September 17, 2012

Pieter N. Roos
Executive Director
Newport Restoration Foundation
51 Touro Street
Newport, RI 02840

RE: Comments Received During the Public Notice and Comment Period
    Regarding the Preferred Remedial Alternative at Queen Anne Square
    Intersection of Mill, Thames, Spring and Church Streets, Newport, Rhode Island
    Case No. 2012-010

Dear Mr. Roos:

On November 9, 2011, the Rhode Island Department of Environmental Management (the Department) 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 an efficient manner.

In the matter of the above referenced site, the Department’s Office of Waste Management (OWM) has received the following document concerning public comments regarding the technical feasibility of the preferred remedial alternative and environmental conditions at the Site, submitted in accordance with Rules 7.07 and 7.09 of the Remediation Regulations:

1. Electronic mail from Dale R. Clark to the Department Subject: Stay of Execution, received via email on September 10, 2012.

The public comment period started on August 31, 2012, for the receipt of public comments, and concluded at 4:00pm on September 14, 2012. During the public comment period, the Department’s Office of Waste Management (OWM) received the single public comment email listed above. A copy of this written comment email is attached to this letter.

Please review the submitted comments and prepare a written response as appropriate. It is the Department’s understanding that Sage Environmental, Inc. (Sage), on behalf of the Doris Duke Monument Foundation (DDMF), will be preparing a comprehensive response to the comments in the email and submitting it to the Department for review and approval.
The Department will formally approve the SIR in the form of a Remedial Decision Letter upon Department approval of all final responses to relevant public comments. At that time, the Site will enter the Remediation phase, and the DDMF will be required to submit a Remedial Action Work Plan (RAWP) and a draft Environmental Land Usage Restriction (ELUR) and Soil Management Plan (SMP) for Department review and approval in accordance with Sections 8.0 and 9.0 of the Remediation Regulations. The RAWP shall describe all technical details associated with the implementation of the approved remedy.

All correspondence regarding this Site should be sent to the attention of:

Joseph T. Martella II – Senior Engineer
RIDEM / Office of Waste Management
235 Promenade Street
Providence, RI 02908

If you have any questions regarding this letter, please contact me by telephone at (401) 222-2797, extension 7109 or by e-mail at joseph.martella@dem.ri.gov.

Sincerely,

Joseph T. Martella II
Senior Engineer
Rhode Island DEM
Office of Waste Management

Cc: Terrence D. Gray, P.E., Associate Director for Environmental Protection, RIDEM
Leo Hellested, P.E., Chief, RIDEM/OWM
Kelly J. Owens, RIDEM/OWM
Richard M. Bianculli Jr., Esq., RIDEM/OLS
Nicole Poepping, Legislative Liaison, RIDEM
Eric Beck, RIDEM/OWR/RIPDES
Hon. Henry F. Winthrop, Newport City Council Chairman/Mayor
Ms. Jane Howington, Newport City Manager
Scott D. Wheeler, Newport Department of Public Services
Joseph J. Nicholson, Jr., Esquire, Newport City Solicitor
Jeff Moniz, Farrar Associates
Representative Peter F. Martin, District 75
Senator M. Teresa Paiva Weed, District 13
Bruce Clark, Sage
Joe, I made a point of going over to Queen Anne Square Park this morning. I met up with Andy Seagl and we measured it all off and it looks like there right on there assumption on just ware that well would so be. you had mentioned that you were working on some sort of agreement on the soil removal with N.R.F. or such? I would like to know more of the soil removal?. If they are allowed to destrub the existing soils it may unearth contamines that could put Joe-public at a health risk. I ask that a stay of exuction be put in place on this said project until residents and citizens can resolve such issues. These grounds are a health risk and to remove ground soil will disturb such containminates in the park "Queen Anne Square". Call me at 401- We as concerned citizens of Newport want a safe and healthy park for all.

Thank-you!

Dale R. Clark