

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND



SDMS DocID 285165

UNITED STATES OF AMERICA,

Plaintiff,

v.

BROOK VILLAGE ASSOCIATES LIMITED
PARTNERSHIP; et ano.

Defendants.

CIVIL ACTION No. 05-195S

**NOTICE OF PAYMENTS MADE
PURSUANT TO CONSENT DECREE**

PLEASE TAKE NOTICE that pursuant to the consent decree entered into by Brook Village Associates Limited Partnership ("Brook Village"), the United States of America, and the State of Rhode Island, which consent decree was approved by the United States District Court for the District of Rhode Island (the "Consent Decree"), Brook Village has paid \$1,816,436.00 in settlement of alleged liability with respect to the Centerdale Manor Restoration Project Superfund Site located in North Providence, Rhode Island (the "Site"). The monies were paid in the following manner:

1. \$1,451,936.00 pursuant to Section VI, Paragraphs 5, 6, 7, 9, and 10 of the Consent Decree as follows:

A. Payment to the Department of Interior ("DOI") (Section VI, Paragraph 6).

\$68,450.00 has been paid by Brook Village on behalf of DOI for Natural Resources Damages, by FedWire Electronic Funds Transfer to the DOJ account, referencing Collection Office Claim No. 2006Z00142 and EFT No. RI/07/E07 (Wire Number 171168). The payment is for reimbursement of Costs of Assessment for natural resource damage assessment and for Natural Resource Damages with respect to the Site.

B. Payment to EPA (Section VI, Paragraph 7).

\$1,129,331.12 has been paid by Brook Village on behalf of EPA by FedWire Electronic Funds Transfer to the U.S. Department of Justice account, referencing Collection Office Claim No. 2006Z00142 and EFT No. RI/07/E08 (Wire Number 172455).

C. Payment to the State of Rhode Island (Section VI, Paragraph 9).

\$104,154.88 has been paid by Brook Village to the State of Rhode Island by certified check number 002245, made payable to "General Treasurer – State of Rhode Island (for deposit in the Environmental Response Fund)."

D. Payment to Escrow Account (Section VI, Paragraph 10).

\$150,000.00 has been deposited in an Escrow Account pursuant to the July 30, 2007 Escrow Agreement between Brook Village and the escrow agent Holland & Knight LLP. The funds were transferred to the escrow agent by Wire Number 172848.

2. \$364,500.00 pursuant to Section VI, Paragraph 12 of the Consent Decree as follows:

A. Indemnity Insurance Payments to EPA. \$364,500 has been paid by Brook Village on behalf of EPA by FedWire Electronic Funds Transfer to the U.S. Department of Justice account, referencing Collection Office USAO/RI, Brook Village Assoc Claim No. 2006Z00142 (Wire Number 20070801B6B7HU5R004851).

All payments were made by wire on August 1, 2007, except the payment to the State of Rhode Island by certified check which was mailed on August 3, 2007.

BROOK VILLAGE ASSOCIATES LIMITED
PARTNERSHIP
By its attorneys,



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Washington, D.C. 20005-3948

August 8, 2007

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the within Notice of Payments Made Pursuant to Consent Decree was served this 8th day of August 2007, by first-class mail, postage prepaid, as follows:

Mark Barash
U.S. Department of the Interior
Office of the Solicitor
One Gateway Center, Suite 612
Newton Corner, MA 02158-2868

Department of the Interior
Natural Resource Damage Assessment
and Restoration Program
Attn: Restoration Fund Manager
1849 C Street, NW, Mailstop 4449,
Washington, D.C. 20240

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice (DJ # _____)
P.O. Box 7611
Washington, D. C. 20044-7611

Gwendolyn A. Wilkie
United States Department of Commerce
National Oceanic and Atmospheric Administration
Office of General Counsel, Natural Resources Division
Gloucester, MA 01930-2298

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