

August 13, 2014

RE: Portsmouth Town Dumpsite-Request for closure

Dear Mark Dennen,

On August 12, 2014, contained another renewal request from Arthur Palmer (AP Enterprises) owner of the old dumpsite and presently depositing contaminated soil in Island Park that was closed by the town in the early 1970. Your letter required AP Enterprises produce a plan to complete the project and specifically states the Department's concern about a project "without no foreseeable conclusion and ultimately no closure." The residents of Island Park have repeatedly state their concern that this landfill remediation project has grown into a toxic soil deposit business. AP Enterprises is now proposing another extension from September 16, 2014 and authority to deposit and additional 5,000 cubic yards of "shaping and grading soils" of contaminated material.

We will strongly encourage the Council to use this opportunity to object to a further expansion of this project that was initially presented as a one year effort. It is long past time that this deposit of contaminated soils in Island Park comes to an end.

The Portsmouth Council has opposed the deposit of soils that exceeds the public standards of 7 ppm of arsenic since this project began in 2011. ~~Soils have reached as high as 43 ppm of arsenic, which is a known carcinogen.~~ *[comment withdrawn]* AP Enterprises is paid to take contaminated soil for deposit in densely populated area with the approval of RIDEM.

The dumpsite lay dormant until a complete site investigation by Vanasse Hangen, Inc. in conjunction with Chris Walusiak (OWM) of RIDEM. The Town Council received notification as far back of December 17, 2003 then placed on the Council agenda on January 12, 2004.

The goal of the investigation was to determine the extent of the historical activities at the property that may have resulted in any metals exceeds the RIDEM's promulgated soil criteria and groundwater objectives.

On July 6, 2006, Plat 20-Lots 1,2,3, & 13. Plat 25, lot 2 & Plat 19 lot 89. The results of the investigation indicted soil levels of lead that exceeds RIDEM Residential Direct Exposure Criteria and levels of (TCE) and (cis-1,2,-DCE that exceed the RIDEM GA Leachability Criteria. Groundwater on the site exceeds the RIDEM GA criteria foe TCE, vinyl chloride, tetrachloroethene, cis-1,2,-DCE, benzene and barium.

The proposed remedial alternative for the property was to install a 2'. Cap of clean soil or other engineered barrier over the entire site and Monitor natural attenuation to address residual for volatile organic compounds in the groundwater. RIDEM felt they have adequately assessed contaminates and addressed those concerns according to the Remediation Regulations.

However, changes have been constant. On December 28, 2010 DEM employees with representatives of AP Enterprises present, plan to conduct a meeting to discuss the landfill remediation proposal contained in the Beneficial Use Determination(BUD) for this site with additional changes.

*Notice of this meeting was placed in the Providence Journal only, and not submitted to the local papers, Newport Daily News or Sakonnet times. Apparently due to timing, notification was also missed by the Town Administrator, Robert Driscoll. No one attended due for lack of notification and at the height of the Holidays Seasons with many away and or occupied with family and friends. *(Email correspondence from DEM indicated they expected no attendance and thereby expected no comments within the 10 day response deadline). Also *E-mail dated Dec. 27, 2010 request from Kristen, AP lawyer to DEM team, - needed to rush for approval to obtain 10,000 ton of naval soil and payment of \$100.000.*

By chance, notice of this meeting by DEM was brought to the attention of Council member Liz Petro then placed on the following Council agenda for January 12, 2011 with the request presence of Arthur Palmer, his attorney, Kristen Sherman, environmental consultant, Tim O'Connor and Co. LLC. including Mark Dennen from DEM for discussion.

Needless to say, the Town Council and public were outraged and furious strongly voice opposition to the proposal of deposit of additional contaminated soils that include increases to the arsenic levels from 7 ppm to 42 ppm in a densely populated residential containing beach, wetlands, wildlife habitat with a history of serious flooding.

As AP Enterprises proceeded with this project in the face of considerable opposition from the residents. Concerns grew as introduce of additional contaminated soils marked and or considered hazardous as deposits from the Navel site are contracted, hopefully (RAB) Restoration Advisory Board are engaged.

(RAB) was established to deal with the contaminated/ hazardous materials found on Government land. The Government made an agreement, "The Old Navy Agreement" with RIDEM not to exceed two locations in the state for deposit of these soils. Knowledge of this agreement was known and discussed by DEM however; no one could locate a copy or the original agreement when requested. In 1990 as this contaminated soil grew so did the concern. As we understand, Janet Keller, activist joined the (RAB) team; she was also appointed RIDEM Executive Supervisor of environmental management after her service on Save the Bay.

In reference to Naval soil, emails dated on February 8, 2011, Cornella Mueller to Leo Hellstead, posed concern and question a violation of their soil management plan..since this is NOT a "traditional" type solid waste facility.

Other contaminated soils stemmed from Sewer line construction off of Wellington Ave in Newport. Anti-freeze and petroleum from gas stations, excavation contaminated of asbestos and miscellaneous from Sullivan School in Fall River. These soils are contaminated that is why they pay to have the soils removed and deposited elsewhere. It is illegal to dump these soils on commercial site yet, residential area in ok. All these deposits will increase health risks and environmental damage.

The Landfill committee has documented, and hired a prominent Environmental Law Firm from Boston. The outraged community continued to address this with the Portsmouth Town Council. On July 18, 2011 the Council voted unanimously to enter into Superior Court for an injunction against further soil deposits until a health analysis was provided by DEM and the State Department Health that has remained silent and the Town Solicitor, Andrea D'Andrea refuse to act.

The community continues to have high levels of concerns from Navel soils contracts and as long as DEM approves AP Enterprises requests for modification to the (BUD), expands the area being remediated and requests on site and extension to deadlines. The residences have become disillusioned with RIDEM for lack of common sense and better judgment in protection and considerations to their health and environment. To prolong this operation is extending business at our expense.

This community has patiently held their breath, literally for closure at this site since 2003.

We agree with Mr. Dennen's assessments and statements of concern, an open landfill will remain problematic to our health and properties in this flood Zone.

We request shaping/grading and seeding to proceed as quickly as possible and closure without delay to minimize any additional impact. Closure is long overdue! Thank you.

Respectfully,

*Debra Cardoza
Landfill Committee*

Cc: Laurie Grandchamp, P.E Supervising Engineer

Leo Hellstead, Chief, OWM

Terrence Gray, P.E. Associate Director, RIDEM

Rep. John G. Edwards

Rep.Dennis Canario

Senator Chris Ottiano

Janet Coit DEM Director