



August 24, 2012

PROGRAM LETTER

Pieter N. Roos
Executive Director
Newport Restoration Foundation
51 Touro Street
Newport, RI 02840

RE: Queen Anne Square
Intersection of Mill, Thames, Spring and Church Streets, Newport, Rhode Island
Case No. 2012-010

Dear Mr. Roos:

On November 9, 2011, the Rhode Island Department of Environmental Management (the Department), amended the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations). 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. The purpose of the *Program Letter* is to indicate that the Department deems the investigation of the reported release complete and to notify the Performing Party that they must perform Public Notice in accordance with Rules 7.07 and 7.09 of the Remediation Regulations.

The Department has the following documents on file pertaining to the environmental conditions at the above-referenced property (the Site) submitted on behalf of the City of Newport and the Doris Duke Monument Foundation (DDMF):

1. Memorandum from Sage Environmental, Inc. (Sage), on behalf of the City of Newport and the DDMF, dated February 22, 2012, containing an unsigned *Hazardous Material Release Notification Form* and an environmental sample result information packet;
2. *Hazardous Material Release Notification Form* (Release Notification), signed on February 22, 2012, submitted by the City of Newport, and received by the Department on February 27, 2012;
3. Meeting Summary, Queen Anne Square, Newport, Rhode Island, prepared by Sage, and dated February 24, 2012;

4. Response to Meeting Summary Comments, Queen Anne Square, Newport, Rhode Island, prepared by Sage, and dated March 1, 2012;
5. Summary Report, April 2, 2012 Public Meeting and 10-Day Comment Period, Queen Anne Square (Assessor's Plat 24 Lot 346), Newport, Rhode Island, RIDEM Case No. 2012-10, (Summary Report), prepared by Sage, and dated May 3, 2012;
6. Revised Proposed Scope of Work, Queen Anne Square, Newport, Rhode Island, (SOW), prepared by Sage, and dated June 25, 2012;
7. Site Investigation Report, Queen Anne Square, Plat 24 Lot 346, Newport, Rhode Island, prepared by Sage, and dated August 23, 2012; and
8. Letter from Sage to the Department, RE: Queen Anne Square, Newport, Rhode Island, dated August 24, 2012.

The Department regards the above-mentioned documents as collectively constituting the necessary requirements of the Site Investigation Report (SIR) pursuant to Rule 7.08 of the Remediation Regulations. The documents listed above will be referred to as the **SIR** in this and all future correspondences regarding this Site.

The Department requires that you initiate public notice pursuant to Rules 7.07.A.ii and 7.09 of the Remediation Regulations to all abutting property owners, tenants, the City of Newport and all utilities with easements on the property on the completed package with the preferred remedial alternative of **limited removal and proper off-site disposal of four locations of impacted regulated soil, grading and encapsulation of remaining contaminated soils, and the implementation of an Environmental Land Usage Restriction (ELUR) on the entire property**. A Department approved permeable engineered cap, providing a level of protection equivalent to a minimum of two feet of clean soil, shall be constructed directly on top of existing Site materials. Currently existing or installed Department approved caps (including existing concrete or cobble side walks, asphalt paved driveways or parking areas), which shall not be disturbed through remedial activities or redevelopment of the Site, must be properly maintained and/or repaired as applicable. It is the Department's understanding that Site remedy will be implemented by the Performing Party during a proposed redevelopment of the property. The ELUR to be recorded on the property will restrict certain activities on the entire site and will also ensure that the engineered cap is not disturbed. The ELUR will include a post-construction Soil Management Plan (SMP), which will outline the procedures for managing the soils on site should disturbances below the cap be required.

The DDMF is reminded that it must meet *all* other Federal, State and local requirements prior to commencing any site activities.

Rules 7.07 and 7.09 of the Remediation Regulations outline the requirements for public notice regarding the substantive findings of the completed investigation and the opportunity for public review and comment on the technical feasibility of the proposed remedial alternatives mentioned

above. Please submit a draft notification to the Department via email for review and approval *prior* to distribution. The Department will require a copy of the public notice letter and a list of all recipients, including abutters, tenants, the City of Newport, and all utilities with easements.

The Department will formally approve the SIR in the form of a *Remedial Decision Letter* once the Public Notice issue has been addressed and upon Department approval of all final responses to relevant public comments. At that time, the Site will enter the Remediation phase and the DDMF will be required to submit a *Remedial Action Work Plan* (RAWP) and a draft ELUR and SMP for Department review and approval in accordance with Sections 8.0 and 9.0 of the Remediation Regulations.

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

Joseph T. Martella II – Senior Engineer
RIDEM / Office of Waste Management
235 Promenade Street
Providence, RI 02908

If you have any questions regarding this letter, please contact me by telephone at (401) 222-2797, extension 7109 or by e-mail at joseph.martella@dem.ri.gov.

Sincerely,



Joseph T. Martella II
Senior Engineer
Rhode Island DEM
Office of Waste Management

Authorized by,



Kelly J. Owens
Supervising Engineer
Rhode Island DEM
Office of Waste Management

Cc: Terrence D. Gray, P.E., Associate Director for Environmental Protection, RIDEM
Leo Hellested, P.E., Chief, RIDEM/OWM
Kelly J. Owens, RIDEM/OWM
Richard M. Bianculli Jr., Esq., RIDEM/OLS
Nicole Poepping, Legislative Liaison, RIDEM
Hon. Stephen C. Waluk, Newport City Council Chairman/Mayor
Ms. Jane Howington, Newport City Manager
Scott D. Wheeler, Newport Department of Public Services
Joseph J. Nicholson, Jr., Esquire, Newport City Solicitor
Jeff Moniz, Farrar Associates
Representative Peter F. Martin, District 75
Senator M. Teresa Paiva Weed, District 13
Bruce Clark, Sage