

FACTS

7. On November 21, 2016, Plaintiff, Amanda DeStafeno (hereinafter “DeStafeno”) purchased a single-family residence located upon the residential real estate identified as 1 Isthmus Road, Foster, Rhode Island, otherwise identified by the Foster Tax Assessor as Plat 19 Lot 0012 (hereinafter “Plaintiff’s Property”).
8. DeStafeno purchased her property to be used as her family residence, for which it has been utilized at all relevant times hereto through the present.
9. The State of Rhode Island owns the Industrial/Commercial real estate located at O Plainfield Pike, Foster, Rhode Island otherwise identified by the Foster Tax Assessor as Plat 19 Lot 0033 (hereinafter “State’s Property”).
10. Plaintiff’s Property is located across the street from the State’s Property with the two being separated by the width of Plainfield Pike.
11. At all relevant times hereto, the Rhode Island Department of Transportation (hereinafter “RIDOT”) utilized the State’s Property for the storage of road salt and/or a salt/sand mix to be used by the Division of Highway & Bridge Maintenance to treat public roads within the State (hereinafter “Clayville Stockpile”).
12. The State of Rhode Island maintains qualified ownership of the state highways and roads, and as a government, it maintains a duty to the public to clear and maintain the roadways.
13. The public duty to clear and maintain state highways and roads does not rise to the level of a governmental function, but rather amounts to a proprietary function as upon information and belief, the State of Rhode Island and/or the RIDOT in fact utilizes the services of private contractors for the storage and/or application of road salt and/or a salt/sand mix.
14. Upon information and belief, RIDOT operates multiple storage facilities within the State of Rhode Island for the purpose of storing salt and/or a salt/sand mix by way of a Rhode Island Pollutant Discharge Elimination System General Permit (hereinafter “RIPDES Permit”) issued by the Rhode Island Department of Environmental Management.
15. Upon information and belief, the RIPDES Permit issued to the RIDOT requires RIDOT to cover or enclose the stockpiles in such a manner to prevent exposure to rain, snow, snowmelt, and/or runoff.
16. Upon information and belief, the Rhode Island Department of Environmental Management has issued multiple Notices of Violation to the RIDOT after inspecting the statewide stockpiles and determining that RIDOT failed to meet the requirements of its RIPDES Permit by not properly storing the salt and/or a sand/salt mix in a manner sufficient to properly prevent exposure to the natural elements.

17. At all relevant times hereto, RIDOT stockpiled the road salt and/or salt/sand mix reserves in less than a fully protected manner which exposed the Clayville Stockpile to the natural elements including but not limited to rain and snowmelt.
18. At all relevant times hereto, RIDOT stockpiled the road salt and/or salt/sand mix reserves in a manner that failed to fully contain runoff or otherwise prevent runoff containing sodium and chloride from entering the groundwater.
19. At all relevant times hereto, RIDOT used the State's Property in the aforementioned manner with the full knowledge and consent of the State of Rhode Island, as property owner.
20. As a result of the improper storage of the Clayville Stockpile and uncontained runoff, large concentrations of sodium and chloride leached in the groundwater, including but not limited to the groundwater serving as the well water source for Plaintiff's Property and the surrounding properties.
21. In the Summer of 2018, RIDOT notified DeStafeno that it undertook well water samples at Plaintiff's Property.
22. Upon information and belief, RIDOT undertook the sampling upon acknowledgement of the runoff and leaching occurring from the Clayville Stockpile resulting from the improper storage methods.
23. As a result of the samples taken, DeStafeno came to learn that the chloride and sodium levels within her well water far exceeded acceptable levels and required remediation.
24. Upon learning of the sample results, DeStafeno came to realize and understand that the numerous plumbing problems at her property, including but not limited recurring leaks within the copper piping and corroded fixtures, resulted from the excess chloride and/or sodium within the well water.
25. Upon learning of the sample results, DeStafeno made further inquiry into the condition of her property and identified that the concrete within her septic system had significantly deteriorated because of excessive chloride and sodium levels within her well water.
26. Acknowledging the well water contamination resulting from its operation of the Clayville Stockpile, RIDOT did, at its own expense, arrange and pay for the installation of a whole house water filtration and storage system at Plaintiff's Property.
27. The installed system contains multiple tanks and pieces of equipment, occupying a large portion of the basement space within Plaintiff's Property.
28. The installed system operates on electricity and runs on a continuous basis resulting in an ongoing expense to DeStafeno.

29. The installed system requires large quantities of salt to operate which must be purchased and filled on a regular basis by DeStafeno at her own expense.
30. The installed system requires regular professional maintenance to maintain proper operation.
31. The installed system has its own shelf life, which may not exceed the continued need to address prior and ongoing well contamination.
32. Due to the well contamination and installed filtration system, Plaintiff's Property value has been greatly decreased.
33. Due to the well contamination and installed filtration system, DeStafeno's use and enjoyment of Plaintiff's Property has and continues to be greatly decreased.
34. Due to the well contamination, DeStafeno has and will continue to suffer ongoing property damage and expenses, including but not limited to repairing corroded plumbing, together with resulting damages caused by the water leaks.
35. Due to the well contamination and installed filtration system, Plaintiff has and will continue to suffer monetary damages due to the cost to operate and maintain the filtration system.
36. Notwithstanding RIDOT's acknowledged well contamination, the terms and conditions of the RIPDES Permit, and the multiple Notices of Violation previously issued by the Rhode Island Department of Environmental Management, DeStafeno observed uncovered and unprotected salt and/or a salt/sand mix stored on the State's Property as recently as February, 2023.

CAUSES OF ACTION

COUNT I – NEGLIGENCE (R.I.G.L. §9-31-1)
STATE OF RHODE ISLAND

37. DeStafeno incorporates by reference paragraphs 1 – 36 above as if fully reiterated herein.
38. At all times relevant hereto, Defendant, the STATE OF RHODE ISLAND, as the owner, operator, and/or manager of the State's Property used for purpose of storing road salt and/or a salt/sand mix owed a duty to Plaintiff to ensure the storage undertaken upon the State's Property was done in a safe and proper manner to prevent runoff and/or leaching of chemicals into the wells of surrounding property owners.
39. Defendant, the STATE OF RHODE ISLAND, breached its duty by failing to ensure the storage undertaken upon the State's Property was done in a safe and proper manner to prevent runoff and/or leaching of chemicals into the wells of surrounding property owners.
40. As a direct and proximate result of breach of duty by the Defendant, the STATE OF RHODE ISLAND, DeStafeno's well was contaminated.

41. As a further direct and proximate result of the breach of duty by the Defendant, the STATE OF RHODE ISLAND, DeStafeno sustained significant property damage, including but not limited to corroded plumbing and resulting water leaks within her residence, corroded plumbing fixtures, a damaged septic system, past and ongoing remediation costs and expenses associated with operating the water filtration system, diminished property value, loss of use and enjoyment of her property, and she will continue to suffer said damages and incur said expenses in the future.

WHEREFORE, the Plaintiff, AMANDA DESTAFENO, demands judgment against the Defendant, the STATE OF RHODE ISLAND, for compensatory damages in a monetary amount sufficient to satisfy the jurisdiction of the Superior Court, plus interest and costs.

COUNT II – NEGLIGENCE (R.I.G.L. §9-31-1)
RHODE ISLAND DEPARTMENT OF TRANSPORTATION

42. DeStafeno incorporates by reference paragraphs 1 – 41 above as if fully reiterated herein.
43. At all times relevant hereto, the Defendant, the RHODE ISLAND DEPARTMENT OF TRANSPORTATION, as the operator and/or manager of the State’s Property used for purpose of storing salt and/or a salt/sand mix to carry out a proprietary function, owed a duty to Plaintiff to ensure the storage undertaken was done in a safe and proper manner to prevent runoff and/or leaching of chemicals into the wells of surrounding property owners.
44. Defendant, the RHODE ISLAND DEPARTMENT OF TRANSPORTATION, breached its duty by failing to ensure the storage undertaken upon the State’s Property was done in a safe and proper manner to prevent runoff and/or leaching of chemicals into the wells of surrounding property owners.
45. Defendant, the RHODE ISLAND DEPARTMENT OF TRANSPORTATION, acknowledged its breach by way of its efforts to pay for and install a water filtration and storage system within Plaintiff’s Property.
46. As a direct and proximate result of breach of duty by the Defendant, the RHODE ISLAND DEPARTMENT OF TRANSPORTATION, DeStafeno’s well was contaminated.
47. As a further direct and proximate result of the breach of duty by the Defendant, the RHODE ISLAND DEPARTMENT OF TRANSPORTATION, DeStafeno sustained significant property damage, including but not limited to, corroded plumbing and resulting water leaks within her residence, rusted and corrode plumbing fixtures, damaged septic system, past and ongoing remediation costs and expenses associated with operating installed water filtration system, diminished property value, loss of use and enjoyment of her property, and she will continue to suffer said damages and incur said expenses in the future.

WHEREFORE, the Plaintiff, AMANDA DESTAFENO, demands judgment against the Defendant, the RHODE ISLAND DEPARTMENT OF TRANSPORTATION, for compensatory damages in a monetary amount sufficient to satisfy the jurisdiction of the Superior Court, plus interest and costs.

Plaintiff, AMANDA DESTAFANO

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/s/ Patrick Dowling, Jr.

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Plaintiff hereby demands a trial by jury as to all issues contained herein.

Plaintiff hereby reserves the right to add additional counts.