

July 18, 2007

Eve Stolov Vaudo, Esq.
U.S. Environmental Protection Agency, Region 1
1 Congress Street, Suite 1100
Boston, Massachusetts 02114-2023

Re: Centredale Manor Restoration Project Superfund Site - Remedial
Alternatives for Source Area Soils

Dear Eve:

We are writing on behalf of Emhart Industries, Inc. ("Emhart") regarding the remedial alternatives that the U.S. Environmental Protection Agency ("U.S. EPA" or "Agency") is considering for the source area soils at the Centredale Manor Restoration Project ("CMRP") Site. The three alternatives under consideration are: (1) no further action, which would entail leaving the existing engineered and asphalt caps in place and conducting periodic monitoring of the caps to support the Agency's Five-Year Review requirements; (2) enhance the existing caps and parking lots by placing additional fill and re-grading the caps to provide 3% slopes, and placing asphalt sealant over the entire driveway and parking lot surface; and (3) convert the existing soil caps and parking lots to RCRA cover systems by relocating utilities to a "clean" corridor and placing additional fill over a geomembrane liner to create 24 – 30 inch caps with 3% slopes.

Based on the meeting held on June 12, 2007, among Emhart's technical consultants and U.S. EPA technical staff and its consultants from Battelle, the Rhode Island Department of Environmental Management ("RIDEM"), and the U.S. Army Corps of Engineers, we understand that the reason that remedial alternatives No. 2 and No. 3 are being considered is because soil samples at two locations beneath the capped materials contain constituents at concentrations exceeding RIDEM's GB pollutant mobility criteria. From the report of the meeting, we also understand that U.S. EPA personnel believe that these remedial alternatives would provide greater protection to the environment given that the existing caps and the asphalt driveway, parking surfaces, and storm water conveyances currently are not being maintained, thereby jeopardizing the permanency and protectiveness of the existing caps and storm water conveyance systems. However, it also was reported that Agency personnel stated at the meeting that monitoring and maintenance of the caps and the asphalt driveway and parking surfaces would ensure the permanency of the existing caps, which would provide adequate protection to human health and the environment.

It is Emhart's view that enforceable mechanisms presently exist to facilitate the requisite maintenance of the engineered caps and asphalt areas to assure their proper upkeep and protectiveness. The Consent Decrees entered into by the United States and the State of Rhode Island with Centerdale Manor Associates ("Centerdale Manor") and Brook Village Associates

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Limited Partnership ("Brook Village") each contain a provision under which U.S. EPA may require the apartment complex owners to appropriately maintain the asphalt driveway and parking areas, and to mow, inspect, and maintain the engineered caps.

If the Site or any property where access and/or land/water use restrictions are needed to implement response activities at the Site is owned or controlled by Settling Defendant, Settling Defendant shall:

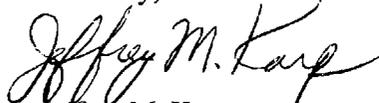
Commencing on the date of lodging of this Consent Decree, maintain the Property in a manner appropriate for a residential apartment complex (including standard landscaping activities) and refrain from using the Site or Property in any manner that would interfere with or adversely affect the implementation, integrity or protectiveness of any removal or remedial measures performed at the Site

Consent Decrees at Section XII., para. 31.b.

Moreover, a Deed of Easement was granted by Centerdale Manor to the Rhode Island Department of Transportation ("RIDOT") that requires and enables RIDOT to operate and maintain the storm water drainage equipment adjoining the earthen-geotextile cap that is intended to separate debris, soil, sediment, and other particles from storm water runoff.

In light of the foregoing, adequate mechanisms exist by which U.S. EPA can assure that the engineered caps and the asphalt driveways, parking areas, and storm water conveyances are appropriately maintained. Therefore, we request that you inform us whether the Agency intends to direct the property owners and RIDOT to conduct the necessary and requisite monitoring and maintenance. As demonstrated in Loureiro Engineering Associates' ("LEA") June 8, 2007 correspondence to Ms. Anna Krasko, the existing caps were designed and constructed to be protective of human health and the environment, and have met this standard. A copy of LEA's June 8, 2007 correspondence is attached for your ease of review. Accordingly, there is no basis for U.S. EPA staff to continue to evaluate source area soil remedial alternatives No. 2 or No. 3, which would unnecessarily require enhancing the caps or converting them to RCRA-compliant caps. We look forward to receiving a prompt response to this letter.

Sincerely,



Jeffrey M. Karp

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Enclosure

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cc: Ms. Anna Krasko (U.S. EPA)
Ms. Deidre Dahlen (Battelle)
Mr. Louis Maccarone (RIDEM)
Mr. Russell Keenan (AMEC)
Mr. Patrick Gwinn (AMEC)
Mr. Jeffrey Loureiro (LEA)
Mr. David Scotti (LEA)
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