



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

October 3, 2012

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
Case No. 2012-010

Dear Mr. Roos:

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.

In the matter of the above referenced "Site" (as defined in the Industrial Property Remediation and Reuse Act), the Department's Office of Waste Management (OWM) has on file the following document regarding the proposed remedial action, submitted on behalf of the Doris Duke Monument Foundation (DDMF):

- Remedial Action Work Plan, Queen Anne Square, Plat 24, Lot 346, Newport, Rhode Island, RIDEM Case No. 2012-010, (RAWP), prepared by Sage Environmental, Inc. (Sage), dated September 28, 2012, and received October 1, 2012.

Based upon the Department's review of the above listed document for consistency with Sections 8.00 (Risk Management) and 9.00 (Remedial Action Work Plan) of the Remediation Regulations, the OWM has the following questions and comments:

- 1) Regarding Table 2 (Soil Sampling Exceedance Summary), please clarify the meaning of the asterisk located after several of the entries in the second column (Terminal Boring Depth) of the table.
- 2) Regarding Section 7.0 (Field Implementation of Proposed Remedy), paragraph 1, please note that all gated entries to the site perimeter security fence should be locked and secured at end of each work day, the fence and filter fabric should be inspected at a minimum each morning and

at the end of each work day, and any openings, tears, or other problems noted during the perimeter inspection should be promptly repaired.

- 3) Regarding Section 7.1 (Engineered Cap), paragraph 2, please be reminded that all limited soil removal actions and associated confirmation/compliance sampling activities should be conducted prior to any grading activities in those respective areas.
- 4) Regarding Section 7.1 (Engineered Cap), this section should include a complete list and description of all proposed engineered caps to be utilized in the subject development project. The engineered cap associated with the "Typical Foundation Seating Area Section," detailed on Drawing number D-1 (Detail Sheet 1), was not included in this section as one of the proposed caps. Please include the details for this engineered cap, as well as details for any other engineered cap proposed to be used on this site, in this section.
- 5) Regarding Section 7.2 (Limited Excavation of Subsurface Soils), please note that all confirmation/compliance samples should be collected as grab samples.
- 6) Regarding Section 7.3 (Soil Stockpiling), this section should include a description of the proposed procedures for management and transportation of stockpiled regulated soil for proper off site disposal (e.g. as applicable include a description of anticipated procedures required for transporting contaminated soil from the site, including but not limited to soil loading, containerization, selected transportation vehicle(s), plans for decontamination of vehicles and loading equipment prior to leaving the site, etc.).
- 7) Regarding Section 7.5 (ELUR), page 21, paragraphs 2 and 3, reference is made to the future submittal of a Post-Construction Soil Management Plan (SMP) to be recorded with the Environmental Land Usage Restriction (ELUR).
 - a) Please be advised that the final Post-Construction SMP must be approved by the Department prior to inclusion in and recording with the final Department approved ELUR.
 - b) Since the several locations in the draft ELUR (RAWP Appendix 7) specifically reference "*the engineered controls at the Property described in the SMP,*" please be reminded that the final Post-Construction SMP to be recorded with the ELUR must include complete descriptions of all installed Department approved engineered control caps.
- 8) Regarding Section 17.0 (Compliance Determination), this section should indicate that compliance will also be demonstrated by the analytical results of the post excavation confirmation / compliance sampling performed in the limited excavation areas.
- 9) Regarding Appendix 6 (Construction Soil Management Plan):
 - a) Item 3 should indicate that all stockpiled excavated soils shall be placed on a minimum of 6-mil polyethylene/plastic sheeting.

- b) The third sentence in Item 11, "*Laboratory analytical results must be submitted via fax or email*" should be deleted. It is the responsibility of the Performing Party and the environmental consultant to ensure that the clean fill being brought to the Site meets the Residential Direct Exposure Criteria. The test data and/or the certification should not be submitted to the Department for review and approval. The Department reserves its rights to sample the material if it is suspect.

10) Regarding Appendix 7 (Draft Environmental Land Usage Restriction):

- a) Please replace the fourth paragraph on page 1 with the following paragraph:

WHEREAS, the Grantor and the Department have determined that the environmental land use restrictions set forth below are consistent with the regulations adopted by the Rhode Island Department of Environmental Management ("Department") pursuant to R.I.G.L. § 23-19.14-1 and that this restriction shall be a Conservation Restriction pursuant to R.I.G.L. § 34-39--1 et. seq. and shall not be subject to the 30 year limitation provided in R.I.G.L. § 34-4-21;

- b) Restriction A.v on page 2 should be deleted, as there is no requirement to prohibit infiltration of water at the Property.
- c) Restriction A.vi on page 2 should be deleted, as there are no exceedances of the Department's Method 1 GB Groundwater Objectives on the Property.
- d) Restriction A.viii on page 2 should be deleted, as there is no requirement for impermeable engineered controls to prevent infiltration of water at the Property.

- 11) As noted in the Department's September 27, 2012, Remedial Decision Letter, pursuant to Rule 10.02 of the Remediation Regulations, an application fee for Remedial Action Approvals in the amount of one thousand (\$1,000) dollars, made payable to the State of Rhode Island General Treasurer, should have been remitted to this Office with submission of the draft RAWP. Please submit the application fee for Remedial Action Approvals with the written responses to these comments.

If you have any questions or are in need of any clarification regarding this document, 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

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