



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

**VOLUNTARY PROCEDURE LETTER**  
**File No. SR-22-1765**

February 16, 2015

**CERTIFIED MAIL**

Mr. Stephen Ostiguy  
Church Community Housing Corp.(CHCC)  
50 Washington Square  
Newport, Rhode Island 02840

RE: Coffey's Texaco (former)  
48 Touro Street  
Newport, Rhode Island  
Plat Map 17 / Lot 230

Dear Mr. Ostiguy:

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 a timely and cost-effective manner. A Voluntary Procedure Letter (VPL) is a preliminary document used to define the relationship between the Department and a Performing Party under the Remediation Regulations. In the case of a Voluntary Procedure Letter, a Performing Party may be a Voluntary Party or a Bona Fide Prospective Purchaser.

Please be advised of the following facts:

1. The above referenced property is located at 48 Touro Street, Newport, Rhode Island (the Site). The Site is further identified by the City of Newport Tax Assessor's Office as Plat Map 17 / Lot230.
2. The Department is in receipt of the following documents:
  - a. Office of Waste Management – Site Remediation Section's Hazardous Material Release Form (Appendix C), received via Email by the Department on February 9, 2015, and prepared by Newport Environmental (NE);
  - b. Phase I Environmental Site Assessment, dated June 9, 2014, received by the Department on February 13, 2015 and prepared by NE; and

c. Phase II Limited Subsurface Investigation, dated June 16, 2014, received by the Department on February 13, 2015 and prepared by NE.

3. The above referenced documents identify concentrations of *Total Petroleum Hydrocarbons (TPH)*, *Lead and various Semi-Volatile Organic Compounds (SVOCs)*<sup>1</sup> 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 and petroleum hydrocarbons, the Department concurs that a Release of Hazardous Materials has occurred as defined by Rules 3.33, 3.34, 3.59 and 3.63 of the Remediation Regulations.

The Department requests that Church Community Housing Corporation, as Performing Party, provide the Department with the requested information listed below in order to complete the requirements of Section 7.00 of the Remediation Regulations:

1. If necessary, prior to the implementation of any additional site investigation field activities and in accordance with Rule 7.07(A)(i) of the Remediation Regulations, Church Community Housing Corporation 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/benviron/waste/topicrem.htm#process>.

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. In accordance with the above referenced Industrial Property Remediation and Reuse Act, prior to the establishment of a final scope of investigation for the Site and after the completion of All Appropriate Inquiries (AAI), 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 and/or establishing the objectives for the environmental clean-up of the Site.
  - a. The public meeting shall be held in the City or Town in which the Site is located.
  - b. Public notice shall be given of the meeting at least ten (10) business days prior to the meeting.

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<sup>1</sup> SVOCs which were identified in exceedance of the Department's Method 1 Direct Exposure Criteria are: Benzo(a)anthracene, Chrysene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Benzo(a)pyrene, Indeno(1,2,3-cd)pyrene and Benzo(g,h,i)perylene.

- c. 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.
- d. The results of all appropriate inquiries, analysis and the public meeting, including the comment period and responses to all comments received, shall be documented in a written report submitted to the Department.

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. The above detailed required public notice, meeting and comment period shall be in addition to any other requirements for public notice and comment relating to the investigation or remedy of the Site and may be part of another meeting pertaining to the Site provided that the minimum standards established by RIGL Section 23-19.14-5 for notice and comment are met.

3. Conduct further investigation of the Site soil and groundwater, if warranted, in accordance with Section 7.00 of the Remediation Regulations.
4. Upon completion of the additional site investigation submit a Site Investigation Report (SIR) in accordance with Section 7.00 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 7.00. 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.
5. Submit an SIR checklist in accordance with Rule 7.08 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 7.00 of the Remediation Regulations.
6. Upon approval by the Department of the SIR, be prepared to bring the Site into compliance with the Remediation Regulations.

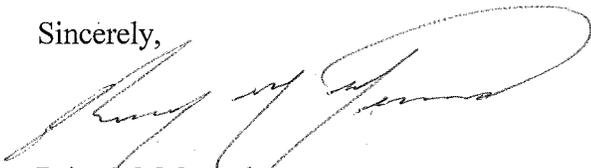
Please be advised that Church Community Housing Corporation, as the Performing Party, is responsible for the proper investigation and remediation of hazardous substances and petroleum hydrocarbons at this site. Also be advised that any remedial alternative that proposes to leave contaminated media on-site 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:

Brian Menard  
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. 7163 or by E-mail at [brian.menard@dem.ri.gov](mailto:brian.menard@dem.ri.gov).

Sincerely,



Brian M. Menard, E.I.T.  
Sanitary Engineer  
Office of Waste Management

cc: Bruce W. Clark - Newport Environmental  
Kelly Owens – RIDEM, Supervising Sanitary Engineer  
Jeffrey Crawford – RIDEM, Senior Environmental Scientist  
Ashley Blauvelt – RIDEM, Senior Sanitary Engineer