



October 9, 2012

REMEDIAL APPROVAL LETTER

Case No. 2012-010

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

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. A **Remedial Approval Letter** (RAL) is a document used by the Department to approve remedial actions at contaminated sites that do not involve the use of complex engineered systems or techniques (e.g., groundwater pump and treat systems, soil vapor extraction systems, etc.).

In the matter of the above referenced "Site" (as defined in the Industrial Property Remediation and Reuse Act), the Department's Office of Waste Management (OWM) has the following documents on file pertaining to the environmental conditions at the property 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;
8. Letter from Sage to the Department, RE: Queen Anne Square, Newport, Rhode Island, dated August 24, 2012;
9. Abutters Notification, Queen Anne Square, Newport, Rhode Island, prepared by Sage, and dated August 31, 2012;
10. Letter from Sage to the Department, Re: Queen Anne Square, Newport, Rhode Island, dated September 25, 2012; and
11. Remedial Action Work Plan – Rev. 3, Queen Anne Square, Plat 24, Lot 346, Newport, Rhode Island, RIDEM Case No. 2012-010, (RAWP), prepared by Sage, dated October 5, 2012, and received October 9, 2012.

Together these documents fulfill the requirements of Section 8.00 (Risk Management) and Section 9.00 (Remedial Action Work Plan) of the Remediation Regulations.

The Remedial Action Work Plan (RAWP) and associated documents describe a plan to remediate the existing soil contamination at the above referenced property through a combination 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. It is the Department's understanding that the Site remedy will be implemented by the DDMF as 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 RAWP also calls for long-term maintenance, monitoring and annual inspection of the property and engineered controls by a qualified environmental professional, and annual written certification that the property is in compliance with the terms of the ELUR.

Based upon review and consideration of the above referenced documents, the Department approves the proposed RAWP through this RAL provided that all activities, procedures, operations, and schedules detailed in the RAWP are strictly adhered to. Please be advised that the Department must be notified as soon as possible, in accordance with Section 9.08 of the Remediation Regulations, of any consultant or contractor that has not yet been determined at the time that this approval was granted. This requirement also includes the name and contact information for the receiving licensed disposal facility(s) to be utilized in the event that proper off-Site disposal of any excess excavated regulated material is required. Any significant changes to the RAWP shall be pre-approved by the OWM, and any minor changes shall be reported to the OWM by telephone within one (1) working day and in writing within five (5) working days. Start of the work described in the RAWP shall be initiated within sixty (60) days of issuance of this RAL. The OWM shall be immediately notified of any site or operation condition that results in non-compliance with this RAL.

Within sixty (60) days of completion of the work described in the Department approved RAWP, a Remedial Action Closure Report (Closure Report) detailing the Remedial Action, the current site status, the results of any applicable compliance sampling, and a post remediation survey and as-built site plan, shall be submitted to the OWM for review and approval.

Within thirty (30) days of receiving Department approval of the Closure Report, the City of Newport shall have the Department approved ELUR and SMP recorded in the Newport Land Evidence Records for the property, and shall submit a recorded (stamped) copy of the ELUR to the OWM within fifteen (15) days in accordance with Rule 8.09 of the Remediation Regulations. Once all of these requirements have been met, the Department will issue a Letter of Compliance for the property.

This RAL does not remove the DDMF's obligation to obtain any other necessary permits from other local, state, and/or federal agencies. The DDMF is reminded of its obligation for securing any required permits and other approvals prior to commencing any Site activities. Please notify the OWM at least forty-eight (48) hours in advance of any remedial work.

As the performing party, the DDMF shall be responsible for properly conducting the above-listed activities. Please review the stipulations of this RAL thoroughly to ensure your compliance with the requirements.


If you have any questions or are in need of any clarification regarding this document, 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
RIDEM Office of Waste Management

Authorized by,



Kelly J. Owens
Supervising Engineer
RIDEM Office of Waste Management

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Hon. Henry F. Winthrop, Newport City Council Chairman/Mayor
Ms. Jane Howington, Newport City Manager
Scott D. Wheeler, Newport Department of Public Services
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Representative Peter F. Martin, District 75
Senator M. Teresa Paiva Weed, District 13
Bruce Clark, Sage