



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

**LETTER OF RESPONSIBILITY**

July 23, 2019

File No. SR-35-0578

(Formerly Case # 95-029)

**CERTIFIED MAIL**

Lee Beausoleil  
Artak Avagyan  
(Joint Tenants)  
100 Hay Street  
West Warwick, Rhode Island 02893

RE: Property at 175 Post Road  
Warwick, Rhode Island  
Plat Map 291 / Lots 45 and 74

Dear Mr. Beausoleil and Mr. Avagyan:

On January 8, 2019, the Rhode Island Department of Environmental Management's (the Department) Office of Waste Management (OWM) re-codified 250-RICR-140-30-1, the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations) consistent with the RI Administrative Procedures Act. 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 an efficient manner. A Letter of Responsibility (LOR) is a preliminary document used by the Department to codify and define the relationship between the Department and a Performing Party.

Please be advised of the following facts:

1. The above referenced property is located at 175 Post Road, Warwick Rhode Island (the Site). The Site is further identified by the City of Warwick Tax Assessor's Office as Plat Map 291, Lots 45 and 74.
2. The Department is in receipt of the following documents:
  - a. **Quit Claim Deed**, received by the Department on July 18, 2019, and recorded in the City of Warwick Land Evidence Records on April 29, 2019 (Book 9256/Pages 297-299); and
  - b. **Amended Environmental Land Usage Restriction and Settlement Agreement and Covenant Not to Sue**, received at the Department on July 18, 2019 and recorded in the City of Warwick Land Evidence Records on April 15, 2019 (Book 9249/Pages 258-283).

3. The above referenced documents identify existing contamination as Volatile Organic Compounds (VOCs) and Total Petroleum Hydrocarbons (TPH) in Site groundwater, as referenced in the Remediation Regulations. The above referenced documents also identify concentrations of TPH and the Hazardous Material Mercury in Site sediments that exceed the Department's Direct Exposure Criteria.
4. Based on the presence and nature of these VOCs, Mercury and TPH, the Department concurs that a Release of Hazardous Materials has occurred as defined by Sections 1.4(A)(33), 1.4(A)(34), 1.4(A)(59), and 1.4(A)(63) of the Remediation Regulations.
5. **Lee Beausoleil and Artak Avagyan (Joint Tenants)** are identified as the current owners of the Site by the City of Warwick Tax Assessor's office and as such are Responsible Parties as defined by Section 1.4(A)(70) of the Remediation Regulations.

As a result of the information known and the conditions observed at the site, the Department requests that **Lee Beausoleil and Artak Avagyan (Joint Tenants)** comply with the following:

1. If necessary, prior to the implementation of any additional site investigation field activities and in accordance with Section 1.8.7(A)(1) of the Remediation Regulations, **Lee Beausoleil and Artak Avagyan (Joint Tenants)** must notify all abutting property owners, tenants, easement holders, and the municipality that an investigation is about to occur. The notice should briefly indicate the purpose of the investigation, the work to be performed, and the approximate scheduled dates of activities. Please submit a draft notification to the Department via E-mail for review and approval prior to distribution. A boilerplate notification to be distributed can be found online at: <http://www.dem.ri.gov/programs/wastemanagement/site-remediation/index.php>.

The Department will require a copy of the public notice letter and a list of all recipients. Failure to comply with the aforementioned items may result in enforcement actions as specified in Rhode Island General Laws 23-19.1-17 and 23-19.1-18.

2. Conduct further investigation of the Site soil and groundwater, if warranted, in accordance with Section 1.8 of the Remediation Regulations.
3. Upon completion of the additional site investigation submit a Site Investigation Report (SIR) in accordance with Section 1.8 of the Remediation Regulations within ninety (90) days from the date of this letter. Given that some limited environmental investigation has already been performed at the Site, you may incorporate portions of the information already gathered and work already performed to address the items covered in Section 1.8. The SIR should include at least two remedial alternatives other than no action/natural attenuation and include future plans for the re-use or redevelopment (if applicable) of the property.
4. Submit an SIR checklist in accordance with Section 1.8.8 of the Remediation Regulations. The SIR checklist was created as a supplemental tool to expedite the review and approval process by cross-referencing the specific sections and pages within the SIR that provide the detailed

information that addresses each stated requirement within Section 1.20 of the Remediation Regulations.

5. Upon approval by the Department of the SIR, be prepared to bring the Site into compliance with the Remediation Regulations.

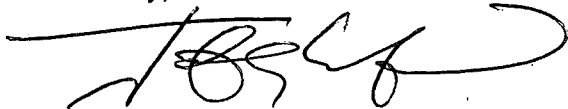
Please be advised that **Lee Beausoleil and Artak Avagyan (Joint Tenants)**, as the Responsible Parties, are responsible for the proper investigation and remediation of hazardous substances and petroleum hydrocarbons at this site. Also be advised that any remedial alternative that proposes to leave contaminated media on-site at levels which exceed the Department's Residential Direct Exposure Criteria, applicable Leachability Criteria, or applicable Groundwater Criteria will, at a minimum, necessitate the recording of a new institutional control in the form of an Environmental Land Usage Restriction (ELUR) on the deed for the site, and will likely require implementation of additional engineered controls to restrict human exposure.

Please notify this office within seven days of the receipt of this letter of your plans to address these items. All correspondences should be sent to the attention of:

Jeffrey Crawford, Project Manager  
RIDEM / Office of Waste Management  
235 Promenade Street  
Providence, RI 02908

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. 7102, or by E-mail at [jeff.crawford@dem.ri.gov](mailto:jeff.crawford@dem.ri.gov).

Sincerely,



Jeffrey Crawford, Project Manager  
Principal Environmental Scientist  
Office of Waste Management

cc: Kelly Owens, Supervising Engineer  
Susan Forcier, Esq.-Legal Services