

The LINK Environmental Permitting Status

December, 2013

A significant number of environmental investigations and studies have been performed on the land within and adjacent to the I-195 Redevelopment District (District). These investigations, conducted by multiple parties during different stages of the highway relocation and redevelopment planning process, have resulted in an understanding of the environmental conditions and the associated regulatory and financial implications.

Most recently, Fuss & O'Neill, on behalf of the I-195 Redevelopment District Commission, conducted a site-wide environmental investigation in 2012. The newly acquired data generated during this investigation were compiled with the historical data available from previous studies in a comprehensive Site Investigation Report (SIR) which was submitted to, and approved by the Rhode Island Department of Environmental Management (RIDEM) in a Remedial Decision Letter, dated October 8, 2013. This formal regulatory approval confirms the following for all land within the District:

- Site Investigation activities have been completed in accordance with the applicable regulatory requirements of RIDEM's Remediation Regulations and to the satisfaction of RIDEM.
- Appropriate public notices have been completed, and that RIDEM has concurred with the proposed site-wide remedy.
- The final remedy, to be implemented concurrent with the development of individual parcels within the District, will consist of capping existing soil with clean fill or structures, and the implementation of a vapor barrier below enclosed structures to be constructed at specific parcels.

The Commission is in the process of conducting the next steps for regulatory permitting associated with the implementation of the conceptually approved clean-up plan. Currently, the Commission is developing a comprehensive Remedial Action Work Plan (RAWP) and long term Soil Management Plan covering all development parcels which will be submitted to RIDEM for review and approval. The RAWP will include the specifications and other detailed information to allow RIDEM to formally approve the implementation of the remedy at all development parcels. It is the intent of the Commission to have RIDEM approval of the RAWP and Soil Management Plan, in the form of a RIDEM Remedial Approval Letter, prior to transfer of individual parcels for development.

Once the RAWP and Soil Management Plan are approved and individual developers have been identified for specific parcels, the developer will be responsible for the preparation of a limited submission to RIDEM to demonstrate that the proposed development plan is consistent with the conditions of the pre-approved RAWP. The necessary documentation for this consistency review will include a description of the proposed development, information about how the proposed plan is consistent with the approved RAWP, and a site plan depicting the layout of the proposed development identifying the location of the different pre-approved cap types (i.e. landscape cap, pavement cap,

building footprint cap, vapor barrier as needed). This submittal is also an opportunity for developers to seek modifications or variances from the pre-approved RAWP, if desired.

The following key documents pertaining to the completed environmental permitting activities are available for review:

- Phase I Environmental Site Assessment, March 29, 2013 by Fuss & O'Neill
- Site Investigation Report, April 9, 2013 by Fuss & O'Neill
- RIDEM Program Letter, July 3, 2013
- RIDEM Remedial Decision Letter, October 8, 2013
- RIDEM Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases ("Remediation Regulations"):
<http://www.dem.ri.gov/pubs/regs/regs/waste/remreg11.pdf>