



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

**CERTIFIED MAIL**

February 10, 2004

Mr. Alan Sepe, Director  
Division of City Property  
City of Providence  
25 Dorrance Street  
Providence, R.I. 02903

RE: Modified Order of Approval for the Springfield Street Schools Providence, R.I. -  
Assessor's Plat Map 115, Lots 97, 114-126, 132-155, 179-188, 215-218, 234-  
237, 240-256, 259, 261-283, 309-315.

**Case #99-018**

Dear Mr. Sepe:

Enclosed please find a **First Amended Order of Approval** that has been issued to provide clear timelines for deliverables concerning the previously issued Order of Approval, dated June 4, 1999, for the remediation plan at the above-referenced facility. Please review the stipulations of this Order thoroughly to ensure your compliance with the requirements. If you have any questions regarding this matter, please contact Jeffrey Crawford 222-2797 x7102.

This Order shall be recorded in the land evidence records of the City of Providence as required by law and a recorded copy returned within 5 days to this Office.

Sincerely,

Leo Hellested P.E., Chief  
Office of Waste Management  
Department of Environmental Management

cc: Kelly Owens, Supervising Engineer, RIDEM/OWM  
Jeffrey Crawford, Principal Environmental Scientist, RIDEM/OWM  
Brian Wagner, Esq., RIDEM/Office of Legal Services  
Terence Tierney, Esq., Office of the Attorney General  
Kevin McHugh, Esq., City of Providence, Law Department  
Robert A. DeRobbio, City of Providence, School Department

**In re: Remedial Action Approval at  
Springfield Street, Providence  
(Plat Map 115 / Lots 97, 114-126, 132-155,  
179-188, 215-218, 234-237, 240-256, 259,  
261-283, 309-315)**

**Case #99-018**

**FIRST AMENDED ORDER OF APPROVAL**

In the above-entitled matter the following documents have been filed by or on behalf of the City of Providence (the "City") or are otherwise on record with the Rhode Island Department of Environmental Management ("RIDEM"):

- *Notification at the RI Department of Environmental Management, Office of Waste Management on February 17, 1999;*
- *Preliminary Soil Sampling Results acknowledging jurisdiction dated March 10, 1999;*
- *Immediate Compliance Order issued to the City of Providence and O. Ahlborg & Sons, Inc. dated March 19, 1999;*
- *Site Investigation Report dated March 25, 1999 by ATC Associates, Inc.;*
- *Additional Groundwater analytical data results dated April 5, 1999;*
- *Remedial Decision Letter dated April 9, 1999; and*
- *Remedial Action Work Plan & amendments dated April 2nd, May 3rd and May 9th, 1999 with revisions.*

These documents describe the Remedial Action Work Plan ("RAWP") or means to prevent pollution as defined in Rhode Island General Laws Chapter 46-12 and RIDEM's Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the "Remediation Regulations"), as amended August 1996. The above-described RAWP was approved by RIDEM in an Order of Approval ("OA"), dated June 4, 1999 (copy attached).

The OA approved the City's plans to remediate the site of the former Springfield Street dump for the construction of two school buildings and associated parking lots, playgrounds and athletic fields by: (i) excavating waste materials; (ii) constructing an engineered encapsulation design; (iii) operating, monitoring and maintaining sub-slab ventilation systems beneath each proposed school building; (iv) installing, monitoring and maintaining a series of gas monitoring wells around the perimeter of the property for measuring and mitigating any landfill gas generated; (v) installing, monitoring and maintaining groundwater wells for measurement of contaminant concentrations in accordance with an approved groundwater monitoring plan, and (vi) implementing an approved Long Term Monitoring and Contingency Plan (herein collectively referred to as, "the Remedy").

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Since September 1999, the following monitoring reports have been submitted to the Department on behalf of the City:

- *ATC Associates First Quarterly Report (September 2001-December 2001) dated January 2002.*
- *ATC Associates Second Quarterly Report (December 2001) received January 24, 2002.*
- *ATC Associates Third Quarterly Report (February 2002) dated April 2002.*
- *ATC Associates Fourth Quarterly Report (June 2002) dated September 2002.*
- *LFR Quarterly Report (September 2002) received October 30, 2002.*
- *LFR Quarterly Report (December 2002) received February 24, 2003.*
- *LFR Quarterly Report (March 2003) received April 14, 2003.*
- *LFR Additional Air Quality Investigation Report (April 25, 2003) dated May 5, 2003 and received May 27, 2003.*
- *LFR Quarterly Report (July 2003) dated October 30, 2003 and received November 3, 2003. (re-submitted December 1, 2003)*
- *LFR Quarterly Report (November 2003) received December 11, 2003.*

Intent & Purpose

The OA issued by RIDEM on June 4, 1999, places primary responsibility for the construction, operation, maintenance and monitoring of the approved Remedial Action Work Plan (“RAWP”) on the City. In order to enable RIDEM to monitor the City’s compliance with the RAWP, the OA requires the City to notify RIDEM of any condition that is non-compliant with the OA or that constitutes an interruption of the RAWP. In order to maintain compliance with the OA and the RAWP, the City’s responsibilities under the OA necessarily include the responsibility to respond to and correct non-compliant conditions in a timely manner.

The intent and purpose of this First Amended OA is to clarify and reinforce the City’s responsibility under the OA to address non-compliant site conditions (e.g. equipment malfunctions or exceedances of established contaminant limits). As the responsible party, the City is expected to implement the RAWP semi-autonomously; i.e. with RIDEM oversight but without the need for constant RIDEM direction or approval of the City’s activities. Once the City identifies any non-compliant condition, the City must act accordingly to develop and implement an appropriate response to re-establish compliance. Given the City’s decision to site two public school buildings at the subject location, the City’s response(s) to non-compliant conditions must be implemented in an expeditious and professional manner that minimizes non-compliance with the OA and RAWP, and protects human health and the environment.

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RIDEM is issuing this First Amended OA in order to implement clear and specific timelines for deliverables that must be met by the City with respect to the on-site monitoring, reporting and operation & maintenance requirements necessary to maintain the Remedy in a state of compliance. In addition, this First Amended OA sets out the timeline and procedures for the preparation and recording of an Environmental Land Usage Restriction (“ELUR”) for the Springfield Street Schools site.

**Monitoring, Reporting and Operation & Maintenance**

1. The City, its elected officials, employees, agents and contractors shall adhere to the following timelines in its management, operation and maintenance of the Springfield Street Schools site.
  - a. All exceedances of the “Action Levels” established in the OA that are detected during any site monitoring activity (including but not limited to monitoring of sub-slab ventilation systems, interior methane monitors, exterior soil-gas monitoring wells and groundwater monitoring wells) shall be reported to RIDEM immediately.<sup>1</sup>
  - b. All equipment shutdowns (intentional and unintentional) or operational problems shall be reported to RIDEM immediately. Intentional equipment shutdowns for regular maintenance shall not require immediate notification to RIDEM provided that the shutdown is for less than twenty-four (24) hours and the maintenance activity is discussed in the next quarterly report.
  - c. All repairs or replacements of equipment or other actions taken in response to any non-compliance with the RAWP shall be completed within fourteen (14) days of discovery of the non-compliant condition. Additional time may be requested from RIDEM in writing, provided that the request is supported with a justifiable explanation as to why the work cannot be completed within 14 days and includes a binding timetable for the completion of all work. All requests for additional time shall be submitted to RIDEM as soon as the City becomes aware that additional time is necessary, but not later than 14 days from the discovery of the non-compliant condition. Documentation describing the repairs and certifying that the malfunction was corrected and that the equipment is operational must be received by RIDEM within 5 (five) days of completion of the repairs.
  - d. All deficiencies in the approved cap (including but not limited to sinking, cracking or excavation of soil, asphalt, cement or foundations) shall be reported to RIDEM immediately upon discovery and shall be repaired within fourteen (14) days. Until repairs are made, the City shall prevent access to the deficient areas by students, staff or visitors. Documentation describing the deficiency,

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<sup>1</sup> For the purposes of this First Amended OA, the term “immediate” or “immediately,” as used herein shall be applied as described in Paragraph 2, below.

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the repairs and certifying that the repairs meet the requirements of the Remedy must be received by RIDEM within 5 days of completion of the repairs.

- e. The City shall immediately notify RIDEM of any other site or operating condition that results in non-compliance with the OA or this First Amended OA or that indicates that the Remedy is not meeting its intended goal of preventing human exposure to hazardous materials contained in the former dump site.
  - f. Any waste derived from the repair and maintenance of the Remedy or the engineered systems shall be managed in accordance with the Department's Remediation Regulations and the Rules and Regulations for Hazardous Waste Management, as appropriate.
  - g. All quarterly monitoring reports shall be submitted to RIDEM within fourteen (14) days of the date of sampling.
2. Any report or notice required to be submitted to RIDEM "immediately," shall require verbal notification to RIDEM within twenty-four (24) hours and written notification to RIDEM within seventy-two (72) hours. The report or notice shall include a description of: the point of non-compliance (e.g. Action Level exceedance, equipment problems); the known or suspected cause for the non-compliance; any response actions taken as of the time of the report or notice; preliminary concepts for response actions to address, correct and/or prevent recurrence of the non-compliance; and a preliminary timetable for the completion of any further response actions. Final plans and timetables for response actions shall be reported to RIDEM as soon as they are developed.

Environmental Land Usage Restriction

- 3. The City shall submit a proposed Environmental Land Usage Restriction ("ELUR") to RIDEM on or before March 15, 2004.
- 4. Within ten (10) days of receipt of notice from RIDEM that the proposed ELUR is satisfactory, the City shall provide public notice of the proposed ELUR by:
  - a. Certified Mail: to all owners of properties that abut the Springfield Street Schools site and to other known interested parties, including but not limited to the Hartford Park Tenant's Association, Project Basic and Rhode Island Legal Services. A copy of each certified letter must be forwarded to RIDEM simultaneously with the certified mailing; and
  - b. Hand Delivery: to all residents of properties that abut the Springfield Street Schools site and to all students and staff at the Springfield Street Schools. All hand-delivered notices shall be in English and Spanish. A list of all residential units receiving hand-delivery shall be forwarded to RIDEM following delivery; and



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- c. Publication: in one daily publication of general statewide circulation printed in English and in one publication of general circulation in area of the Springfield Street Schools printed in Spanish.

All notifications shall: specify that the City has prepared and is seeking approval from RIDEM of an ELUR relating to the school site, explain briefly what an ELUR is and why it is being proposed for this site, indicate where copies of the ELUR may be reviewed/obtained, indicate that public comment may be submitted to RIDEM and shall specify a public comment period of not less than fourteen (14) days.

5. RIDEM will review all comments regarding the ELUR received during the public comment period and will forward copies of all substantive comments to the City for its review and response. The City shall respond to all comments and shall provide RIDEM with a narrative response and, where warranted, proposed revisions to the ELUR. Upon review, RIDEM may: accept the City's responses and revisions and instruct the City to issue its response to comments and record the ELUR; return the responses or revisions to the City for further review; or issue its own responses or revisions and instruct the City to record the ELUR as revised by RIDEM. If no substantive comments are received, then RIDEM will approve the ELUR and instruct the City to record the approved ELUR in the City's Land Evidence Records and return a recorded copy of the ELUR to RIDEM for its records within five (5) days of recording. All responses required by the City under this Paragraph shall be submitted to RIDEM within fourteen (14) days of the City's receipt of a request for action by RIDEM.
6. Upon receipt of the recorded ELUR and written documentation from the City certifying that all outstanding issues and observations identified in the LFR Quarterly Report for July and November 2003 and in the RI Legal Services Letter to RIDEM and the Office of Attorney General, dated December 23, 2003, concerning the operation and maintenance of the remedy at the Springfield Street Schools have been addressed and documented to RIDEM, then RIDEM will issue an Interim Letter of Compliance to the City under the Remediation Regulations.

General

7. All conditions set forth in the OA shall remain in full force and effect unless specifically altered by this First Amended OA.
8. This First Amended OA shall be deemed effective as of the date of execution by RIDEM.

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9. Any notifications or reports required to be made or submitted to RIDEM under the OA or this First Amended OA and/or any other notification regarding the Springfield Street Schools site shall be reported to:

Jeff Crawford, Principal Environmental Scientist  
RIDEM – Office of Waste Management  
235 Promenade St., 3<sup>rd</sup> Floor  
Providence, RI 02908

Tel: (401) 222-2797 x7102

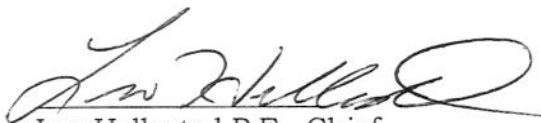
Fax: (401) 222-3812

E-mail: [jcrawfor@dem.state.ri.us](mailto:jcrawfor@dem.state.ri.us)

10. This First Amended OA does not remove the obligation of the City to obtain any permits, licenses or approvals from any state, local, or federal agencies (including RIDEM) that may be necessary to comply with the OA or this First Amended OA.
11. Subject to future revisions or amendments by RIDEM, this First Amended OA shall remain in full force and effect until such time as RIDEM shall determine that the Remedy has been completed. Failure to comply with all points outlined in the approved RAWP and stipulated in this Order shall result in the issuance of a Notice of Violation and Order against the City, which may include the assessment of monetary penalties.
12. This Order shall be subject to modification or revocation in accordance with law.

Entered as the Order of the Department of Environmental Management on this 10<sup>th</sup> of February 2004.

By:



Leo Hellested P.E., Chief  
Office of Waste Management  
Department of Environmental Management