



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LAND REVITALIZATION & SUSTAINABLE MATERIALS MANAGEMENT

235 Promenade Street, Providence, Rhode Island 02908

July 27, 2023

File No. SR-22-1001 (Rogers H.S.)

File No. SR-22-0587 (Former Harrison Avenue Dump)

Dr. Colleen Jermain, Newport School Superintendent

Newport School Department

109 Old Fort Road

Newport, RI 02840

RE: Rogers High School & Technical Center and Harrison Ave Dump
15 Wickham Road, 0 Harrison Avenue, and 109 Old Fort Road
Newport, Rhode Island
Plat Map 41 / Lots 2, 20, and 300, respectively

Dear Dr. Colleen Jermain:

The Rhode Island Department of Environmental Management's (the Department) Office of Land Revitalization and Sustainable Materials Management (LRSMM) has recently been made aware that there may exist one or more misunderstandings with respect to the above referenced property (the Site). As such, the Department is providing this letter with the intent to clarify regulatory requirements in accordance with 250-RICR-140-30-1, the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations).

As reported to the Department, environmental sampling during due diligence for the Site demonstrated that there existed Site soils containing concentrations of polycyclic aromatic hydrocarbons (PAHs), lead, arsenic, and total petroleum hydrocarbons (TPH) above the Department's Method 1 Residential Direct Exposure Criteria (RDEC). As required by Section 1.6 of the Remediation Regulations, a Notification of Release (NOR) was submitted to the Department on April 22, 2022, for 15 Wickham Road, 0 Harrison Avenue, and 109 Old Fort Road, Newport, Rhode Island, further identified by the City of Newport Tax Assessor's Office as Plat Map 41, Lots 2, 20, and 300, respectively. Lots 2, 20, and 300 of Newport Plat Map 41 are owned by the "City of Newport."

The Department subsequently issued a Letter of Responsibility on April 27, 2022, which defined the Responsible Party as the "City of Newport" in accordance with Section 1.4(A)(70) of the Remediation Regulations. Page 3 of the NOR stated that the notifier was the City of Newport and the point of contact specified was noted to be Dr. Colleen Jermain, Newport School Superintendent. To be clear, the responsible party for this Site is the "**City of Newport**," as the owner of the property. It is typical of Sites owned by municipalities for the Department to be provided a specific municipal office or department that will serve as the point of contact, such as a school department, planning office, or public works department. As stated in the Letter of

Responsibility, *“the City of Newport, as the Responsible Party, is responsible for the proper investigation and remediation of hazardous substances and petroleum hydrocarbons, at this site.”*

The Site, as defined above, includes the school and the former dumping area, historically referred to as the “Harrison Avenue Dump.” The City of Newport, as the responsible party, is responsible for the investigation and remediation of the Site, including the former dump. A Letter of Compliance for the Site, specific to the Site Remediation program, will be issued only after all investigative and remedial requirements have been met for the entire Site – both the school and the former dump.

The Department has set up a page on its website where documents pertaining to this Site can be accessed and downloaded. That link is <https://dem.ri.gov/environmental-protection-bureau/land-revitalization-and-sustainable-materials-management/state-6>. It can also be found by going to dem.ri.gov, selecting “Land Revitalization and Sustainable Materials Management” from the “Environmental Protection Bureau,” then scrolling down to find the “Site Remediation Program” link. At the bottom of the Site Remediation Program page, click on “Newport – Rogers Technical H.S.” to access the documents page for this Site.

The Department has received a number of inquiries concerning the soils that have been stockpiled on Site, behind fencing on the interior of the former track, located on the Northeastern portion of Lot 2, and provides the following facts in an effort to address those questions.

1. Based on the reports and information provided to the Department to date, the material that is currently stockpiled was characterized and sampled at several points.
 - a. January 31, 2022 – March 1, 2022: Prior to the start of excavation activities, the soil that would be excavated was sampled in-situ, that is while the soil was in the ground.
 - b. March 30, 2023: As that same soil was excavated from the ground and brought to the track interior to form the stockpile, it was sampled again. (The “18 samples” sometimes referred to.)
 - c. July 17, 2023 – July 21, 2023: As the stockpile is reshaped and graded in preparation to be covered, an additional 20-25 samples are expected to be collected from the material in the stockpile. Once the results of this round of sampling is submitted to the Department, the analytical report will be made available to any interested parties.
2. The Residential Direct Exposure Criteria (RDEC), referred to on the previous page, are the Department’s most conservative risk-based standards for specific contaminants in exposed soils. This means that soils that contains concentrations of contaminants detected at levels below the respective RDEC are considered “clean soils” in accordance with § 1.4.12(a)(1) of the Remediation Regulations. In the event the soil is discovered to contain one or more contaminants present at concentrations at or above the applicable RDEC, that the Site

Remediation Program must be notified and said soils would be required to be addressed such that a direct exposure pathway no longer exists.

3. To date, material has been sampled and analyzed for Pesticides via EPA Method 8081B, Herbicides via EPA 8151, Polychlorinated Biphenyls (PCBs) via EPA 8082, Semi-Volatile Organic Compounds (SVOCs) via EPA 8270D, Total RCRA 8 Metals via EPA 6010C/7471B, TCLP Metals – Lead, Total Petroleum Hydrocarbons (TPH) via EPA 8100M, and Volatile Organic Compounds (VOCs) via EPA 8260C.
 - a. From the January – March 2022 in-situ soil sampling, either Arsenic, Lead, SVOCs (specifically PAHs), and/or TPH were found in all except four (4) compliant samples at concentrations above the Department’s RDEC, at concentrations typical of the area.
 - b. From the March 30, 2023 sampling of the same soil as it was excavated from the ground and brought to the stockpile, either Arsenic, Lead, and/or SVOCs (specifically PAHs) were found in all except two (2) compliant stockpile samples at concentrations above the Department’s RDEC, similar to the 2022 in-situ sampling results. Note: the material that analysis had demonstrated there to be TPH above the RDEC was disposed of off-site and not added to the stockpile.
4. The stockpiled material can be reused on Site and doing so is a common practice used on Site Remediation projects in order to keep costs down, lower the potential greenhouse gas emissions a project may otherwise have by reducing the number of diesel trucks coming and going from the Site, and it keeps material out of the State’s only landfill. It is the Department’s understanding that the material currently stockpiled will be reused on Site, to the extent possible, for the following purposes:
 - a. Material will be used on the school project to fill-in void space from old basements and foundation footprints, as needed, and will be used to for grading purposes where necessary and depending on the geotechnical suitability of the material. In any case, it is required that any and all jurisdictional material that remains on site be encapsulated by a minimum of two feet of clean fill, or a Department-approved equivalent (i.e., one (1) foot of clean fill over a geotextile fabric, and/or four (4) inches of asphalt or concrete over six (6) inches of clean subbase) in order to prevent direct exposure.
 - b. Some of the stockpiled material is expected to be used by the City of Newport in order to properly close the former dump. The amount will be dependent on the final grading around the school. The material that has been stockpiled can be used to properly reshape and grade the dump to prepare the former dump to be encapsulated by a minimum of two feet or greater of clean material. Because the school and the dump share the same lot and are considered one Site, there is not an additional approval process required to reuse the stockpiled material for the purpose of preparing the former dump for final closure. Any material that cannot be reused or reinterred and encapsulated in accordance with the abovementioned minimum

requirements will be removed from the Site and disposed of at a properly licensed facility.

5. A cover material has now been applied to the stockpile according to the Environmental Consultant for the Site.

Inquiries regarding stormwater management and/or wetlands should be directed to the Department's Office of Water Resources – Chuck Horbert, Deputy Administrator, Stormwater & Wetlands, chuck.horbert@dem.ri.gov or (401) 222-2797 ext. 2777402.

If you have any questions regarding this letter or the Site Remediation program, please contact me by telephone at (401) 222-2797, ext. 2777026, or by E-mail at ashley.blauvelt@dem.ri.gov.

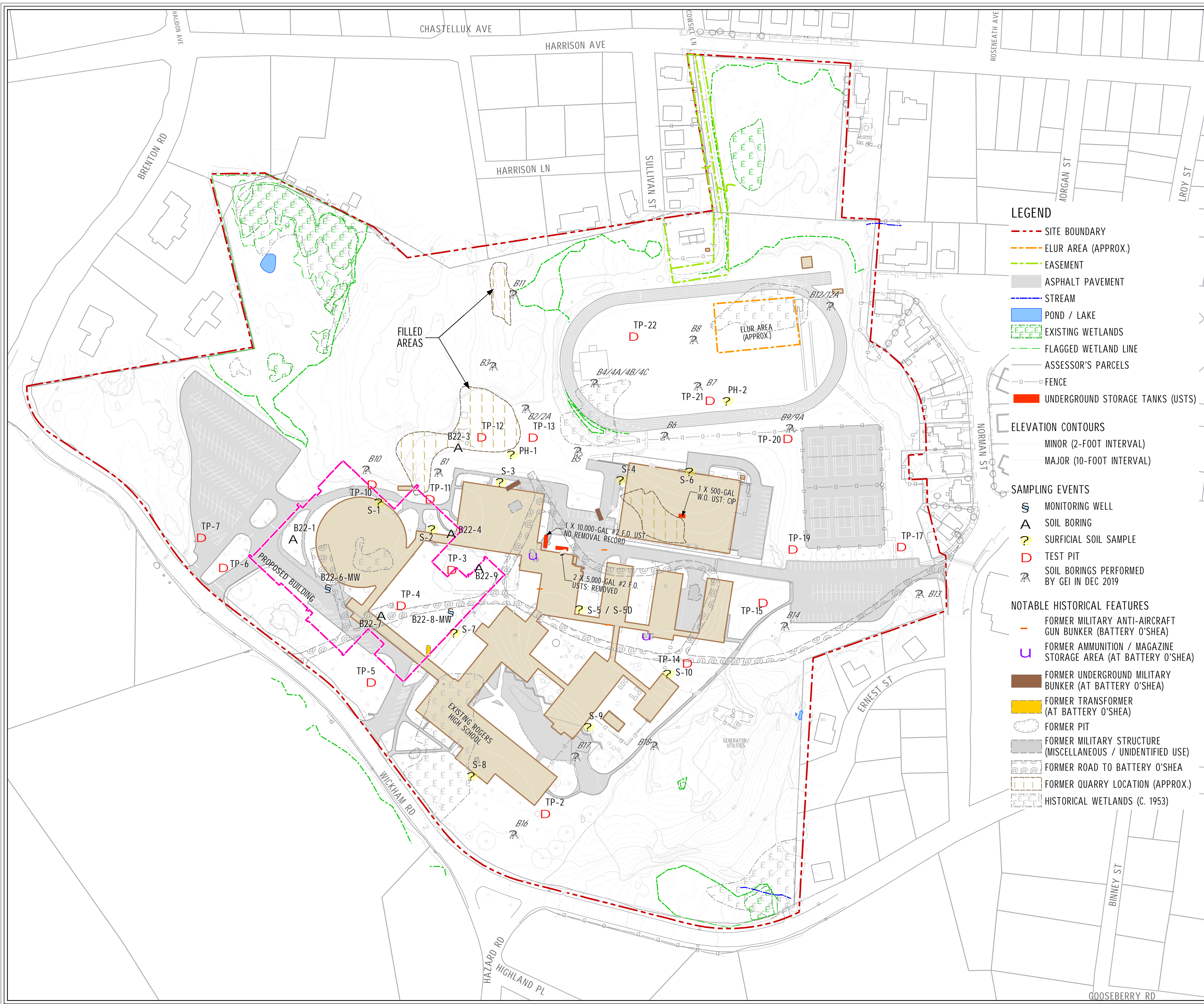
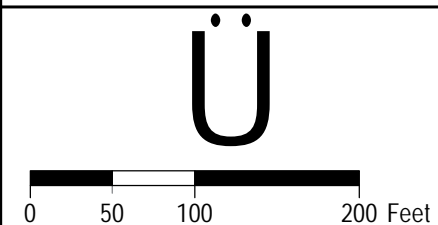
Sincerely,



Ashley L. Blauvelt, P.E.
Environmental Engineer IV
Office of Land Revitalization &
Sustainable Materials Management

cc: Terrence Gray, P.E., Director, RIDEM
Susan B. Forcier, Esq., Deputy Directory, RIDEM, Environmental Protection
Ryan Mulcahey, Dir. Legislative Affairs, RIDEM
Leo Hellested, P.E., Administrator, RIDEM/LRSMM
Matthew DeStefano, Dep. Administrator, RIDEM/LRSMM
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Joanna Pawlina, Environmental Scientist I, RIDEM/LRSMM
Chuck Horbert, Dep. Administrator, RIDEM/OWR
Representative Lauren Carson, RI House of Representatives
Senator Dawn Euer, RI State Senate
Mayor Xay Khamsyvovavong, City of Newport, City Council Chair
Councilor Lynn Underwood Ceglie, City Council Vice Chair
Joseph J. Nicholson, Jr., Newport City Manager
Rebecca Bolan, Newport School Committee, Chair
Louisa Boatwright, Newport School Committee, Vice Chair
Tim Thies, Sr. Vice President, Pare Corporation

Attachments: Initial Site Characterization Site Plan



- LEGEND**
- SITE BOUNDARY
 - ELUR AREA (APPROX.)
 - EASEMENT
 - ASPHALT PAVEMENT
 - STREAM
 - POND / LAKE
 - EXISTING WETLANDS
 - FLAGGED WETLAND LINE
 - ASSESSOR'S PARCELS
 - FENCE
 - UNDERGROUND STORAGE TANKS (USTS)
- ELEVATION CONTOURS**
- MINOR (2-FOOT INTERVAL)
 - MAJOR (10-FOOT INTERVAL)
- SAMPLING EVENTS**
- S MONITORING WELL
 - A SOIL BORING
 - ? SURFICIAL SOIL SAMPLE
 - D TEST PIT
 - R SOIL BORINGS PERFORMED BY GEI IN DEC 2019
- NOTABLE HISTORICAL FEATURES**
- FORMER MILITARY ANTI-AIRCRAFT GUN BUNKER (BATTERY O'SHEA)
 - U FORMER AMMUNITION / MAGAZINE STORAGE AREA (AT BATTERY O'SHEA)
 - FORMER UNDERGROUND MILITARY BUNKER (AT BATTERY O'SHEA)
 - FORMER TRANSFORMER (AT BATTERY O'SHEA)
 - FORMER PIT
 - FORMER MILITARY STRUCTURE (MISCELLANEOUS / UNIDENTIFIED USE)
 - FORMER ROAD TO BATTERY O'SHEA
 - FORMER QUARRY LOCATION (APPROX.)
 - HISTORICAL WETLANDS (C. 1953)

SAMPLE LOCATION PLAN

ROGERS HIGH SCHOOL
15 WICKHAM ROAD & 109 OLD FORT ROAD
NEWPORT, RHODE ISLAND



FIGURE