



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

February 29, 2012

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

Mr. Scott D. Wheeler
Tree and Grounds Supervisor
Newport Department of Public Services
280 Spring Street
Newport, RI 02840-6815

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

Dear Mr. Roos and Mr. Wheeler:

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.

On February 27, 2012, the Department received via electronic mail attachment, the document titled Meeting Summary, Queen Anne Square, Newport, Rhode Island, prepared by Sage Environmental, Inc. (Sage), dated February 24, 2012, and submitted on behalf of Sage's client, the Doris Duke Monument Foundation (DDMF). The document presented a review of the issues discussed at the February 22, 2012, meeting between the Department, representatives of the City of Newport, the Newport Restoration Foundation (NRF), Farrar Associates, and Sage.

Following a review of the document, a representative of the Department's Office of Waste Management (OWM) contacted Mr. Bruce Clark of Sage by telephone on February 27, 2012, to discuss the submittal. During the discussion, the Department raised a number of questions. Mr. Clark was not able to answer all of the questions immediately, but agreed to check into each one further and follow up with responses. The following is a brief list of the items discussed and the currently outstanding issues and/or concerns which need to be addressed in written responses to the Department:

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1. The Department requested that a hard copy of the Meeting Summary document be submitted for the project site file. Mr. Clark indicated that a hard copy had been sent via conventional mail and that the Department should receive it soon.
2. The Department clarified the Public Involvement requirements under Rhode Island General Laws (R.I.G.L.), Title 23, *Health and Safety*, Chapter 23-19.14, *Industrial Property Remediation and Reuse Act*, Section 23-19.14-5, *Environmental Equity and Public Participation*, as well as under Section 7.00, Rule 7.07.A.iii of the Remediation Regulations, which according to an opinion from our Office of Legal Services, are both applicable to this site.

(4) Whenever a site that is known to be contaminated or is suspected of being contaminated based upon its past use is considered for possible reuse as the location of a school, child-care facility, or as a recreational facility for public use, the person proposing such reuse shall, prior to the establishment of a final scope of investigation for the site and after the completion of all appropriate inquiries, hold a public meeting for the purposes of obtaining information about conditions at the site and the environmental history at the site that may be useful in establishing the scope of the investigation of the site and/or establishing the objectives for the environmental clean-up of the site. The public meeting shall be held in a city or town in which the site is located; public notice shall be given of the meeting at least ten (10) business days prior to the meeting; and following the meeting, the record of the meeting shall be open for a period of not less than ten (10) and not more than twenty (20) business days for the receipt of public comment. The results of all appropriate inquiries, analysis and the public meeting, including the comment period, shall be documented in a written report submitted to the department.

(ii) No work (remediation or construction), shall be permitted at the property until the public meeting and comment period regarding the site's proposed reuse has closed except where the director determines that such work is necessary to mitigate or prevent:

- (A) an imminent threat to human health, public safety or the environment; or*
- (B) off-site migration of known or suspected contamination.*

In summary, the Responsible Party (City of Newport as owner) or Performing Party (the DDMF c/o the Newport Restoration Foundation [NRF]), prior to finalizing the scope of work for the investigation of the site, must schedule and hold a Public Meeting. Public notice of the meeting must be given at least ten (10) business days prior to the meeting. The public meeting shall be conducted in a manner consistent with the requirements in Rule 7.07(C) regarding Community Meetings. This subject was mentioned in the Department's November 16, 2011, letter to the City of Newport, where we indicated that these requirements may be applicable to this property.

3. Anecdotal evidence regarding the nature of historic cleaning activities and solvent usage at the former site laundry business was presented at the February 22, 2012, meeting. The Department requested clarification regarding the identity of the source of the historic information.
4. The Department questioned why 15 of the boring logs indicated that samples had been submitted for total petroleum hydrocarbon (TPH) and volatile organic compound (VOC) analysis, but the text of the submittal only indicated that two (2) TPH and four (4) VOC samples were actually submitted for laboratory analysis.
5. The Department requested copies of the laboratory analytical data sheets, which were submitted by Sage via electronic mail later that day.
6. The Department inquired about the protocol utilized for the collection of soil samples that were to be submitted for VOC analysis, and in particular whether they were grab or composite soil samples.
7. The Department asked for clarification regarding the groundwater sampling conducted at the site, since the boring logs for all but one (1) of the soil borings that were later converted into groundwater monitoring wells, indicated specifically that groundwater was not encountered and soils were described as dry at the point of refusal.

As indicated at our meeting on February 22, 2012, the Department remains very willing and committed to working cooperatively with all parties throughout the remainder of this project. If you have any questions regarding this letter or would like the opportunity to meet again with Department personnel to share further information about the history of the property, or to discuss the City's plans to evaluate or assess the property, 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

Cc: Kelly J. Owens, RIDEM/OWM
Jane Howington, Newport City Manager
Jeff Moniz, Farrar Associates
Bruce Clark, Sage