification, received by the Department on February 8, 2016, and prepared by Nobis under contract with the USEPA.
4. The above referenced documents identify concentrations of dieldrin and arsenic in Site soils that exceed the Department's Method 1 Direct Exposure Criteria, as referenced in the Remediation Regulations.
5. Based on the presence and nature of these Hazardous Substances the Department concurs that a Release of Hazardous Materials has occurred as defined by Rules 3.33, 3.34, and 3.63 of the Remediation Regulations.

The Department requests that EBCDC, as Performing Party, provide the Department with the requested information listed below in order to complete the requirements of Section 7.00 of the Remediation Regulations:

1. The Department accepts the Final Targeted Brownfields Assessment Report as significantly meeting the requirements of an SIR under Rule 7.00 of the Remediation Regulations; however, it has been determined that additional site investigation activities are necessary in order to further delineate concentrations of dieldrin and arsenic in Site soils.
2. Prior to the implementation of any additional site investigation field activities and in accordance with Rule 7.07(A)(i) of the Remediation Regulations, EBCDC must notify all abutting property owners, tenants, easement holders, and the municipality that an investigation is about to occur. The notice should briefly indicate the purpose of the investigation, the work

to be performed, and the approximate scheduled dates of activities. Please submit a draft notification to the Department via E-mail for review and approval prior to distribution. A boilerplate notification to be distributed can be found online at: <http://www.dem.ri.gov/programs/benviron/waste/topicrem.htm#process>.

The Department will require a copy of the public notice letter and a list of all recipients. Failure to comply with the aforementioned items may result in enforcement actions as specified in Rhode Island General Laws 23-19.1-17 and 23-19.1-18.

3. Conduct further investigation of the Site soils, in accordance with Section 7.00 of the Remediation Regulations, and submit revised remedial alternatives as appropriate, per Section 7.04. It is the Department's understanding that the USEPA has agreed to conduct the necessary additional investigation at the site.
4. Upon completion of the additional site investigation submit a Supplemental Site Investigation Report (SIR) in accordance with Section 7.00 of the Remediation Regulations within ninety (90) days from the date of this letter. Given that some limited environmental investigation has already been performed at the Site, you may incorporate portions of the information already gathered and work already performed to address the items covered in Section 7.00. The SIR should include at least two remedial alternatives other than no action/natural attenuation and include future plans for the re-use or redevelopment (if applicable) of the property. It is the Department's understanding that the USEPA will submit a Supplemental SIR.
5. Upon approval by the Department of the Supplemental SIR, be prepared to bring the Site into compliance with the Remediation Regulations.

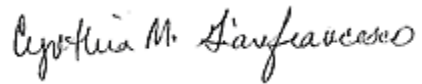
Please be advised that EBCDC, as the Performing Party, is responsible for the proper investigation and remediation of hazardous substances at this site. Also be advised that any remedial alternative that proposes to leave contaminated media on-site at levels which exceed the Department's Residential Direct Exposure Criteria, applicable Leachability Criteria, or applicable Groundwater Criteria will, at a minimum, necessitate the recording of an institutional control in the form of an Environmental Land Usage Restriction (ELUR) on the deed for the site, and will likely require implementation of additional engineered controls to restrict human exposure.

Please notify this office within seven days of the receipt of this letter of your plans to address these items. All correspondences should be sent to the attention of:

Cynthia Gianfrancesco
RIDEM / Office of Waste Management
235 Promenade Street
Providence, RI 02908

If you have any questions regarding this letter or would like the opportunity to meet with Department personnel, please contact me by telephone at (401) 222-2797, ext. 7126, or by E-mail at cindy.gianfrancesco@dem.ri.gov.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia M. Gianfrancesco".

Cynthia M. Gianfrancesco, CHMM, CPG
Principal Environmental Scientist
Office of Waste Management

cc: Kelly Owens, DEM
James Byrne, EPA
Frank Spinella, FJS Associates, Ltd.
Brian Kortz, F&O