



LETTER OF RESPONSIBILITY
File No. SR-22-1631B

January 3, 2020

CERTIFIED MAIL

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 January 8, 2019, the Rhode Island Department of Environmental Management's (the Department) Office of Waste Management (OWM) re-codified 250-RICR-140-30-1, the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations) consistent with the RI Administrative Procedures Act. 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 Letter of Responsibility (LOR) is a preliminary document used by the Department to codify and define the relationship between the Department and a Performing Party.

Please be advised of the following facts:

1. The above referenced property is located at 20 West Extension Street, 16 Waites Wharf, and Waites Wharf, Newport, Rhode Island (the Site). The Site is further identified by the City of Newport Tax Assessor's Office as Plat Map 32 / Lots 267, 248 and 272.
2. The Department is in receipt of the following documents:
 - a. Release Notification, 20 West Extension Street in Newport, Rhode Island (AP 32; L: 267), 16 Waites Wharf in Newport, Rhode Island (AP 32; L: 248), Waites Wharf in Newport, Rhode Island (AP 32; L: 272), received by the Department on November 5, 2019, and prepared by Sage Environmental, Inc. (Sage); and
 - b. Electronic Mail, Re: Waites Wharf Follow-Up, received by the Department on December 20, 2019, and prepared by Sage.

3. The above referenced documents identify concentrations of select polycyclic aromatic hydrocarbons (PAHs), select volatile organic compounds (VOCs), lead and arsenic in Site soils that exceed the Department's Method 1 Direct Exposure Criteria, as referenced in the Remediation Regulations.
4. Based on the presence and nature of these Hazardous Substances the Department concurs that a Release of Hazardous Materials has occurred as defined by Sections 1.4(A)(33), 1.4(A)(34), and 1.4(A)(63) of the Remediation Regulations.
5. 20 West Extension LLC, TOMORL LLC, and Waites Wharf Realty Assoc., LLC are identified as the current owners of the Site by the City of Newport Tax Assessor's office and as such are Responsible Parties as defined by Section 1.4(A)(70) of the Remediation Regulations.

As a result of the information known and the conditions observed at the site, the Department requests that 20 West Extension LLC, TOMORL LLC, and Waites Wharf Realty Assoc., LLC comply with the following:

1. If necessary, prior to the implementation of any additional site investigation field activities and in accordance with Section 1.8.7(A)(1) of the Remediation Regulations, 20 West Extension LLC, TOMORL LLC, and Waites Wharf Realty Assoc., LLC must notify all abutting property owners, tenants, easement holders, and the municipality that an investigation is about to occur. The notice should briefly indicate the purpose of the investigation, the work to be performed, and the approximate scheduled dates of activities. Please submit a draft notification to the Department via E-mail for review and approval prior to distribution. A boilerplate notification to be distributed can be found online at:
<http://www.dem.ri.gov/programs/wastemanagement/site-remediation/index.php>.

The Department will require a copy of the public notice letter and a list of all recipients. Failure to comply with the aforementioned items may result in enforcement actions as specified in Rhode Island General Laws 23-19.1-17 and 23-19.1-18.

2. Conduct further investigation of the Site soil and groundwater, if warranted, in accordance with Section 1.8 of the Remediation Regulations.
3. Upon completion of the additional site investigation submit a Site Investigation Report (SIR) in accordance with Section 1.8 of the Remediation Regulations within ninety (90) days from the date of this letter. Given that some limited environmental investigation has already been performed at the Site, you may incorporate portions of the information already gathered and work already performed to address the items covered in Section 1.8. The SIR should include at least two remedial alternatives other than no action/natural attenuation and include future plans for the re-use or redevelopment (if applicable) of the property.
4. Submit an SIR checklist in accordance with Section 1.8.8 of the Remediation Regulations. The SIR checklist was created as a supplemental tool to expedite the review and approval process by cross-referencing the specific sections and pages within the SIR that provide the detailed

information that addresses each stated requirement within Section 1.20 of the Remediation Regulations.

5. Upon approval by the Department of the SIR, be prepared to bring the Site into compliance with the Remediation Regulations.

Please be advised that 20 West Extension LLC, TOMORL LLC, and Waites Wharf Realty Assoc., LLC, as the Responsible Parties, are responsible for the proper investigation and remediation of hazardous substances at this site. Also be advised that any remedial alternative that proposes to leave contaminated media on-site at levels which exceed the Department's Residential Direct Exposure Criteria, applicable Leachability Criteria, or applicable Groundwater Criteria will, at a minimum, necessitate the recording of an institutional control in the form of an Environmental Land Usage Restriction (ELUR) on the deed for the site, and will likely require implementation of additional engineered controls to restrict human exposure.

Please notify this office within seven days of the receipt of this letter of your plans to address these items. All correspondences should be sent to the attention of:

Joseph T. Martella II
RIDEM / Office of Waste Management
235 Promenade Street
Providence, RI 02908

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
Environmental Engineer III
Office of Waste Management

Cc: Kelly J. Owens, RIDEM/OWM
Nicholas Pisani, RIDEM/OWR/Stormwater
Neal Personeus, RIDM/OWR/WQC
David S. Reis, RI CRMC
Patricia Reynolds, Newport Director of Planning & Economic Development
Jacob H. Butterworth, Sage