



## RHODE ISLAND

### DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LAND REVITALIZATION & SUSTAINABLE MATERIALS MANAGEMENT

235 Promenade Street, Providence, Rhode Island 02908

#### **SIR COMMENT LETTER**

October 29, 2020

**File No. SR-30-0623A**

(Formerly Case No. 2007-010 and Part of SR-30-0623)

Mr. Richard J. DeRosas  
Paramount Development Group  
165 Hunt Road  
Chelmsford, MA 01824

RE: Hope Mill  
15 Main Street  
Scituate, Rhode Island  
Plat 3 / Lot 8, and Plat 5 / Lots 1, 114 and 117  
Coventry, Rhode Island  
Plat 101 / Lot 5

Dear Mr. DeRosas:

The Rhode Island Department of Environmental Management's (the Department) Office of Land Revitalization and Sustainable Materials Management (LRSMM) has reviewed the Site Investigation Report, Hope Mill Project, 5 Main Street, Scituate-Coventry, Rhode Island, RIDEM No. SR-30-0623 (SIR) for the above referenced property (the Site), which was submitted on August 10, 2020, by ESS Group, Inc. (ESS) in accordance with 250-RICR-140-30-1, Section 1.8 of the Department's Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations).

After careful review of the SIR, as well as several other documents in the Site file, the Department requires a response to the attached comments, questions, and concerns about the submittal, which must be fully addressed in writing to receive a Program Letter.

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. 7109, or by E-mail at [joseph.martella@dem.ri.gov](mailto:joseph.martella@dem.ri.gov).

Sincerely,

Joseph T. Martella II  
Environmental Engineer III  
Office of Land Revitalization &  
Sustainable Materials Management

cc: Kelly J. Owens, RIDEM/OLRSMM  
Ashley Blauvelt, RIDEM/OLRSMM  
Michael Cote, RIDEM/OLRSMM/UST Program  
David Chopy, RIDEM/OC&I  
Martin Wencek, RIDEM/OWR/Freshwater Wetlands Program  
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William Chapman, ESS Group  
Jeffrey C. Hanson, Chairman Scituate Planning Board  
Caroline Wells, Coventry Director of Planning and Development  
Peter D. Ruggiero, Esq., Scituate Town Solicitor, Ruggiero, Brochu & Petrarca

## DEPARTMENT COMMENTS

October 29, 2020

Site Investigation Report, dated August 10, 2020

Hope Mill

Scituate, Rhode Island

1. Section 1.0 of the Site Investigation Report (SIR) indicates that the current owner of the property is Paramount Apartments LLC. The recent Bona Fide Prospective Purchaser Certification Statement, executed on July 2, 2020, indicates that the Bona Fide Prospective Purchaser (BFPP) is BMP, LLC. Please clarify who the current owner of the property is.
2. The BFPP Certification Statement indicates that 4 parcels were being acquired by BMP, LLC, including Scituate Plat 3, Lot 8, Plat 1, Lot 114, Plat 5 Lot 117, and Coventry Plat 101, Lot 5. Based upon review of the submitted documentation to date, it appears that the BFPP Certification Statement incorrectly cites Plat 1, Lot 114, when it should have cited Plat 5, Lot 114, please confirm the correct Plat citation.
3. Prior investigation reports have identified the Site as being comprised of up to eight (8) individual lots, including Scituate Plat 3, Lot 8, Plat 5, Lots 1, 58, 69, 107, 114 and 117, and Coventry Plat 101, Lot 5. Section 3.2 of the SIR limits the Site to five (5) total lots, including Scituate Plat 3, Lot 8, Plat 5, Lots 1, 114 and 117, and Coventry Plat 101, Lot 5. The Department acknowledges that BMP, LLC only owns the five lots that are the subject of the SIR, and is therefore only proposing remediation of the five parcels it owns and controls, excluding the other three parcels (Scituate Plat 5, Lots 58, 69 and 107).
4. In order to better track the divergent regulatory paths of the various lots described in Comment 3 above, the Department has re-designated this five parcel Site as **SR-30-0623A**, and will likely be re-designating the remaining three parcels as SR-30-0623B, C & D. In order to facilitate this division of the original Hope Mill Site into multiple Sites, the Department requests that a brief description of each of the other three parcels (Scituate Plat 5, Lots 58, 69 and 107) be provided in the SIR Addendum along with identification of any reported impacts to soil or groundwater included in any earlier investigations if available.
5. Plat 5, Lot 107, is not owned or controlled by BMP, LLC, but is surrounded by BMP, LLC properties. Please be advised that BMP, LLC may be required to provide reasonable access to responsible parties or performing parties for Lot 107, should it be determined that additional future investigation/remediation of that lot is necessary.
6. Section 2.1 identified an on-site septic system historically used for disposal of sanitary and process wastewater. Please explain why no groundwater monitoring wells were installed downgradient of the former leachfield/septic tank shown on Figure 2.

7. Section 2.1 references “*Miscellaneous discharge features were identified with unknown sources and unknown discharge or the final discharge point location (i.e., pipes, sumps, catch basins, etc. were identified, some of which of which were sourced from or discharged to unknown locations).*” What are the proposed plans to address the identified miscellaneous discharge features?
8. Section 2.2 indicates that “*Certain PAHs, arsenic, beryllium and lead were detected in soil samples collected across the Site at concentrations greater than the respective RDECs.*” Later in Section 7.1 (Summary of Impacted Media) it is indicated that polycyclic aromatic hydrocarbons (PAHs) above the Department’s Residential Direct Exposure Criteria (RDEC) are limited to AOCs 2, 4 and 7. Please clarify the distribution of PAHs in soil since Figure 3 (Soil Exceedances) seems to indicate a much broader Site-wide distribution of PAHs consistent with the description in Section 2.2.
9. Section 4.0 of the SIR identifies eight (8) Areas of Concern (AOCs) that were first introduced in an earlier SIR produced in 2007. Please include a Site Figure delineating the eight AOCs in the SIR Addendum.
10. Section 4.1 references “*evaluating contaminants of concern (COCs) in soils in future excavation areas and at areas where stormwater and/or wastewater infiltration will occur (i.e., porous paved/subdrain areas and OWTS area).*” Please verify that the “wastewater” described here is limited to sanitary wastewater from future residential usage of the Site, or otherwise explain the source of the proposed wastewater infiltration.
11. Section 4.4.1.2 OWTS (AOC5) indicates that volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), total petroleum hydrocarbons (TPH), polychlorinated biphenyls (PCBs), pesticides and metals were not detected above RDECs in subsurface soils in the area of the proposed OWTS leachfield. Review of Figure 3 (Soil Exceedances) seems to indicate that several PAHs and a pesticide were detected in surface soils within the approximate limits of the proposed OWTS leachfield. It is the Department’s position that concentrated infiltration of water should not be allowed through contaminated soil, and therefore typically requires excavation of impacted soil and replacement with clean material in locations subject to injection of water. The Department may allow for the excavation, stockpiling, reinternment and capping of moderately impacted soil at another location on the Site that is not subject to concentrated infiltration of water. The Department further acknowledges that the Preferred Remedial Alternative does indicate that the location where the pesticide chlordane was detected will include targeted excavation, post-excavation confirmatory sampling, and proper offsite disposal of impacted soil.
12. There are three (3) Underground Storage Tanks (USTs) noted on SIR Figure 2 identified as former 1,000-, 10,000- and 20,000-gallon USTs. In addition, Section 4.5.1 references a 500-gallon gasoline UST, not shown on Figure 2, and reportedly closed on July 1, 2020. Please provide brief summary table listing all former (and if applicable any current) USTs associated with the Site, indicating their size, former contents, and current regulatory status.

13. Section 4.5.2.3 Fill Area (AOC7) indicates *“The detection of PAHs and lead above RDECs indicates that practical remedial efforts coupled with subsequent confirmatory soil sampling (if necessary) is warranted.”* Please elaborate on what practical remedial efforts are being suggested.
14. Section 4.5.4.1 (Groundwater Analytical Results) indicates that lead was detected in groundwater from monitoring well MW-9 at detectable concentrations below the GA Groundwater Objective (GAGO). It is the Department’s position that this well should be retained and included in the post-remedial groundwater monitoring plan, or alternatively a replacement well installed if the original well is damaged during removal of area soils with SPLP lead exceedances.
15. Section 4.6.2.1 (Soil Analytical Results) indicates that *“The completed SI investigations have delineated to the extent practical the No. 6 fuel oil impacts to soil.”* Please be advised the extent of excavation necessary in the area with observed Non-Aqueous Phase Liquid (NAPL) in and around MW-10 and ESS-63 will be determined based upon the results of compliance confirmation sampling in the excavation.
16. Section 4.6.3.1 (Groundwater Analytical Results) indicates that *“The laboratory analytical results indicate that No. 6 fuel oil impacts (i.e., NAPL and dissolved phase) to groundwater are limited to an area south of Building 7 in the generally area of the former UST. The completed SI investigations have delineated to the extent practical the No. 6 fuel oil impacts to groundwater.”* Please be advised that groundwater in the NAPL remediation area will likely require post-remediation groundwater gauging and monitoring for NAPL, TPH and VOCs.
17. Section 5.1 (Reportable Concentrations and Conditions) indicates that *“Note - Total metals were detected in groundwater samples above applicable RIDEM GAGOs.”* Please list the wells, type of total metals, and reported metals concentrations detected in groundwater samples above applicable GAGOs.
18. Regarding SIR Section 5.2 (Determination of Background Concentrations of Hazardous Substances), please be advised that Remediation Regulation Section 1.13 (Special Requirements for Managing Arsenic in Soil) *“shall only apply for the investigation and remediation of Source Area(s) involving only exceedances of the contaminant arsenic.”* Arsenic at the subject Site cannot be considered solely a background contaminant since it was detected throughout the Site in samples identified as fill and impacted to varying degrees by PAHs which are not naturally occurring substances. This comment would also apply to SIR Section 4.5.2.4 West of Building 2 (AOC8), which indicates that while arsenic is above the RDEC it is considered background and no remedial actions are warranted. While the Department does not consider arsenic a background contaminant at this Site, it does acknowledge that the Preferred Remedial Alternative, including capping of fill areas, will also address detections of arsenic above the RDEC as well as total lead and PAHs.

19. Regarding Section 6.1 (Potential for Volatilization), the Department acknowledges that resolution of concerns regarding the potential for volatilization of COCs into the indoor air of Building 7 cannot be determined or resolved until after NAPL related remedial actions are completed and will be based, in part, upon the results of confirmation soil sampling results.
20. Regarding Section 7 (Development of Remedial Alternatives), will any existing buildings be demolished as part of the proposed redevelopment, and have any hazardous building materials been identified that will need to be abated (i.e. asbestos, lead paint and/or polychlorinated biphenyls (PCB) containing caulking)?
21. Regarding the general discussion of wetlands in Section 7.2.3 (Remedial Alternative #3), Please be reminded that the final Remedial Action Work Plan (RAWP) will be subject to review by the Department's Freshwater Wetlands Program with regard to proposed remedial activities in jurisdictional wetlands areas and required wetland restoration activities.
22. The OLRSM is aware of previous discussions between representatives of the current Site owner, the Department's Office of Compliance and Inspection, Office of Legal Services, and the Freshwater Wetlands Program with regard to resolving an outstanding Notice of Violation (NOV) pertaining to wetland violations and requirements for wetland restoration. The OLRSM received several Site Figures via email from ESS on September 9, 2020, regarding the proposed and approved planting plan and wetland restoration areas. In order to facilitate completion of this SIR review, the OLRSM is requesting clarification of the following items:
  - a. The emailed figure identified as Proposed Restoration Areas seems to include wetland restoration activities on Scituate Plat 5, Lots 58 and 69, which were excluded from the SIR definition of this Site. Who is responsible for completing these restoration activities? Are there agreements in place with the owners of both lots granting access for the proposed restoration activities? Have these parcels been evaluated for potential contamination? Who will be responsible for monitoring and annually reporting on the status of the restored wetlands on these two lots for the next three (3) years to ensure survivability of the plants that have been installed, and to ensure invasive plants do not colonize the restored area?
  - b. Please include an updated final Proposed Remedy Plan Figure in the SIR Addendum, based on the draft Proposed Remedy Plan Figure submitted via email.
  - c. Please submit a figure in the SIR Addendum, similar to the emailed draft Proposed Remedy Plan, but which also clearly shows all identified COC exceedances in areas that will be subject to wetlands restoration and are not being proposed for targeted excavation or capping activities. The Department acknowledges that many or all of these areas are proposed for installation of fencing and thorny brush to restrict or prevent future access and will be further subject to the restrictions of the ELUR.

23. Regarding Section 7.3 (Preferred Remedial Alternative), the Department generally concurs with the proposed Preferred Remedial Alternative of focused excavation and dewatering (SPLP lead impacted soil, chlordane impacted soil and NAPL and petroleum impacted soil and groundwater), encapsulation, physical access barriers (i.e. capping) and an ELUR, with the following conditions:
- a. RDEC exceedances of arsenic shall be included as a COC subject to remedial action (i.e. excavation and/or capping) and not exempted as a proposed background contaminant.
  - b. A periodic post-remediation groundwater gauging and monitoring plan for targeted NAPL and SPLP-lead removal areas shall be included in the RAWP.
  - c. The potential for volatilization of COCs into the indoor air of any current or proposed Site buildings shall be evaluated based upon the results of post-remediation confirmation compliance sampling, and if deemed necessary, soil gas and/or indoor air sampling and analysis.
24. Based upon the information provided to date, no Site investigation activities were performed on Scituate Plat 3, Lot 8, or the portion of Coventry Plat 101 / Lot 5 south of the river, reportedly due to no development or use history on these parcels. Please be advised that since these significant portions of the Site have not been investigated and determined to be compliant, upon the successful completion of all final approved remedial activities, the Department will be limited to issuing a No Further Action Letter (NFA) rather than a Letter of Compliance (LOC). Should a LOC be desired instead of an NFA, assessment of these two areas may be included in the SIR Addendum, or as a Limited Design Investigation (LDI) in the RAWP.
25. The Underground Storage Tank Program has reviewed documents on the discovery of contamination from two separate UST Releases at this property. Michael Cote will be this project's LUST Project Manager and has provided the following comments to the Site Remediation Program for inclusion in this Comment Letter:
- a. UST 003 1,000 Gasoline:
    - i. The UST closure indicated a release and also included the removal of contaminated soils. This office is requiring the installation of one monitoring well at the actual UST location. Soil samples are to be analyzed for TPH, EPA 8260 and metals. Groundwater samples are to be analyzed for EPA 8260 and metals. Subsequent actions will be determined after the well is completed, such as any groundwater monitoring.
  - b. UST 002 - 20,000 No. 6 Fuel Oil:
    - i. The discovery of separate phase petroleum at the location of this UST has been reviewed. Rhode Island [Regulations for Groundwater Quality](#) and

Rhode Island Regulations for Underground Storage Facilities (250-RICR-150-05-3(3.11)(A)(5)) prohibit the presence of separate phase petroleum product.

- ii. Until a long-term remedy to address this product is approved by this office, the gauging and removal of separate phase product from wells in this UST area is now required on a monthly basis.
- iii. Regarding a long-term remedy, this office's preferred action for this situation is the removal of contaminated soils with RIDEM oversight [Excavation of soils UST Regulation 1.15D(11)(b)]. If excavation is performed, subsequent actions will be determined after the excavation is completed, such as monitoring well and monitoring.
- iv. In the event excavation cannot be completed, the following the following guidance is generally applied:
  1. SIR: A SIR specific to RIDEM UST Regulations will be required to establish the full extent of product, soil and groundwater contamination. Well locations must be pre-approved by the RIDEM LUST project manager. Wells must be 4" in diameter minimum.
  2. Monitoring year: The wells in this UST area must be gauged monthly for a year. Quarterly groundwater analysis for TPH and 8260 will be required.
  3. At sites where the excavation of soils has not occurred, the following guidance on data interpretation will apply:
    - a. All applicable groundwater standards must be met before a No Further Action Determination can be issued. No product must be detected and no exceedances of groundwater standards will be allowed if soil excavation is not completed. Additional groundwater monitoring will be required if standards are not met within one year.
    - b. Risk based evaluations will not be permitted if soil excavation is not completed.
    - c. Any subsequent NFA issued at a property without soil excavation will include:
      - i. A statement on the presence of contaminated soils remaining.



- ii. A statement that the NFA is based on existing commercial land use.
    - iii. The prohibition of residential land use in the UST location without additional work.
  - c. Please communicate with this office on your desired course of action for the product discovery at UST 002 (20,000 No. 6 Fuel Oil), will it be excavation or assessment? This office will discuss additional details once this decision has been made.
- 26. Please submit an SIR Addendum that addresses the abovementioned comments on or before December 31, 2020.