



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

REMEDIAL DECISION LETTER  
File No. SR-22-1765

July 21, 2017

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's (the Department) Office of Waste Management (OWM) 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 a timely and cost-effective manner. A Remedial Decision Letter (RDL) is a formal, written communication from the Department that approves a site investigation, identifies the preferred remedial alternative and authorizes the development of a Remedial Action Work Plan (RAWP) in order to achieve the objectives of the environmental clean-up.

In the matter of the above-referenced property (the Site), the Department's OWM is in receipt of the following documentation submitted pursuant to the Remediation Regulations in response to the reported release at the Site:

1. Office of Waste Management – Site Remediation Section - Hazardous Material Release Form (Appendix C), received via Email by the Department on February 9, 2015, and prepared by Newport Environmental, Inc. (NEI);
2. Phase I Environmental Site Assessment, Coffey's Texaco, 48 Touro Street, Newport, Rhode Island, 02840, dated June 9, 2014, received by the Department on February 13, 2015 and prepared by NEI;

3. Phase II Limited Subsurface Investigation, Coffey's Texaco, 48 Touro Street, Newport, Rhode Island, 02840, dated June 16, 2014, received by the Department on February 13, 2015 and prepared by NEI;
4. Site Investigation Report for Coffey's Texaco, 48 Touro Street, Newport, Rhode Island, received by the Department on April 25, 2016, and prepared by NEI;
5. Addendum to April 2016 Site Investigation Report, Coffey's Texaco, 48 Touro Street, Newport, RI, 02840, received by the Department on May 31, 2017, and prepared by NEI; and
6. Notice to Abutters of Completed Site Investigation & Public Comment Period, Former Coffey's Texaco - 48 Touro Street, Newport, RI 02840, received by the Department on June 22, 2017, and prepared by NEI.

Collectively, these documents define "Existing contamination" at the Site, and fulfill the requirements of a Site Investigation Report (SIR) as described in Rule 7.08 of the Remediation Regulations. In addition, according to our records, public notice was conducted to all abutting property owners, tenants, easement holders, and the municipality, regarding the substantive findings of the completed investigation in accordance with Rules 7.07(A)(ii) and 7.09 of the Remediation Regulations. The Department has received documentation demonstrating that the requirements of Rhode Island General Laws (R.I.G.L.), title 23, Health and Safety, Chapter 23-19.14, Industrial Property Remediation and Reuse Act, 23-19.14-5, Environmental Equity and Public Participation, have been fulfilled. The opportunity for public review and comment on the technical feasibility of the proposed remedial alternatives commenced on June 7, 2017 and the period closed on June 20, 2017. No comments were received.

The preferred remedial alternative, as stated in the SIR, consists of the following conceptual measures:

Petroleum impacts to soils and groundwater in the vicinity of the current underground storage tanks (USTs) shall be addressed in accordance with and under the jurisdiction of the Office of Waste Management's Underground Storage Tank Management Program. During tank closure activities the two (2) hydraulic lifts in the existing building and any associated soil contamination shall be remediated.

If sufficient funding is available at the time of the remedial activity, the existing building will be demolished and the soil below will be characterized to determine its suitability as backfill in the UST excavations. Otherwise, the existing building will remain in place and unoccupied, with the concrete slab operating as a temporary cap, until such time as sufficient funding for building demolition is raised. Should any reuse of the existing building, or any future building be proposed, a comprehensive evaluation of sub slab soil gas concentrations and implementation of an appropriate vapor mitigation plan shall be required before occupancy.

Existing asphalt shall be stripped from exterior areas of the property for proper off-site disposal. The top two (2) feet of any remaining surface soil/fill that is not impacted by petroleum shall be stripped off and placed in the UST excavations as backfill up to a depth of two (2) feet below



grade, with any excess soil/fill stockpiled for proper offsite disposal. Clean fill shall be imported to the property to construct a two (2) foot thick soil cap in exterior site areas as well as the interior locations where the hydraulic lifts were removed, or across the footprint of the former building as applicable.

An Environmental Land Usage Restriction (ELUR) shall be recorded on the deed for the entire Site (Plat 17 / Lot 230). The ELUR shall require the performance of annual inspections to document the status of the ELUR and the conditions of the engineered controls. The ELUR shall include a Department approved post remediation soil management plan (SMP) which shall address any future activities that may disturb Site soils. The ELUR shall be recorded for the entire property in the Land Evidence Records for the City of Newport and a recorded copy forwarded back to the Department within fifteen (15) days of recording.

The Department hereby approves the SIR, with the above identified preferred remedial alternative, and requires a RAWP be submitted for review and approval, and implemented, to achieve the objectives of the environmental clean-up, in accordance with the following conditions:

1. In accordance with Sections 8.00 and 9.00 of the Remediation Regulations, a RAWP, ELUR, and SMP shall be submitted for Department review and approval within sixty (60) days from the date of this letter. The RAWP shall describe all of the technical details, engineer design elements, and schedules associated with the implementation of the proposed remedy. All of the subsections outlined in Section 9.00 of the Remediation Regulations must be included in order to facilitate the review and approval of the RAWP. If an item is not applicable to this Site, simply state that it is not applicable and provide an explanation in the RAWP.
2. Pursuant to Rule 10.02 of the Remediation Regulations, an application fee for Remedial Action Approvals in the amount of one thousand (\$1,000.00) dollars shall be made payable to the State of Rhode Island General Treasurer and remitted to the Office of Management Services with the attached Remedial Action Approval Application Fee Form. Receipt of this Remedial Action Approval Application Fee is required prior to the Department's RAWP review.
3. Once the Department reviews the RAWP for consistency with Sections 8.00 and 9.00 of the Remediation Regulations, any written comments generated and forwarded as a result of the review(s) shall be incorporated forthwith into a RAWP Addendum, to be submitted for final approval.
4. Upon finalization of the RAWP, the Department will issue a Remedial Approval Letter (RAL), signifying Department approval. All remedial measures required by the Department shall be implemented, in accordance with the approved schedule, to ensure all applicable exposure pathways at the site are appropriately addressed.

**Please be advised that the Department reserves the right to require additional actions under the aforementioned Remediation Regulations at the Property should any of the following occur:**

- Conditions at the Site previously unknown to the Department are discovered;
- Information previously unknown to the Department becomes available;
- Policy and/or regulatory requirements change; and/or
- Failure by Church Community Housing Corp. or any future holder of any interest in the Property to adhere to the terms and conditions of the Department approved RAWP, schedule, RAL, ELUR and/or SMP for the Property.

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](mailto:joseph.martella@dem.ri.gov).

Sincerely,



Joseph T. Martella II  
Senior Engineer  
Office of Waste Management

Cc: Kelly J. Owens, RIDEM.OWM  
Sofia Kaczor, RIDEM/OWM/UST  
Joseph J. Nicholson Jr., Newport City Manager  
Bruce Clark, NEI

Attachment: Remedial Action Approval Application Fee Form



**Rhode Island Department of Environmental Management  
Office of Waste Management**

**REMEDIAL ACTION APPROVAL APPLICATION FEE FORM**

Rule 10.02 of the Department's Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases, requires an application fee for Remedial Action Approvals in the amount of one thousand (\$1,000) dollars. Please submit this form and check, made payable to the State of Rhode Island General Treasurer, directly to:

**R.I. Department of Environmental Management  
Office of Management Services - Rm 340  
235 Promenade Street  
Providence, RI 02908**

Please complete this page and attach it to the check or money order. This information must be provided to coordinate your fee with the application submitted.

Site Name: Coffey's Texaco (former)

Address: 48 Touro Street

Town/City: Newport

File Number: SR-22-1765

Contact Person: \_\_\_\_\_

Phone No: \_\_\_\_\_

RIDEM Project Manager: Joseph Martella/ OWM

**FOR RIDEM OFFICE USE ONLY:**

Fee Amount Received: \_\_\_\_\_

Date Received: \_\_\_\_\_

Check#: \_\_\_\_\_

Receipt Account:

10.074.3765103.03.461043

cc:74:3481 Leg.17-18-841