

# ELURS RECORDED ON RI PROPERTIES UNDER PRE-2004 ARSENIC POLICY MAY BE ELIGIBLE FOR RELEASE

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Late last year, LSE was retained by a Newport, RI business to complete an annual compliance inspection/review related to an Environmental Land Use Restriction (ELUR). The ELUR was recorded for the property in 2002 to prohibit activities that might increase the risk of exposure to soils containing arsenic at levels exceeding RIDEM's 1996 residential direct exposure criteria (DEC - 1.7 ppm).

During the review of the ELUR restrictions, the staff at LSE noticed that most of the Site's arsenic concentrations that originally exceeded the DEC no longer did so. Therefore, LSE proposed to resample soils at former hotspots and utilize some of the existing soil data to determine if the property was still jurisdictional under RIDEM's revised arsenic policy.



Prior to 2004, many property owners were forced to cap land and record ELURs for soil containing low arsenic levels that often reflected naturally occurring arsenic concentrations. RIDEM amended its Remediation Regulations in February 2004 thereby changing the arsenic policy and raising the arsenic DEC to 7 ppm.

Based on RIDEM's 2004 amendments, many sites formerly jurisdictional under RIDEM's previous arsenic policy may no longer require the ELUR and may be candidates for an ELUR Release.



Since LSE's evaluations for this Newport Site served to demonstrate that arsenic levels were no longer jurisdictional, a Recorded ELUR Release/Arsenic Compliance Certification Form was prepared and certified by LSE. This will effectively release the ELUR for this property and eliminate the need to complete future annual ELUR Compliance Inspections.

Contact LSE if you own property that was jurisdictional to RIDEM's arsenic policy prior to 2004.