

**RI Department of Environmental Management  
Environmental Land Usage Restriction (ELUR)  
Annual Compliance Self-Evaluation Form**  
(Please type or print)

Site Name: Queen Ann Square Property Owner: City of Newport  
RIDEM File No.: 2012-010 Owner Mailing Address: 43 Broadway  
RIDEM Project Manager: Joseph T. Martella Newport RI 02840  
ELUR Recording Date: \_\_\_\_\_ Inspection Date: 11/27/19  
Owner Telephone Number: 401-845-5802 E-Mail: swheeler@cityofnewport.com

This Annual Compliance Self-Evaluation Form is not appropriate for use on sites that require the use of any active remediation systems (e.g. active SSDS, ongoing air or groundwater monitoring, etc.) unless explicit, written permission has been granted by the Department.

**1. Site Description**

- a. Site Address: Queen Anne Square, bordered by Thames St, Mill St & Church St, Newport RI 02840
- b. Plat: 24 Lot(s): 346
- c. Is the ELUR applicable to the entire site?  
 Yes  No
- If no, please describe the portion of the property subject to the ELUR: \_\_\_\_\_
- d. What does the ELUR restrict? (Select all that apply)
- Residential Uses  
 Groundwater  
 Exposure to Site Soils  
 Infiltration of Water  
 Subsurface Structures  
 Other (Please Explain): \_\_\_\_\_

**2. Groundwater**

- a. Are there any known or observed groundwater wells present?  
 Yes  No
- b. Are these well(s) used for drinking water?  
 Yes  No  Not Applicable
- If no, please state what they are used for (i.e. irrigation, cooling, etc.): \_\_\_\_\_
- c. Are there environmental monitoring wells present?  
 Yes  No

**3. Engineered Controls** (e.g. asphalt, concrete, building foundations, landscaped areas, etc.)

- a. Please provide a brief description of the engineered control(s) (e.g. building foundations, one foot of clean fill over a geotextile liner, etc.):

*Vegetative and mulch cap over 12" of approved fill and soil over approved geotextile.*

- b. Overall Condition of Engineered Control(s)

Good                       Non-compliant  
 Acceptable                       Not Applicable (Sites where only groundwater is restricted)

- c. Are there any areas on the property that have broken concrete, cracked asphalt, potholes, eroded landscaping, etc.?

Yes     No

If yes:

Please provide a description of the area(s) of concern:

*The lawn adjacent to Mill Street seeded has slowly improving thanks to the fence installed in 2018 to redirect pedestrian foot traffic form behind the "Chimney" sitting room. Maintaining grass along Mill St continues to challenging because of the limited sunlight requiring regular reseeding with shade tolerant grass. There is also some wear around the center boulder children enjoy playing on but the poured in place rubber and regular reseeding as limited erosion.*

Could water infiltrate through these areas into underlying contaminated soils?

Yes     No     N/A; Infiltration Not Restricted

When will the area(s) of concern be repaired?

- d. Has there been any soil disturbance or excavation into the cap (engineered control) in the last year?

Yes     No

If yes:

How large was the area of disturbance?

Please provide the reason or cause for disturbance or excavation:

Was this disturbance or excavation approved by the Department?

Yes, Date of Approval:

No

Was the Soil Management Plan (SMP) properly followed?

Yes     No

If no, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was any soil taken offsite?  
 Yes  No

- e. Within the past year has there been any construction at the property unauthorized by the department?  
 Yes  No

If yes:

Please explain:

Did this construction disturb site soils, the existing building or capped surfaces (asphalt, concrete, or landscaped areas)?  
 Yes  No

If yes, please specify:

- f. Have there been any subsurface structures (underground storage tanks, below grade foundations, septic systems, storm water systems, french drains, etc.) constructed or installed since the remediation was completed?  
 Yes  No

If yes:

Please Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was permission of the Department's Office of Waste Management obtained?  
 Yes, Date of Approval: \_\_\_\_\_  
 No

- g. Condition of landscaped areas  
 Good  Acceptable  Non-compliant  N/A
- h. Does this site effectively limit exposure to contaminated subsurface soil?  
 Yes  No

#### 4. Property Use

- a. Are there any residential uses on the property (i.e. houses, apartments or condominiums, etc.) except as previously agreed upon by the Department?

Yes  No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- b. Are there any schools, daycare facilities or recreational facilities on the property except as previously agreed upon by the Department?

Yes  No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- c. Has the property use changed in anyway since the ELUR was recorded?

Yes  No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 5. Fencing (if applicable)

- a. Overall Condition of the Fencing

Good  Acceptable  Non-compliant  No Fence Required

- b. Does the fencing effectively limit the ELUR area?

Yes  No  N/A

### 6. Overall Assessment

Does this site meet the standard imposed in the ELUR?

Compliant  Non-compliant

## 7. Observations, comments, and areas of concern

The quality and health of the QAS vegetative turf cap continues to improve as organic matter content of the soil improves from mulched lawn clippings and more tolerant grasses and weeds continue to migrate into the original blue grass sod.

The installation of the post and chain fence in 2018 has greatly reduced short cuts through the park that was killing the grass. Annual seeding has been generally effective but annual seeding will continue to be required given the level of shade along Mill St and wear from children playing on the center boulder.

## 8. Please attach photos that document compliance with the ELUR, potential areas of concern, and the current state of the engineered controls.

Pedestrian shortcut to Mill St prior to the 2018 installation of the decorative fence.



Lawn protected from pedestrian traffic by Boston Garden Post & Chain fence.



Turf wear area around central boulder that will require additional seeding (Note poured in place rubber around the stone continues to be an effective solution)



Mulch cover has been maintained around young trees

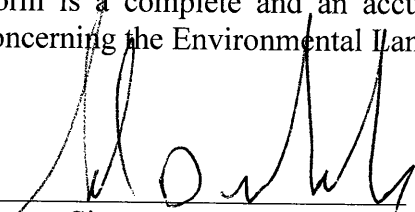


**Overall the vegetative cover is in excellent condition**



**Certification of Property Owner**

I Scott D. Wheeler certify to the best of my knowledge that this Annual Compliance Evaluation Form is a complete and an accurate representation of the site and contains all known facts concerning the Environmental Land Use Restriction imposed on the site.

  
Signature

City of Newport, Rhode Island  
Owning Company (If applicable)

Scott D Wheeler  
Printed Name

Superintendent of Parks, Grounds & Forestry  
Title

12/17/19  
Date

**Certification of the Inspector (if different than Owner)**

I \_\_\_\_\_ certify to the best of my knowledge that this Annual Compliance Evaluation Form is a complete and accurate representation of the site and contains all known facts concerning the Environmental Land Use Restriction imposed on the site.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Environmental Company Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Contact Information (If Applicable)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
E-Mail Address