



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

LETTER OF COMPLIANCE

January 21, 2016

File No. SR-22-1181

(Formerly 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
Plat Map 24 / Lot 346

Dear Mr. Roos:

On November 9, 2011, the Rhode Island Department of Environmental Management (the Department) enacted the amended 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), the Department's Office of Waste Management (OWM) is in receipt of the following documentation submitted pursuant to the Remediation Regulations in response to the reported release at the Site:

1. Remedial Action Work Plan Completion Report, Queen Anne Square, Plat 24, Lot 346, Newport, Rhode Island, received by the Department on July 23, 2013, and prepared by Sage Environmental, Inc. (Sage);
2. A certified copy of the Department approved Environmental Land Usage Restriction (ELUR) and Soil Management Plan (SMP), which was recorded in the City of Newport Land Evidence Records for the subject property on March 12, 2014 (Book 2423, Pages 156-175), received by the Department on March 20, 2014; and
3. ELUR Annual Compliance Self-Inspection Form, received by the Department on **January 4, 2016**, and prepared by the City of Newport Buildings & Grounds Supervisor / Tree Warden.

Based upon the information and representations in the aforementioned documents, and the Department's receipt of the recorded ELUR, SMP and ELUR Annual Compliance Self-Inspection

Form, the OWM concurs that the property is in compliance with the Remediation Regulations at this time.

Please be advised, however, that the Department reserves the right to require additional actions at the subject Site pursuant to the Remediation Regulations should any of the following occur:

- Conditions at the property previously unknown to the Department are discovered;
- Information previously unknown to the Department becomes available;
- Policy or regulatory requirements change; and/or
- City of Newport, the Newport Restoration Foundation (NRF), the Doris Duke Monument Foundation (DDMF), or any future holder[s] of any interest in the property fails to adhere to the terms and conditions of the ELUR and/or the SMP for the property.

Please also be advised that in accordance with the ELUR, the property must be inspected by an environmental professional with knowledge of past and present Site conditions on an annual basis to evaluate the compliance status of the Property. The next evaluation for this Property is due on or before **December 15, 2016**.

Finally, please be advised that nothing in this Letter of Compliance relieves any Responsible Party, or the Site, from compliance with all other applicable local, State, or Federal rules, regulations, and requirements.

If you have any questions regarding this letter or would like the opportunity to meet with Department personnel, please contact me by telephone at (401) 222-2797, ext. 7109, or by E-mail at joseph.martella@dem.ri.gov.

Sincerely,



Joseph T. Martella II
Senior Engineer
Office of Waste Management

Authorized by,



Kelly J. Owens
Supervising Engineer
Office of Waste Management

Cc: Terrence D. Gray, P.E., Assistant Director, RIDEM/AW&C
Leo Hellested, P.E., Chief, RIDEM/OWM
Christopher Walusiak, RIDEM/OCTA
Hon. Jeanne-Marie Napolitano - Newport City Council Mayor
Joseph J. Nicholson, Jr., Esquire, Newport City Solicitor/Interim City Manager
Scott D. Wheeler, Newport Department of Public Services
Representative Lauren H. Carson, District 75
Senator M. Teresa Paiva Weed, District 13
Richard Mandile, Sage