



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

December 4, 2006

Ms. Gail Corvello, President ENACT
190 Bay Street
Tiverton, RI 02878

Dear Ms. Corvello:

On November 2, 2006, I met with you and others from the ENACT organization. I appreciate the time we had together; it enabled us to get a better perspective on some of the issues discussed. One of the key points raised were the standards being used to clean up the site. From DEM's perspective, it is clear that the Southern Union Company (Company) will be required to use the Method I standards as indicated in the regulation. DEM is being consistent in this requirement.

According to the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (2/24/04) (Regulations), site-specific human health risk assessments shall be conducted only after review and approval of a Human Health Risk Assessment Workplan by the Department. The methodology proposed in the Human Health Risk Assessment Workplan must be consistent with scientifically acceptable risk assessment practices and the fundamentals of risk assessment under EPA's Risk Assessment Guidance for Superfund.

On January 27, 2004 DEM commented to the Company concerning the Bay Street Human Health Risk Assessment report prepared by Environ International Corporation and dated October 2003. The comment listed specific concerns about the sampling protocol and the methodology used to develop the health risk assessment. In many instances, the standards proposed were less stringent than the DEM and EPA standards. It should also be noted that the Human Health Risk Assessment had not been submitted and DEM has not approved or reviewed prior to its submittal as required by the Regulations. To date, the comments raised concerning the health risk assessment have not been addressed.

On November 23, 2005, DEM commented on the Supplemental and Phase II Site Investigation Report. In this letter DEM reiterated its strong reservations about allowing the Company to proceed with the proposed Human Health Risk Assessment since the Company did not own or control any of the properties being investigated. If material is to be left on site, DEM regulations would require the Company to secure institutional controls from the property owners (in the form of Department approved Environmental Land Usage Restrictions. It is only after this is accomplished that DEM can proceed with a review of the proposed Human Health Risk

Assessment work plan to address these issues and ensure the long-term permanency of the remedy.

In summary, DEM had made it clear in its past public comments that the Human Health Risk Assessment proposed does not meet regulatory standards. In addition, the Company cannot entertain anything less than a cleanup that meets DEM Method I standards unless the Company can show it has secured the institutional controls from the property owners.

I trust this letter has clarified DEM's position on the cleanup standard that need to be in place to meet the current DEM Regulations. If you have any comments on this letter, please contact Leo Hellested or me.

Sincerely,



W. Michael Sullivan, PhD
Director