



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LAND REVITALIZATION & SUSTAINABLE MATERIALS MANAGEMENT

235 Promenade Street, Providence, Rhode Island 02908

PROGRAM LETTER

File No. SR-22-1631B

June 12, 2020

Thomas A. Abruzese
20 West Extension LLC, TOMORL LLC, and Waites Wharf Realty Assoc., LLC
39 Agar Street
Yonkers, NY 10701

RE: Waites Wharf 2
20 West Extension Street (Lot 267 - 20 West Extension LLC)
16 Waites Wharf (Lot 248 - TOMORL LLC)
Waites Wharf (Lot 272 - Waites Wharf Realty Assoc., LLC)
Newport, Rhode Island
Plat Map 32 / Lots 267, 248 and 272 Respectively

Dear Mr. Abruzese:

Effective April 22, 2020, the Rhode Island Department of Environmental Management's (the Department) Office of Waste Management has changed the office name to the Office of Land Revitalization and Sustainable Materials Management (LRSMM), as reflected in the re-codified 250-RICR-140-30-1, 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 Program Letter is a document used by the Department to signify that a Site Investigation has been completed and that a Performing Party must conduct public notice in accordance with Sections 1.8.7(A)(2) and 1.8.9 of the Remediation Regulations concerning the findings of the investigation and the proposed remedial alternatives.

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

1. Release Notification, 20 West Extension Street in Newport, Rhode Island (AP 32; L: 267), 16 Waites Wharf in Newport, Rhode Island (AP 32; L: 248), Waites Wharf in Newport, Rhode Island (AP 32; L: 272), received by the Department on November 5, 2019, and prepared by Sage Environmental, Inc. (Sage);
2. Electronic Mail, Re: Waites Wharf Follow-Up, received by the Department on December

20, 2019, and prepared by Sage; and

3. Site Investigation Report, 20 West Extension Street, Newport, Rhode Island (AP 32; L: 267), 16 Waites Wharf, Newport, Rhode Island (AP 32; L: 248), Waites Wharf, Newport, Rhode Island (AP 32; L: 272), received by the Department on March 25, 2020, and prepared by Sage.

The Department regards the information provided in these reports as meeting the requirements pursuant to Section 1.8.8 of the Remediation Regulations. The preferred remedial alternative proposes the following remedy:

A combination of encapsulation of contaminated soils by construction of sitewide engineered controls and implementation of an institutional control in the form of an Environmental Land Usage Restriction (ELUR). During redevelopment of the property engineered controls shall be constructed over impacted Site soils. All final engineered controls shall be subject to Department approval and provide a minimum level of protection consistent with two (2) feet of clean fill material or equivalent. Proposed engineered controls include placement of two (2) feet of clean soil, placement of a geotextile fabric overlain by a minimum of one (1) foot of clean soil, and/or placement of a minimum of six (6) inches of clean soil overlain by a minimum of four (4) inches of asphalt or concrete. The ELUR to be recorded on the property will restrict certain activities on the entire site and will also ensure that the engineered cap is not disturbed. The ELUR will include a post-construction Soil Management Plan (SMP), which will outline the procedures for managing the regulated soils on site should disturbances below the cap be required.

The Department acknowledges that the site investigation activities are complete. The Department is not yet able to formally approve the SIR, however, due to the necessity to first allow the public to comment on the technical feasibility of the preferred remedial alternative. Outlined in Section 1.8.7(A)(2) and 1.8.9 of the Remediation Regulations are the requirements for public notice after the SIR is deemed complete to all abutting property owners, tenants, easement holders, and the municipality regarding the substantive findings of the completed investigation and the opportunity for public review and comment on the technical feasibility of the preferred remedial alternative. 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/wastemanagement/site-remediation/index.php>. The Department will require a copy of the approved public notice letter and a list of all recipients upon issuance.

The Department will formally approve the SIR in the form of a Remedial Decision Letter (RDL) once Public Notice is completed and upon Department approval of all final responses to relevant public comments. At that point, the Department will require submission of the Remedial Action Work Plan (RAWP) and draft versions of the ELUR and SMP, for review and approval in accordance with Sections 1.9 and 1.10 of the Remediation Regulations. Upon receipt of the RDL, be prepared to submit the Remedial Action Approval Application Fee of one thousand dollars (\$1,000.00) in check form made payable to General Treasurer - State of Rhode Island directly to the Office of Management Services.

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.

Sincerely,



Joseph T. Martella II
Environmental Engineer III
Office of Land Revitalization &
Sustainable Materials Management

Cc: Kelly J. Owens, RIDEM/OWM
Charles Horbert, RIDEM/OWR
Nicholas Pisani, RIDEM/OWR/Stormwater
Neal Personeus, RIDM/OWR/WQC
Karen Slattery, RIDEM/OAR
Ryan Mulcahey, RIDEM/Legislative Liaison
David S. Reis, RI CRMC
Patricia Reynolds, Newport Director of Planning & Economic Development
Peter Friedrichs, Newport City Planner
Kim Salerno, Chair, Newport Planning Board
Lauren H. Carson, State Representative - House District 75
Jacob H. Butterworth, Sage
Amy Willoughby, National Grid