



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

CERTIFIED MAIL

**INTERIM REMEDIAL APPROVAL LETTER
FOR OVERBURDEN REMEDIATION**

Case No. 99-037

25 September 2008

Michael Healey
Charbert-Division of NFA Corporate Facility
299 Church Street
Richmond, RI 02894

RE: Charbert, Division of NFA Corporate Facility
299 Church Street
Richmond, RI

Dear Mr. Healey:

On February 24, 2004, the Rhode Island Department of Environmental Management (the Department) amended the 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 Remedial Approval Letter (RAL)** is a document used by the Department to approve remedial actions at contaminated sites that do not involve the use of complex engineered systems or techniques (e.g., groundwater pump and treat systems, soil vapor extraction systems, etc.).

The Department has received and reviewed the following documents concerning the property located at 299 Church Street, further identified as Plat 11A, Lots 6, 9-30, 9-36, 14, 18, 24 and 42 in the Town of Richmond, Rhode Island (the site), which together fulfill the requirements of Section 8.00 (Risk Management) and Section 9.00 (Remedial Action Work Plan) of the Remediation Regulations **for the overburden portion of the site:**

1. Environmental Audit/Phase 1 Investigation, Charbert, Inc, Church Street, Alton, Rhode Island, dated August 8, 1991, by Rizzo Associates (in UIC Files);
2. UIC Issues at Alton Operating/Charbert Facility, Richmond. Status Report of Charbert, Division of N.F.A. Corp. 299 Church Street, Town of Richmond, Alton, Rhode Island, dated March 19, 1997, by Clayton Environmental Consultants (in UIC Files);

3. Findings of the Lagoon #4 Sediment Investigation at Charbert, prepared by Clayton, dated 3 August 2001;
4. November 2003 Groundwater Sampling Report, Charbert, Division of N.F.A. Corporation, dated 17 February 2004;
5. Interim Site Investigation Report for Charbert, prepared by Clayton Group Services, dated 13 May 2004;
6. Deep Aquifer Investigation Interim Data Report and Monthly Progress Report #2, prepared by GZA dated 24 September.
7. Stockpiled Soil Reuse Plan for the Charbert Facility, prepared by GZA, dated 13 April 2005;
8. Response to RIDEM Comment on the April 13, 2005 Stockpiled Soil Reuse Plan prepared by GZA, dated 29 April 2005;
9. Phase II Site Investigation Report and Drawings for the Charbert Facility, prepared by GZA, dated June 2005;
10. Phase II Site Investigation Responses to Comments for Charbert, Division of NFA, prepared by GZA, dated 18 August 2005;
11. Supplemental Site Investigation Report for Charbert prepared by GZA, dated 9 January 2006;
12. A Additional Sediment Sampling Supplemental Site Investigation Report prepared by GZA, dated 28 April 2006;
13. Old Lagoon 5 Sediments Supplemental Site Investigation Report prepared by GZA, dated 7 August 2006.
14. Solid Waste Areas Remediation and Wetlands Restoration prepared by GZA, dated May 2007.
15. Remedial Action Work Plan for Source Control prepared by GZA, dated October 2007.
16. Interim Compliance Monitoring Plan for Source Control Remedy prepared by GZA, dated 4 December 2007.
17. Piezometric Monitoring for Bedrock Aquifer Assessment prepared by GZA, dated 1 May 2008.

18. Supplemental Perimeter Groundwater Sampling and Analysis prepared by GZA, dated 5 May 2008.
19. First Quarterly Interim Compliance Monitoring Report prepared by GZA, dated 5 May 2008.
20. Old Lagoon 5 Remedial Work Plan prepared by GZA, dated 16 May 2008.
21. Revised Old Lagoon 5 Remedial Work Plan, dated 22 August 2008 and received by the Department on 28 August 2008.

Collectively, the Remedial Action Work Plan for Source Control, and subsequent related documents, constitutes a complete Remedial Action Work Plan (RAWP) submittal. The Department approved RAWP describes a plan to remediate identified **overburden** contaminant source areas (existing soil, groundwater and sediment contamination), exclusive of bedrock groundwater contamination, through a combination of remedial measures and institutional controls at the above referenced property as follows:

1. Operation and maintenance of Soil Vapor Extraction / Air Sparge System as approved in the Order of Approval dated 19 December 2007;
2. Operation and maintenance of point-of-use Residential Well Treatment Systems at 14, 16, and 18 River Street;
3. Limited removal and off-site disposal of soil exceeding the Rhode Island Industrial/Commercial Direct Exposure Criteria in the former Solid Waste Areas;
4. Execution of an Environmental Land Use Restriction (ELUR);
5. Removal and off-site disposal of the upper layer of sediments and restoration of the Old Lagoon 5 channel;
6. Installation of Product Recovery Trench and Product Recovery Wells;
7. Location and characterization of Old Lagoon 5 Scrapings;
8. Remediation of contaminated soils in Oil Line Rupture Area; and
9. Institution of groundwater quality and piezometric Environmental Monitoring.

The Department hereby approves the RAWP **for the overburden portion** of the above referenced property, provided that all activities and procedures detailed in the RAWP are strictly followed. Approval of the new sewer lines, industrial wastewater collection system and soil stockpile reuse have been determined to be non-jurisdictional under the Remediation Regulations and are not included in this remedial action approval. Any

changes in the activities detailed in the RAWP shall be reported to the Department by telephone within one (1) working day and in writing within five (5) working days.

This approval carries with it the following stipulations:

- A. Charbert-Division of NFA Corporate Facility (Charbert) must conduct the perimeter well monitoring plan in accordance with the proposal set forth in the GZA 3 September 2008 Second Quarterly Interim Compliance Monitoring Report. This plan is to be implemented until such time as a Final Environmental Monitoring Plan, prepared in accordance with Section 5.13 of the RAWP, is approved by the Department.
- B. In accordance with Section 5.11 of the RAWP, when the 2001/2004 soil stockpiles are moved from their current location, Charbert will make an effort to locate the Old Lagoon 5 sediments through a test pit exploration program. If the sediments are located, several samples will be collected for a suite of analysis as stated in the RAWP. Charbert will evaluate this information with respect to relevant RIDEM soil quality standards and appropriate remedial action will be taken as necessary.
- C. Charbert must provide the Department with a schedule for the completion of the investigation and all remedial activities outlined in Items 1-9 above, and provide the Department with monthly updates on the progress of environmental activities associated with this effort.
- D. Please be advised that public notice requirements of the Consent Agreement must be performed for each phase of the investigation including the Bedrock Aquifer Evaluation and the Lagoon 5 Sediment Exploration and Test Pit Program.
- E. The Department requires that Charbert notify all Alton residents, Hopkinton residents abutting the Wood River directly west of the Charbert property, the Towns of Richmond and Hopkinton, and the Department's Office of Compliance and Inspection of all remedial actions and schedules, as well as and potential for odors and dust or Charbert must have dust/odor control on site during remedial activities.
- F. This RAL does not include final approval of the proposed ELUR. Final approval of the ELUR will be provided under a separate letter and can not be recorded until the Department issues approval of the Final Closure Report.

In addition, if, prior to completion of all remedial activities and the Department's issuance of a Letter of Compliance, Charbert wishes to subdivide and sell any portion of the property, proceeds from the sale of said property equivalent to 110% of the projected remedial costs, **including remedial actions and remedial systems operations and maintenance**, must be placed into an escrow account under RIDEM control until which time that all remedial activities are complete.

No later than thirty (30) days following the completion of the Remedial Action at the Site, an *Interim Remedial Action Closure Report (Interim Closure Report)* detailing the

overburden Remedial Actions and the current status of the property, shall be submitted to the Department for review and approval. The *Interim Closure Report* must include all disposal documentation.

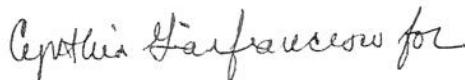
Also, in accordance with the Consent Agreement, Charbert has initiated a bedrock aquifer investigation. This investigation is to characterize any contaminants present in the bedrock aquifer that are related to the site based on the findings and results of the SIR. Please be advised that the Department shall only issue a Final Remedial Approval Letter (RAL) for the entire site after satisfactory completion of the Lagoon 5 Sediment Exploration and Test Pit Program and the Bedrock Aquifer Evaluation and, if necessary, Bedrock Aquifer remedial action at which time a Final Closure Report for the entire site investigation must be submitted

Upon approval of the *Final Closure Report*, a Department approved ELUR and Soil Management Plan (SMP) must be recorded in the Town of Richmond Land Evidence Records. A copy of the stamped and recorded ELUR must be submitted to the Department within fifteen (15) days of the date that it is entered into the Land Evidence records. Once these requirements have been met, the Department will issue a Letter of Compliance for the property. **(Note: the ELUR can not be recorded until completion of the bedrock investigation and Department approval of the Final Closure Report.)**

Nothing in this approval removes your obligation to obtain any necessary permits from other applicable Federal, State and Local entities that fall outside of the jurisdiction of the Remediation Regulations, including but not limited to Underground Storage Tanks, Underground Injection Control, Rhode Island Pollution Discharge Elimination Systems and Freshwater Wetlands.

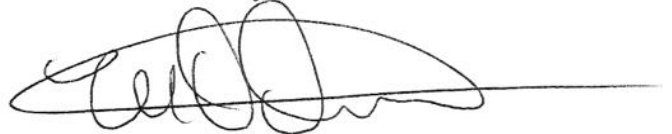
Please notify the Department at least forty-eight (48) hours in advance of any remedial work. If you have any questions regarding this letter, please feel free to contact me at (401) 222-2797 X 7514 or by e-mail at joan.taylor@dem.ri.gov.

Sincerely,



Joan Taylor
Senior Environmental Scientist
Office of Waste Management

Authorized by:



Matthew DeStefano
Supervising Engineer
Office of Waste Management

cc: Cynthia M. Gianfrancesco, RIDEM OWM
Edward Summerly, GZA
Mary Morgan, - Richmond Town Hall
Clark Memorial Library - Charbert Repository