



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LAND REVITALIZATION & SUSTAINABLE MATERIALS MANAGEMENT

235 Promenade Street, Providence, Rhode Island 02908

LETTER OF RESPONSIBILITY

File No. SR-22-1001

April 27, 2022

CERTIFIED MAIL

Ms. Colleen Jermain
City of Newport
Newport School Department
43 Broadway
Newport, RI 02840

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

Dear Ms. Jermain:

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 Letter of Responsibility (LOR) is a preliminary document used by the Department to codify and define the relationship between the Department and a Performing Party.

Please be advised of the following facts:

1. The above referenced property is located at 15 Wickham Road, 0 Harrison Avenue, and 109 Old Fort Road, Newport, Rhode Island (the Site). The Site is further identified by the City of Newport Tax Assessor's Office as Plat Map 41 / Lots 2, 20, and 300.
2. The Department is in receipt of the following document:
 - a. Notification of Release Package, received by the Department on April 22, 2022, and prepared by Pare Corporation (Pare).
3. The above referenced document identifies concentrations of total petroleum hydrocarbons (TPH), polycyclic aromatic hydrocarbons (PAHs), and metals, specifically arsenic and lead, in Site soils that exceed the Department's Method 1 Direct Exposure Criteria, as referenced in

the Remediation Regulations.

4. Based on the presence and nature of these Hazardous Substances and petroleum hydrocarbons, the Department concurs that a Release of Hazardous Materials has occurred as defined by Sections 1.4(A)(33), 1.4(A)(34), 1.4(A)(59), and 1.4(A)(63) of the Remediation Regulations.
5. The City of Newport is identified as the current owner of the Site by the City of Newport Tax Assessor's office and as such is a Responsible Party as defined by Section 1.4(A)(70) of the Remediation Regulations.

As a result of the information known and the conditions observed at the site, the Department requests that the City of Newport comply with the following:

1. If necessary, prior to the implementation of any additional site investigation field activities and in accordance with Section 1.8.7(A)(1) of the Remediation Regulations, the City of Newport must notify all abutting property owners, tenants, easement holders, and the municipality that an investigation is about to occur. The notice should briefly indicate the purpose of the investigation, the work to be performed, and the approximate scheduled dates of activities. 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 public notice letter and a list of all recipients. Failure to comply with the aforementioned items may result in enforcement actions as specified in Rhode Island General Laws 23-19.1-17 and 23-19.1-18.

2. Ensure that the requirements of Rhode Island General Law (RIGL), Title 23, *Health and Safety*, Chapter 23-19.14, *Industrial Property Remediation and Reuse Act*, Section 23-19.14-5, *Environmental Equity and Public Participation*, have been fulfilled. A copy of this section of the RIGL has been attached for your reference. In accordance with the Industrial Property Remediation and Reuse Act, prior to the establishment of a final scope of investigation for the Site, and after the completion of All Appropriate Inquiries (AAI), hold a public meeting for the purposes of obtaining information about conditions at the Site and the environmental history at the Site that may be useful in establishing the scope of the investigation and/or establishing the objectives for the environmental clean-up of the Site.
 - a. The public meeting shall be held in the City or Town in which the Site is located.
 - b. Public notice shall be given of the meeting at least ten (10) business days prior to the meeting.
 - c. Following the meeting, the record of the meeting shall be open for a period of not less than ten (10) and not more than twenty (20) business days for the receipt of public comment.
 - d. The results of all appropriate inquiries, analysis and the public meeting, including the comment period and responses to all comments received, shall be documented in a written report submitted to the Department.

No work (remediation or construction) shall be permitted at the property until the public meeting and comment period regarding the Site's proposed reuse has closed. The above detailed required public notice, meeting and comment period shall be in addition to any other requirements for public notice and comment relating to the investigation or remedy of the Site and may be part of another meeting pertaining to the Site provided that the minimum standards established by RIGL Section 23-19.14-5 for notice and comment are met.

3. Additionally, ensure that the requirements of RIGL Title 23, *Health and Safety*, Chapter 23-19.14, *Industrial Property Remediation and Reuse Act*, Section 23-19.14-4, *Objectives of Environmental Clean-Up* have been met. A copy of this section of the RIGL has been attached for your reference. The requirements of the Objectives of Environmental Clean-Up statute, include, but are not limited to the following:
 - a. Thirty (30) days prior to final selection of the location for construction or leasing the building, the project sponsor must complete the following public notice requirements with ten (10) days prior written notice to the public of each measure:
 - I. Prepare and post on the sponsor's website that:
 - a. Projects project costs;
 - b. Projects the time period required to complete the project; and
 - c. Discusses the rationale for selecting the property.
 - II. Solicit written comments on the abovementioned report for a period of thirty (30) days and conduct a public hearing within that thirty (30) days for public comment; and
 - III. Prepare a second report summarizing and responding to the public comments received and post said second report on the sponsor's website.
 - b. The site investigation shall include analysis for the chemicals of potential concern for vapor intrusion. The list of chemicals of potential concern for vapor intrusion is attached for your reference;
 - c. Remediate the soils where chemicals of potential concern for vapor intrusion or petroleum exceed the residential direct exposure criteria through the physical removal of said chemicals or petroleum through excavation or in situ treatment; and
 - d. Equip the school building with both a passive sub slab ventilation system capable of conversion to an active system and a vapor barrier beneath the school building or incorporated in the concrete slab, all in compliance with an approved Department Remedial Action Work Plan (RAWP) and completed prior to the occupancy of the school.
4. Conduct further investigation of the Site soil and groundwater, if warranted, in accordance with Section 1.8 of the Remediation Regulations.
5. Upon completion of the additional site investigation submit a Site Investigation Report (SIR) in accordance with Section 1.8 of the Remediation Regulations within ninety (90) days from the date of this letter. Given that some limited environmental investigation has already been performed at the Site, you may incorporate portions of the information already gathered and

work already performed to address the items covered in Section 1.8. The SIR should include at least two remedial alternatives other than no action/natural attenuation and include future plans for the re-use or redevelopment (if applicable) of the property.

6. Submit an SIR checklist in accordance with Section 1.8.8 of the Remediation Regulations. The SIR checklist was created as a supplemental tool to expedite the review and approval process by cross-referencing the specific sections and pages within the SIR that provide the detailed information that addresses each stated requirement within Section 1.20 of the Remediation Regulations.
7. Upon approval by the Department of the SIR, be prepared to bring the Site into compliance with the Remediation Regulations.

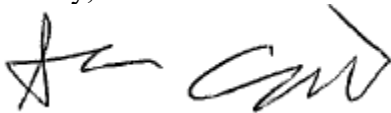
Please be advised that the City of Newport, as the Responsible Party, is responsible for the proper investigation and remediation of hazardous substances and petroleum hydrocarbons, at this site. Also be advised that any remedial alternative that proposes to leave contaminated media on-site at levels which exceed the Department's Residential Direct Exposure Criteria, applicable Leachability Criteria, or applicable Groundwater Criteria will, at a minimum, necessitate the recording of an institutional control in the form of an Environmental Land Usage Restriction (ELUR) on the deed for the site, and will likely require implementation of additional engineered controls to restrict human exposure.

Please notify this office within seven days of the receipt of this letter of your plans to address these items. All correspondences should be sent to the attention of:

Stephanie Cappelli
RIDEM / Office of Land Revitalization and Sustainable Materials Management
235 Promenade Street
Providence, RI 02908

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. 2772030, or by E-mail at Stephanie.Cappelli@dem.ri.gov.

Sincerely,



Stephanie Cappelli
Environmental Engineer II
Office of Land Revitalization &
Sustainable Materials Management

cc: Ashley Blauvelt, RIDEM/LRSMM-Site Remediation
Mark Dennen, RIDEM/LRSMM-Solid Waste
Kasie McKenzie, RIDEM/LRSMM-Solid Waste

Susan Forcier, RIDEM/OLS
Ron Gagnon, RIDEM/OCTA
Robert Young, Newport Public Schools
Tim Thies, Pare Corp
Michael Flynn, Pare Corp