



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

September 26, 2012

RE: Comments Received During the Public Notice and Comment Period  
Regarding the Preferred Remedial Alternative at Queen Anne Square  
Intersection of Mill, Thames, Spring and Church Streets, Newport, Rhode Island  
**Case No. 2012-010**

Dear Stakeholders and Interested Parties:

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.

In the matter of the above referenced site, the Department's Office of Waste Management (OWM) has received the following document concerning public comments regarding the technical feasibility of the preferred remedial alternative and environmental conditions at the Queen Anne Square Site, submitted in accordance with Rules 7.07 and 7.09 of the Remediation Regulations:

1. Electronic mail from Dale R. Clark to the Department Subject: Stay of Execution, received via email on September 10, 2012.

The City of Newport is the Responsible Party for this Site and the Doris Duke Monument Foundation (DDMF) is the Performing Party for this Site. On September 17, 2012, the Department formally requested a written response from the DDMF to the public's comments on the DDMF's proposed remedy for Queen Anne Square. On September 25, 2012, the Department received the DDMF's response to the comments, prepared by its consultant Sage Environmental, Inc. (Sage). A copy of that correspondence is included as an attachment to this letter.

The Department has completed its review of Sage's responses to the submitted public comments, and concurs with the responses. The Department will formally approve the Site Investigation Report (SIR) in the form of a *Remedial Decision Letter*, shortly. 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 Environmental Land Usage Restriction (ELUR) and Soil Management Plan (SMP) for Department review and approval in accordance with Sections 8.0 and 9.0 of the Remediation Regulations. The RAWP shall describe all technical details associated with the implementation of the approved remedy.

All public documents related to the site may be viewed on the Department's dedicated web page located at <http://www.dem.ri.gov/programs/benviron/waste/queenan.htm>.

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](mailto:joseph.martella@dem.ri.gov).

Sincerely,



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

Cc: Terrence D. Gray, P.E., Assistant Director, RIDEM/AW&C  
Leo Hellested, P.E., Chief, RIDEM/OWM  
Kelly J. Owens, RIDEM/OWM  
Richard M. Bianculli Jr., Esq., RIDEM/OLS  
Nicole Poepping, RIDEM/Legislative Liaison  
Eric Beck, RIDEM/OWR/RIPDES  
Ronald Gagnon, RIDEM/OCTA  
Christopher Walusiak, RIDEM/OCTA  
Hon. Henry F. Winthrop, Newport City Council Chairman/Mayor  
Ms. Jane Howington, Newport City Manager  
Scott D. Wheeler, Newport Department of Public Services  
Pieter N. Roos, Executive Director, Newport Restoration Foundation  
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



**SAGE**  
ENVIRONMENTAL

September 25, 2012

Mr. Joseph Martella  
RI Dept. of Environmental Management  
Office of Waste Management  
235 Promenade Street  
Providence, Rhode Island 02903

**RE: *Queen Anne Square  
Newport, Rhode Island  
SAGE Project No. S2244***

Dear Mr. Martella:

Please consider this as *SAGE* Environmental, Inc.'s (*SAGE*'s) response to the Rhode Island Department of Environmental Management's (RIDEM's) September 17, 2012 public comment transmittal letter for the referenced location (Site).

Based on our review of the letter, the comment period officially closed on September 14, 2012, and a single comment entitled "Stay of Execution" was received from Dale R. Clark. A copy of Mr. Clark's email is attached for ease of reference.

The email appears to have three major points.

The first appears to be related to the likely location of the potential private well. *SAGE* had previously concluded that the location of the well as depicted in the plan furnished appears to be off Site. It appears that Mr. Clark agrees with this conclusion.

The second point appears to be a request for additional information regarding the soil removal, in particular whether or not RIDEM allows disturbance of existing soils.

As you are aware, the type of remedy proposed for this project is a common one. Given the need to more or less match existing Site topography, placement of two feet of clean fill Site-wide is not an option at this location. The proposed remedy for the majority of the Site requires removal of soil prior to placement of a geotextile membrane and one foot of clean fill. Walkway areas will have slightly less soil disturbance and no geotextile due to the inaccessibility of the underlying soil provided by the brick walkways and underlying concrete. Areas surrounding mature trees will also be disturbed. All of these give rise to potential soil management concerns.

As you are aware, the details of the remedy will be described fully in the Remedial Action Work Plan (RAWP), the next step in the process once RIDEM concludes all public comment has been sufficiently addressed and issues its Remedial Decision Letter. Although this work is not complete, certain information is known at this time as described below.

172 Armistice Blvd.  
Pawtucket, Rhode Island 02860  
401-723-9900  
FAX 401-723-9973  
[www.sageenvironmental.net](http://www.sageenvironmental.net)

Prior to any soil disturbance at the Site, a perimeter fence surrounding the entire property will be installed. A layer of geotextile-type material will be installed on the fence limiting transmission of dust and potential contaminants that may be contained in dusts created by disturbing Site soils. The RAWP will also contain a Construction Soil Management Plan (CSMP). This document details the various steps to be taken to minimize movement of contaminated soil off Site by wind or run-off and to minimize on-Site production of dust during construction to protect Site workers. As you are aware, proper soil management requires dust suppression techniques (by watering) or other dust suppression methods and must be employed at all times during Site work where earth is being disturbed and there is the potential for soil to become airborne. Best management practices also include managing and minimizing the potential for migration and/or surface run-off of Site contaminants during implementation of the remedy. These efforts include the installation of hay bales, silt fencing and possibly other appropriate measures and maintaining these conditions over the entire duration of the Site/earth work.

In addition to the above elements, the CSMP for this Site will also include provisions for staging areas surrounded by hay bales covered with two layers of 6-mil polyethylene sheeting for temporary placement of excavated soils to be established. Any such pile will remain covered at all times when not in use with a minimum of one layer of 6-mil polyethylene sheeting appropriately secured against wind and precipitation. Any soil excavated that cannot be re-used on Site must be disposed of at an appropriate disposal facility permitted to accept the impacted soil. Once excavated, no regulated soil will be left on Site for more than 30 days.

All non-disposable equipment used during the soil disturbance activities will be properly decontaminated as appropriate prior to removal from the Site. All disposable equipment used during the soil disturbance activities will be properly containerized and disposed of following completion of the work.

Any clean fill material brought on Site is required to meet the RIDEM's Method 1 Residential Direct Exposure Criteria or be designated by an Environmental Professional as Non-Jurisdictional under the Remediation Regulations. All clean fill, including sub-grade material and loam, imported to the Site will be sampled prior to delivery and placement. Clean fill and loam must be sampled for arsenic at a frequency of one sample per 500 cubic yards. At a minimum, one-quarter of the total number of compliance samples of clean fill and loam will be sampled for volatile organic compounds (VOCs), Total Metals (Priority Pollutant 13), and total petroleum hydrocarbons (TPH). All soil that is to be utilized on Site above the geotextile membrane or beneath concrete must meet the Residential Direct Exposure Criteria (Res DEC) or be certified to be non-jurisdictional.

In addition, *SAGE* staff will oversee all excavation activity and provide monitoring of Site soils. Should unexpected conditions be encountered, all work will stop until such time as deemed appropriate to allow time for additional sampling and laboratory analysis and notification to various authorities as appropriate.

Once the top one foot of soil is removed, a geotextile membrane will be installed and clean fill placed over the geotextile minimizing any future exposure to underlying soil.

Details regarding all of the above will be provided in the pending RAWP.

The Site is also required to have an institutional control in the form of an Environmental Land Use Restriction (ELUR) which also includes a Post-Construction SMP to limit future Site use and provide for proper future soil management should any future soil disturbances become necessary at the Site. The ELUR will also require annual inspections of all capped areas to insure the integrity of the cap is properly maintained into the future.

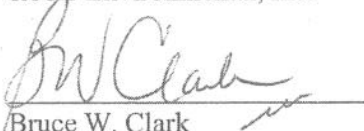
All of the above documents (i.e., the RAWP, CSMP, ELUR and SMP) are subject to review and comment by RIDEM should any additional requirements be deemed appropriate.

The third point made by Mr. Clark is that these grounds are a health risk and to remove ground soil will disturb Site contaminants. The soil disturbance concerns have been addressed in the above response. We do agree that, in its current condition, Queen Anne Square does represent a potential health risk to users, and to that end we respectfully request RIDEM issue its Remedial Decision Letter for the Site such that the Site remedy can progress timely.

Thank you in advance for your prompt consideration of the above request.

Should you require any additional information necessary to answer the public comment received, please do not hesitate to contact me.

Sincerely,  
SAGE Environmental, Inc.

  
\_\_\_\_\_  
Bruce W. Clark  
Principal

BWC/car

Attachment

c: Kelly J. Owens, RIDEM/OWM  
Pieter Roos, Newport Restoration Foundation

**Joseph Martella**

**From:** Robert Clark [ ]  
**Sent:** Monday, September 10, 2012 10:45 PM  
**To:** Joseph Martella  
**Subject:** Stay of execution  
**Follow Up Flag:** Follow up  
**Flag Status:** Green

Joe, I made a point of going over to Queen Anne Square Park this morning. I went up with Andy Seagl and we measured it all off and it looks like there right on there assumption on just ware that well would so be. you had mentioned that you were working on some sort of agreement on the soil removal with N.R.F. or such? I would like to know more of the soil removal?. If they are allowed to destrub the exsisting soils it may unearth contamites that could put Joe-public at a health risk. I ask that a stay of excution be put in place on this said project until residents and citizens can resolve such issues. These grounds are a health risk and to remove ground soil will desturb such containinetes in the park "Queen Anne Square" . Call me at 401- We as concerned citizens of Newport want a safe and healthy park for all.

Thank-you!

Dale R. Clark