



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LAND REVITALIZATION & SUSTAINABLE MATERIALS MANAGEMENT

235 Promenade Street, Providence, Rhode Island 02908

INTERIM REMEDIAL MEASURE APPROVAL LETTER File No. SR-22-1631B

September 20, 2023

Thomas A. Abruzese
20 West Extension LLC, TOMORL LLC, and Waites Wharf Realty Assoc., LLC
39 Agar Street
Yonkers, NY 10701

RE: Waites Wharf 2
20 West Extension Street (Lot 267 - 20 West Extension LLC)
16 Waites Wharf (Lot 248 - TOMORL LLC)
Waites Wharf (Lot 272 - Waites Wharf Realty Assoc., LLC)
Newport, Rhode Island
Plat Map 32 / Lots 267, 248 and 272 Respectively

Dear Mr. Abruzese:

On April 22, 2020, the Rhode Island Department of Environmental Management's (the Department) Office of Land Revitalization and Sustainable Materials Management (LRSMM) enacted the codified 250-RICR-140-30-1, 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 the matter of the above-referenced property (the Site), on September 13, 2023, the Department issued a Request for Interim Remedial Measures to address certain impacted portions of the property that are currently being maintained in a manner that allows for unrestricted public access. The Department's Office of LRSMM is in receipt of the following documentation submitted pursuant to the Remediation Regulations in response to the Department's request:

1. Waites Wharf 2 – Response to Request for Interim Remedial Measures, 20 West Extension Street (Lot 267 - 20 West Extension LLC), 16 Waites Wharf (Lot 248-TOMORL LLC), Waites Wharf (Lot 272-Waites Wharf Realty Assoc., LLC), Newport, Rhode Island (Interim Plan), received by the Department on September 20, 2023, and prepared by Sage Environmental, Inc. (Sage).

Based upon review and consideration of the above referenced document, the Department approves the Interim Plan through this Interim Remedial Measure Approval Letter provided that:

1. All work must be performed in accordance with all applicable regulations and the Department approved Interim Plan.

2. Start of the work described in the Department approved Interim Plan must be initiated within 28 days of issuance of this Interim Remedial Measure Approval Letter.
3. Dust suppression techniques (i.e. watering) must be employed at all times during all soil disturbing/handling activities at the site in order to minimize the generation of fugitive dust.
4. Within sixty (30) days of completion of the work described in the Department approved Interim Plan, a Summary Report detailing the completed implementation of the interim remedial measures shall be submitted to the Office of LRSMM.
5. Following completion of the work described in the Department approved Interim Plan, the temporary cap(s) and/or fencing shall be inspected monthly, with emailed monthly inspection reports including photographs documenting the compliance status of the interim measures and any repairs needed to keep the measures in appropriately secured condition.
6. Any changes in the activities detailed in the Interim Plan shall be reported to the Office of LRSMM by telephone within one (1) working day and in writing within five (5) business days.
7. The Office of LRSMM shall be immediately notified of any site or operation condition that results in non-compliance with this Interim Remedial Measure Approval Letter.

At this time, the Office of LRSMM offers its concurrence with the proposed interim remedial measures for the property. The Department approves the Interim Plan provided that all activities and procedures detailed in the Interim Plan are strictly adhered to. Furthermore, this letter continues to place primary responsibility for the construction, operation, maintenance, and monitoring of the approved Interim Plan and its associated implementation on Thomas A. Abruzese, 20 West Extension LLC, TOMORL LLC, and/or Waites Wharf Realty Assoc., LLC. As the Responsible Parties and Performing Parties, Thomas A. Abruzese, 20 West Extension LLC, TOMORL LLC, and/or Waites Wharf Realty Assoc., LLC are expected to implement the Interim Plan in an expeditious and professional manner that prevents non-compliance with this Interim Remedial Measure Approval Letter and said Interim Plan, and is protective of human health and the environment.

This Interim Remedial Measure Approval Letter does not remove your obligation to obtain any other necessary permits from other local, State, or Federal agencies.

If you have any questions regarding this letter, please contact me by telephone at (401) 222-2797, extension 2777109 or by e-mail at joseph.martella@dem.ri.gov.

Sincerely,



Joseph T. Martella II
Environmental Engineer III
Office of Land Revitalization & Sustainable Materials Management

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