



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

Superfund Records Center

Site: Centredale

PROJECT: 9-1

OTHER: 273406

September 26, 2006



SDMS DocID

273406

John B. Affleck, Esq.
Chief of Legal Services
Rhode Island Department of Transportation
Two Capitol Hill
Providence, RI 02903

Re: Centredale Manor Restoration Project Superfund Site
North Providence, Rhode Island

Dear Mr. Affleck:

I am writing on behalf of the United States Environmental Protection Agency ("EPA") in connection with the Centredale Manor Restoration Project Superfund Site in North Providence, Rhode Island (the "Site"). The Site is listed on the Superfund National Priorities List and is contaminated with dioxin, polychlorinated biphenyls and other materials. More than a year ago, James Capaldi, the Director of the Rhode Island Department of Transportation ("RIDOT"), signed an agreement pursuant to which RIDOT agreed to operate and maintain a storm drain outfall structure (gross particle separator) that was installed as part of a cleanup action at the Site. I am writing this letter because RIDOT has failed to undertake its obligations under that agreement. More importantly, RIDOT's continued failure to operate and maintain this structure has created a safety risk at the Site and will subsequently result in eventual recontamination of a portion of the Site.

I have enclosed a copy of the "Permanent Drainage Easement" signed by the Director of RIDOT and a representative of Centerdale Manor Associates Limited Partnership which owns an apartment building within the Site that provides affordable housing to the elderly. The easement was prepared in the context of a cleanup action performed by Centerdale Manor and several other companies that EPA previously identified as having legal responsibility for contamination at the Site. The cleanup action generally consisted of construction of a cap over a contaminated tail race located along the Woonasquatucket River. In addition, the parties installed storm drainage equipment within the boundaries of Centerdale Manor's property at 2074 Smith Street in North Providence under a permit from RIDOT. As part of the permit process, RIDOT reviewed and approved the plans to install the drainage structure. This structure is intended to separate soil, sediment, debris and other materials at the outfall of a storm drain line also owned and maintained by RIDOT. Before the cleanup actions began and this structure was installed, RIDOT periodically maintained this area by removing these materials as they accumulated in the tailrace.

Pursuant to the Permanent Drainage Easement, RIDOT accepted Centerdale Manor's title and interest in the drainage structure and agreed to operate and maintain the

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equipment so that it performs its intended purpose. However, RIDOT has not been maintaining the structure. As a result, the outfall has been blocked by debris and trash. This has led to back pressure which has redirected water through the manholes located on top of the structure and has created a serious risk to individuals walking over or near the potentially unstable manhole covers. RIDOT's continued inaction has also caused erosion of the adjacent earthen cap which will lead to recontamination of the tailrace area.

This matter must be resolved promptly before conditions at the site worsen. We are seeking your assistance to insure that the appropriate person from RIDOT promptly contacts Ted Bazenas, EPA's On-Scene Coordinator, to arrange a meeting to discuss the next steps so that we may quickly rectify the current situation. Ted can be reached directly at (617) 918-1230. EPA remains willing to work with RIDOT's local office to insure that RIDOT is able to adequately access this area and perform the required maintenance.

In the interim, please call me at (617) 918-1089 so that we can discuss this matter and EPA can be assured that RIDOT will operate and maintain the drainage equipment in the future.

Thank you for your prompt attention to this serious situation.

Sincerely,



Eve Stolov Vaudo
Senior Enforcement Counsel

Enclosure

cc: James Capaldi, RIDOT
David Riley, RIDOT
Terrence Gray, RIDEM
Matthew DeStefano, RIDEM
Louis Maccarone, RIDEM
Steve Novick, EPA
Ted Bazenas, EPA
Larry Brill, EPA

01374

**PERMANENT DRAINAGE EASEMENT
STATE HIGHWAY PLAT NO. 2655**

DEED OF EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS that Centerdale Manor Associates Limited Partnership ("CMALP"), a Limited Partnership organized under the General Laws of the State of Rhode Island, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the State of Rhode Island, Department of Transportation ("RIDOT"), a **Permanent Drainage Easement** at a location (the "Easement Location") within the parcel identified as Plat 14/Lot 250, owned by CMALP and located at 2074 Smith Street, North Providence Rhode Island (the "Parcel"), as laid out and shown on State Highway Plat No. 2655, which is incorporated herein for reference.

RIDOT acknowledges that drainage equipment (the "Equipment"), intended to separate debris, soil, sediment, and other particles draining from an abutting drain line owned and maintained by RIDOT, has been installed within the Easement Location and is attached to said drain line. RIDOT further acknowledges that the Easement Location adjoins an earthen-geotextile cap (the "Cap") installed over sediments in late 2003 pursuant to an Administrative Order on Consent (CERCLA Docket No. 1-2003-0073, September 16, 2003) ("AOC") between the U.S. Environmental Protection Agency ("EPA") and several private Respondents.

PERMANENT DRAINAGE EASEMENT

The easement granted herein consists of the perpetual right and easement to access the Easement Location to inspect, maintain, repair, or replace the Equipment, and to remove debris, soil, sediment, and other particles from the Equipment, together with the permanent right and easement to pass and re-pass over and across the road and associated parking lots on the Parcel and over and across land between the road and the Easement Location, as is reasonable and necessary to access the Easement Location and the Equipment.

RIDOT hereby agrees that in exercising its rights under this Permanent Drainage Easement, it will not alter, modify, or disturb the Cap without written permission from EPA Region 1, and will restore the Easement Location to its pre-existing condition following the disturbance or removal of any debris, soil, sediment, or other particles from the Easement Area. RIDOT further consents to CMALP allowing access to the Easement Location, for the sole purpose of inspections or maintenance of the Cap, by EPA, the Rhode Island Department of Environmental Management, and their authorized employees, representatives, and contractors. RIDOT further consents to CMALP allowing access to the Easement Location by the Respondents to the AOC and their representatives and contractors, as is reasonable and necessary to fulfill the obligations of the Respondents under the AOC.

The parties acknowledge that, as a part of this Deed of Easement, RIDOT is granted all of CMALP's right, title, and interest in the Equipment installed within the Easement Location. From and after the date hereof, RIDOT agrees that it shall operate and maintain the Equipment so that it remains operable and performs its intended purpose.

PARCEL No. 250-D

Said easement is more particularly bounded and described as follows:

Beginning at a point opposite and two hundred and twenty five more or less (225±) feet southwesterly from Station 92+08± on the Smith Street baseline as established by State Highway Plat No. 265.

Thence southerly, in a straight line, to a point opposite and two hundred and forty one more or less (241±) feet southwesterly from Station 91+95± on the Smith Street baseline as established by State Highway Plat No. 265.

PERMANENT DRAINAGE EASEMENT
STATE HIGHWAY PLAT NO. 2655

Thence westerly, in a straight line, to a point opposite and two hundred and eighty four more or less (284±) feet southwesterly from Station 92+54± on the Smith Street baseline as established by State Highway Plat No. 265.

Thence northerly, in a straight line, to a point opposite and two hundred and sixty eight more or less (268±) feet southwesterly from Station 92+66± on the Smith Street baseline as established by State Highway Plat No. 265.

Thence easterly, in a straight line, to the point of beginning.

The herein described parcel is delineated as Parcel Number 1D on State Highway Plat No. 2655, and contains one thousand four hundred and fifty seven more or less (1,457±) square feet (0.033± acres) of land.

The consideration is such that no documentary stamps are required.

IN WITNESS WHEREOF the undersigned has hereunto subscribed.

CENTERDALE MANOR ASSOCIATES
LIMITED PARTNERSHIP

By its General Partner,
CS HOUSING ASSOCIATES LP

By its General Partner,
C/S CENTERDALE CORP.

By: Paul E. Tryder
Paul E. Tryder
Authorized representative of its
General Partners

ACKNOWLEDGMENTS

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF No. Suffolk

In Norwood, MA on this 10th day of December, 2004, then personally appeared before me Paul E. Tryder, a person known to me and by me to be the person who executed the foregoing instrument, and he acknowledged said instrument, by him executed to be his free act and deed in his said capacity and also the free act and deed of Corporation.

James J. Lane
Notary Public

My commission expires: 10/29/10

BK02055P6023

**PERMANENT DRAINAGE EASEMENT
STATE HIGHWAY PLAT NO. 2655**

STATE OF RHODE ISLAND
DEPARTMENT OF TRANSPORTATION

By: *James R. Capaldi*
James R. Capaldi, P.E.
Director

STATE PROPERTIES COMMITTEE

APPROVED AS TO FORM:

Richard B. Woolley SAAG
for Attorney General

APPROVED AS TO SUBSTANCE:

D. L. K. Jeffers
Director of Administration

APPROVED:

James J. Helle
Chairman
State Properties Committee

APPROVED:

Timothy B. 2-8-05
Public Member
State Properties Committee

RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION

APPROVED:

By: *[Signature]*
Richard H. Godfrey, Jr.
Executive Director
Rhode Island Housing and Mortgage Finance Corporation

RECEIVED FOR RECORD
North Providence, R.I. FEB 22 2005
9:06 o'clock AM
Witness: *[Signature]*