



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LAND REVITALIZATION & SUSTAINABLE MATERIALS MANAGEMENT

235 Promenade Street, Providence, Rhode Island 02908

Request for Interim Remedial Measures
File No. SR-22-1631B

September 13, 2023

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:

On April 22, 2020, the Rhode Island Department of Environmental Management's (the Department) Office of Land Revitalization and Sustainable Materials Management (LRSMM) enacted the 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 the matter of the above-referenced property (the Site), the Department's OLRSM has been made aware that certain impacted portions of the property are currently being maintained in a manner that allows for unrestricted public access. The Department acknowledges that the proposed engineered capping portion of the remedy is integrated into the overall redevelopment of the property, and progress through the Site Remediation regulatory process has stalled in part due to unresolved local permitting issues. That being the case, the Department is requesting that Thomas A. Abruzese, 20 West Extension LLC, TOMORL LLC, and/or Waites Wharf Realty Assoc., LLC, promptly comply with the following:

1. Within three (3) weeks of the date of this letter, install appropriate interim remedial measures to effectively prevent direct human exposure to all documented areas of impacted surface soil at the Site. Such measures may include a combination of the following:
 - a. Installation of secure temporary chain link fencing surrounding uncapped impacted areas of the Site;
 - b. Installation of a temporary cap consisting of a geotextile covered by a minimum of four (4) inches of crushed stone or equivalent;

- c. Maintenance of any existing caps (building foundations, pavement, concrete sidewalks) that currently prevent potential exposure to impacted surface soils; and
 - d. Dust suppression techniques (i.e. watering) must be employed at all times during all soil disturbing/handling activities at the site in order to minimize the generation of fugitive dust.
2. The temporary cap and/or fencing shall be inspected monthly, with emailed monthly inspection reports including photographs documenting the compliance status of the interim measures and any repairs needed to keep the measures in appropriately secured condition.
 3. In the event that the interim measures are disturbed or damaged before a final remedy is approved and implemented, the compliance status of the measures shall be promptly reported to the Department along with a schedule and plans for implementing repairs.

The Department requests that Sage, on behalf of its client, respond to this letter in writing with plans to address the requirements listed above. If you have any questions regarding this letter, please contact me by telephone at (401) 222-2797, extension 2777109 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: Terrence Gray, RIDEM/OOD
Susan Forcier, Esq., RIDEM/OOD
Leo Hellested, RIDEM/OLRSMM
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Charles Horbert, RIDEM/OWR
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Karen Slattery, RIDEM/OAR
Ryan Mulcahey, RIDEM/Legislative Liaison
Michael Byrns, PhD, RIDOH/ Center for Healthy Homes and Environment
Richard Lucia, RI CRMC
Amy Silva, RI CRMC
Joseph J. Nicholson Jr., Newport City Manager
Patricia Reynolds, Newport Director of Planning & Economic Development
Tuuli Martin, Newport City Planner
Jeffrey Brooks, Chair, Newport Planning Board

Nicholas Armour, Newport Zoning and Inspections Division
David Carlin III, Newport City Councilor Third Ward
Xay Khamyvoravong, Newport City Councilor At-Large
Lauren H. Carson, State Representative - House District 75
Dawn Euer, State Senator – Senate District 13
Marisa Desautel, Esq., Desautel Law
Jacob H. Butterworth, Sage