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January 15, 2008

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

RE: Hartford Park Tenant Association et al. v. City of Providence et al.

Dear Mr. McHugh:

I am writing regarding the City's failure to comply with various provisions of the Court's February 24, 2007 Order in the above-referenced matter and to suggest ways for the City to come into compliance with said order without plaintiffs having to resort to further court action.

Paragraph 1

This paragraph requires the City, *inter alia*, when it sends documents to DEM for inclusion in the document repository to either notify plaintiffs' counsel of the title of each document sent or to send plaintiffs' counsel an electronic copy of the document. The City failed to either notify of copy plaintiffs' counsel on several documents sent by the City's environmental consultant, LFR, to DEM including:

- the June 6, 2007 letter regarding repair work scheduled for Summer 2007;
- the August 3, 2007 status report on repair work; and
- the October 1, 2007 repair report.

To bring the City into compliance with this paragraph plaintiffs suggest that the City send a letter to LFR notifying them of the requirement to either copy plaintiffs' counsel on any correspondence to DEM or to send plaintiffs' counsel an email stating that correspondence has been forwarded to DEM along with a brief description of that correspondence.

Paragraph 2

This paragraph requires the City to send written notice to all students and workers at the Springfield Street Schools about contamination and remediation at the Site and the

location of document repositories regarding the site, and to send plaintiffs' counsel a copy of the notice. To date, no notice has been received by plaintiffs counsel despite the fact that such notice should have been sent last March and again this past September.

To bring the City into compliance with this paragraph plaintiffs suggest that the City develop a draft of the required notice in 15 days, send it to plaintiffs' counsel and counsel for DEM for comment, and coordinate with DEM the sending of the notices as DEM is also required to send notice about the location of document repositories.

#### Paragraph 4

Plaintiffs received several months of tabulations of the nurses' logs but the last report received was for October, 2007. I trust that the City will get caught up on the back reports in the next few weeks once you remind the appropriate officials to send the reports.

#### Paragraph 6

The City is required to comply with the Remedial Action Work Plan and Orders of Approval entered by DEM. In virtually every single quarterly monitoring report exceedences of the action level for carbon dioxide are reported. The Remedial Action Work Plan for the Springfield Street Schools states that when the action levels for carbon dioxide are exceeded, "a more thorough assessment will be performed." That thorough assessment is to include the installation of additional soil gas monitoring wells and/or more extensive sampling to further define the extent and degree of the gas impacts. (Remedial Action Work Plan, Appendix C, pp. 7-8).

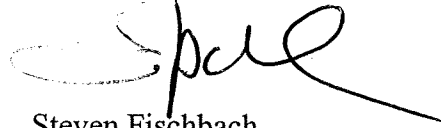
To bring the City into compliance with this paragraph plaintiffs suggest that the City undertake an assessment of carbon dioxide inside the school buildings that would include indoor air sampling with a device that can detect lower levels of carbon dioxide than the Lantec device used by LFR, the City's environmental consultants. The Lantec device can only detect carbon dioxide in intervals of 1,000 PPM (or 0.1% by volume), the same level as the action level. There are hand held carbon dioxide monitors available that can detect carbon dioxide levels at 10 PPM with an accuracy of plus or minus 200 PPM (see attached specifications for the Inspectair CO2 Carbon Dioxide Monitor Model 8560). The use of a more sensitive device will indicate whether there are elevated carbon dioxide levels (i.e. levels greater than 0.0314% by volume, the normal level of carbon dioxide in air) inside the school building; and whether those levels are caused by the off-gassing of carbon dioxide from the decomposing trash under the school buildings.

#### 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.

Plaintiffs request that the City respond to this letter in writing within thirty 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 two weeks 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 long horizontal flourish extending to the right.

Steven Fischbach  
Community Lawyer / Unit Head

Enclosure

Cc: Patty Fairweather, Esq.  
Terence Tierney, Esq.

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## Exposure Monitoring Products

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### INSPECTAIR™-CO2 Carbon Dioxide Monitor Model 8560

*Locate dangerous CO2 levels in your plant with the INSPECTAIR-CO2 Carbon Dioxide Monitor.*

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### Features and Applications

The INSPECTAIR-CO2 monitor is a compact, hand-held instrument which accurately measures carbon dioxide concentrations over a wide range. High precision, repeatable and reliable measurements up to concentrations of 5 percent (50,000 ppm) CO2 are attained using our proven Non-Dispersive Infra-Red (NDIR) technology. Unlike electrochemical devices and detector tubes, this sensor never needs replacing for the life of the instrument.

The easy-to-use INSPECTAIR-CO2 monitor is the perfect tool for locating dangerously high CO2 levels in your plant. If your manufacturing process uses or produces significant quantities of CO2, you owe it to your employees to make sure the workplace is safe. And the fast response of the INSPECTAIR-CO2 monitor makes it ideal for locating expensive CO2 leaks that can add up to big dollars fast.

The INSPECTAIR-CO2 monitor provides a dual-level alarm to alert you when potentially dangerous conditions exist. The instrument displays real-time CO2 concentrations in ppm or percent and calculates statistics, including the average, minimum and maximum levels measured during survey mode samples. In addition, the instrument is easily calibrated in the field for user convenience.

### Key Applications

- Breweries
- Carbonated beverage bottling plants
- Meat and poultry processing operations
- Food processing operations
- Leak checking
- Industrial CO2 applications

### Key Features

- Measures CO2 concentrations up to 50,000 ppm or 5%
- Easy to use
- Displays CO2 in ppm or percent concentration units (user selectable)
- Hand-held, lightweight and compact
- 2 independent level alarm settings (trigger points set by user)
- Calculates sample statistics including average, minimum, maximum and sample duration
- Easily calibrated in the field
- Integral printer port for TSI Model 8925HS Portable Printer

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### INSPECTAIR-CO2 Carbon Dioxide Monitor Model 8560 Specifications

#### CO2:

Sensor type	<u>Non-Dispersive Infrared (NDIR)</u>
Range	0 to 50,000 ppm (0 to 5.0%) CO2
Accuracy	±3% of reading ±200 ppm
Resolution	10 ppm
Response time	20 seconds

#### Instrument Temperature Range:

Operating range	40 to 113°F (5 to 45°C)
Storage range	-4 to 140°F (-20 to 60°C)
Time Constant	Adjustable from 2 to 60 seconds

#### Physical:

External dimensions	3.9 in x 6.6 in x 1.5 in (99 mm x 168 mm x 38 mm)
Instrument weight	1.3 pounds with batteries (0.59 kg)

#### Power:

AC	AC adapter (included)
Battery	Four AA-size batteries (included)
Typical battery life	14 hours with Alkaline batteries

#### Warranty

2 years on parts and labor

Specifications are subject to change without notice.

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### Accessories Included with the Instrument

- CO2 Calibration Collar
- Wrist strap
- Splash Guard
- Probe stand
- Operation and Service Manual
- Carrying case
- Calibration certificate
- 4 AA Alkaline batteries
- AC Adapter

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### Optional Accessories

- Model 8925HS Portable Printer
- Model 800705 CO2 Calibration Kit (30,000 ppm)\*

\* Not available for shipment outside the USA. See [How to Obtain Calibration Gas in Non-USA Locations](#).



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