

Superfund Records Center  
SITE: Centredale  
BREAK: 11-5  
OTHER: 285167

**FOR INCLUSION IN THE ADMINISTRATIVE RECORD**

July 16, 2007



SDMS DocID

285167

**VIA ELECTRONIC AND REGULAR MAIL**

Eve Vaudo, Esquire  
U.S. Environmental Protection Agency, Region 1  
Office of Environmental Stewardship  
1 Congress Street, Suite 1100 (SES)  
Boston, MA 02114-2023

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

Dear Eve:

I am writing on behalf of Emhart Industries, Inc. ("Emhart") and have conferred with the NECC Customer Group, which joins in this request, regarding the liability of a number of non-participating potentially responsible parties ("PRPs") at the Centredale Manor Restoration Project Superfund Site ("Site"). As you know, we have been providing EPA with information concerning additional PRPs for several years. We believe that the following companies are viable parties with significant liability at the Site. As a first step, we request that EPA issue initial or supplemental CERCLA § 104(e) information requests to the appropriate companies, as detailed below. In addition, we request that EPA demand supplemental responses from companies that submitted inadequate § 104(e) responses. Three companies – Eastern Color & Chemical Co., Eastern Smelting & Refining Corp., and THBC, Inc. – have received notices of potential liability from EPA, but have not performed or funded any of the work that has been conducted at the Site to date. We request that EPA issue participate and cooperate orders to these three companies requiring them to contribute, at a minimum, to the work that was performed pursuant to the Third Administrative Order on Consent for Removal Action. Finally, we request that EPA issue notices of potential liability and participate and cooperate orders to four entities – Allendale Mills Associates Limited Partnership, Department of the Navy, Fluor NE, Inc., and Plymouth Rubber Co. – whose liability has been established.

1. A. Harrison & Co.

A. Harrison was a customer and supplier of NECC. NECC Supp'l § 104(e) Response (Feb. 8, 2002), at 5; Dep. of V. Buonanno, *Emhart Indus., Inc. v. Home Ins. Co.*, No. 02-053-S (D.R.I.) (Mar. 25, 2003), at 83; Dep. of V. Buonanno, *Russell-Stanley Holdings, Inc. v. Buonanno*, No. 01 Civ. 8218 (S.D.N.Y.) (Mar. 28, 2003), at 108, 115-117, 125. The residual

contents of the closed head drums included solvents. NECC Supp'l § 104(e) Response (Aug. 22, 2002), Att. A. According to A. Harrison's response to EPA's CERCLA § 104(e) information request, the company manufactures textile specialty chemicals, including soaps, scours, defoamers, fixing agents, polyethylene emulsions, softeners, detergents, and sulphonated oils. A. Harrison § 104(e) Response (May 3, 2002).

The last known business address for A. Harrison is 35 Hurdis Street, North Providence, RI 02904. Although A. Harrison responded to EPA's CERCLA § 104(e) information request on May 3, 2002, its response is incomplete. The company refuses to provide any information concerning its operations, the products it manufactured, or the wastes it produced during the period being investigated.

We request that EPA demand that A. Harrison submit a supplemental § 104(e) response providing a complete response to the previously requested information.

2. Allendale Mill Associates Limited Partnership and/or ANPC Associates Limited Partnership

A Preliminary Site Assessment of the Allendale Mill property discovered elevated levels of silver, lead, mercury, arsenic, cadmium, chromium, barium, selenium, TCE, toluene, xylene, 4-chloro-2-(phenylmethyl) phenol, di-n-butylphthalate, benzo(a)anthracene, chrysene, and bis (2-ethylhexyl) phthalate. Certified Engineering & Testing Co., Inc., *Preliminary Site Assessment for the Allendale Mill Property, 494 Woonasquatucket Avenue, North Providence, Rhode Island* (Apr. 11, 1986). Numerous barrels and drums were found on the Allendale Mill property in August 1986. The barrels were labeled, "Waste Oil," "Reclaimed 1,1,1 Trichloroethane," "Flammable Liquid," and "DuPont 3661S Acrylic Lacquer Thinner." SEA Consultants, Inc., *Hazardous Waste Site Assessment of the Allendale Mill Complex, North Providence, Rhode Island* (Aug. 1986), at 4-1 to 4-2. For more than 10 years, a silk screening/advertising display company occupied most of the lower floors of the main buildings on the Allendale Mill property. *Preliminary Site Assessment*. On January 29, 1988, RIDEM issued a Notice of Violation to Charles Francis, Anthony DiOrio, Bristol Craft, Inc. and Milestone Properties Corp., concerning abandoned hazardous waste at the Allendale Mill property. Notice of Violation (Jan. 29, 1988).

The last known business address for the general partner of Allendale Mill Associates is Barry D. Libert, 257 Newbury Street, Boston, MA 02116. Allendale Mill Associates claims that it sold the Allendale Mill property to ANPC Associates in June 1989. Allendale Mill Associates § 104(e) Response (Mar. 6, 2000). Nevertheless, Allendale Mills Associates would remain liable since disposals of hazardous substances occurred during its period of ownership. The last known business address for the general partner of ANPC Associates is WGP Allendale Corp., 45 William Street, Wellesley MA 02181. To our knowledge, ANPC Associates has not received a CERCLA § 104(e) information request.

We request that EPA issue a notice of potential liability and participate and cooperate order to Allendale Mill Associates. We also request that EPA issues a CERCLA § 104(e) information request to ANPC Associates.

3. Bates Manufacturing Co., Inc. (n/k/a North American Heritage Brands)

Bates Manufacturing was a customer of NECC. NECC Supp'l § 104(e) Response (Aug. 22, 2002), Att. A. Felix Palumbo made weekly deliveries of chemical softeners to the company in Lewiston, Maine, and also picked up empty drums for return to NECC for reconditioning. Decl. of F. Palumbo (Jun. 12, 2002), at ¶ 6.

Bates Manufacturing Co. operated a textile mill in Lewiston, Maine beginning in 1852. At some point, Globaltex, LLC (d/b/a Bates of Maine) began operating the Lewiston facility. North American Heritage Brands acquired Globaltex in approximately 1999. The last known business address for North American Heritage Brands is 1500 2nd Avenue NW, Faribault, MN, 55021. To our knowledge, North American Heritage Brands has not received a CERCLA § 104(e) information request.

We request that EPA issue a CERCLA § 104(e) information request to North American Heritage Brands.

4. Brown & Sharpe Manufacturing Co. (n/k/a Brown & Sharpe, Inc., BNS Co. and/or Precision Industries, Inc.)

Brown & Sharpe Manufacturing Co. was a customer of NECC. Int. of R. Nadeau (Dec. 11, 2001); NECC Supp'l § 104(e) Response (Aug. 22, 2002), Att. A; Dep. of V. Buonanno (Mar. 28, 2003), at 108, 118-119, 124. Raymond Nadeau picked up 40 to 50 drums containing metal shavings every six months from the company's North Kingstown, RI facility. Int. of R. Nadeau (Dec. 11, 2001). NECC also received closed head drums containing metal shavings and lubricating/cutting oils from the company's Waterman Avenue facility. NECC Supp'l § 104(e) Response (Aug. 22, 2002), Att. A.

Hexagon (Rhode Island), Inc. acquired assets of Brown & Sharpe in April 2001 and changed its name to Brown & Sharpe, Inc. In its response to EPA's CERCLA § 104(e) information request, Brown & Sharpe, Inc. claims that Brown & Sharpe Manufacturing's environmental liabilities remain with the seller of the assets, which is now known as BNS Co. Brown & Sharpe, Inc. § 104(e) Response (May 8, 2003). It is not clear from the information provided by Brown & Sharpe, Inc., however, which company is responsible for Brown & Sharpe Manufacturing's liability at the Centredale Manor Site. Moreover, BNS Co. states that it "sold its interest" in the Waterman Avenue facility to Precision Industries, Inc. in 1983, but does not indicate whether Precision Industries assumed environmental liability related to the facility's operations. BNS Co. § 104(e) Response (Jun. 27, 2003). The last known business address for Brown & Sharpe, Inc. is 250 Circuit Drive, North Kingstown, RI 02852. The last known business address for BNS Co. is 25 Enterprise Center, Suite 103, Middletown, RI 02842. The last known business address for Precision Industries, Inc. is 501 Valley Street, Providence, RI 02908. To our knowledge, Precision Industries has not received a CERCLA § 104(e) information request.

We request that EPA issue supplemental CERCLA § 104(e) information requests to Brown & Sharpe, Inc. and BNS Co. requesting documentation of the disposition of Brown &

Sharpe Manufacturing's liabilities. We also request that EPA issue a CERCLA § 104(e) information request to Precision Industries.

5. Cal Chemical Corp.

Cal Chemical was a customer of NECC. Dep. of V. Buonanno (Mar. 28, 2003), at 108, 119, 124. NECC received 12 to 20 closed head drums per month from Cal Chemical in Coventry, RI. NECC Supp'l § 104(e) Response (Aug. 22, 2002), Att. A. The residue in the drums consisted of solvents. *Id.* In the early 1970s, Cal Chemical used and/or manufactured a variety of chemicals, including bleaching assistants, detergents, dye assistants, glass coatings, melamine resins, melamine-formaldehyde resins, odorants, optical bleaches, organo-metallic chemicals, paint removers, polyethylene emulsions, polyethylene glycol oleate, polyethylene glycol sterate, resin solutions, textile oils, textile resins, urea-formaldehyde resins, and waterproof coatings. *Id.*, Att. D.

The last known business address for Cal Chemical is 592 Arnold Road, Coventry, RI 02816. In its response to EPA's CERCLA § 104(e) information request, Cal Chemical admits that it received raw materials in drums, but does not indicate how these drums were recycled and/or disposed of. Cal Chemical § 104(e) Response (May 10, 2002), at 7.

We request that EPA issue a supplemental CERCLA § 104(e) information request to Cal Chemical concerning the disposition and residue content of these drums.

6. Cardinal Chemical Co. (n/k/a Eastern Resins Corp.)

Cardinal Chemical was customer of NECC. NECC Supp'l § 104(e) Response (Feb. 8, 2002), at 5; Dep. of V. Buonanno (Mar. 28, 2003), at 109, 119-20, 124. Residual contents in the closed head drums included solvents. NECC Supp'l § 104(e) Response (Aug. 22, 2002), Att. A. In the 1960s and early 1970s, Cardinal Chemical used and/or manufactured a variety of chemicals, including bleaches and bleaching assistants, chlordane, detergents, dieldrin, dye assistants, fire and flame retarding agents, melamine, mildew preventatives, mothproofing agents, phenolic cast resins, plastics and resins, polypropylene modified vinyl chloride, polyvinyl chloride plastisol, sanitizing agents, soaps, softeners, solvent blends, solvent emulsifier blends, and stain removers. NECC Supp'l § 104(e) Response (Aug. 22, 2002), Att. E.

Cardinal Chemical changed its name to Eastern Resins Corp. in January 1997. The last known business address for Eastern Resins is 1174 River Street, Woonsocket, RI 02895. Eastern Resin supplied an inadequate one-page response to EPA's CERCLA § 104(e) information request on May 13, 2003. The company fails to provide any information concerning its current or past operations, products, or waste disposal practices; its financial or corporate status; or persons with knowledge of the company's operations, products, and waste disposal practices.

We request that EPA demand that Eastern Resins submit a supplemental § 104(e) response providing a complete response to the previously requested information.

7. Diamond Shamrock Chemicals Co. (n/k/a Occidental Chemical Corp.)

Diamond Alkali (later known as Diamond Shamrock) supplied Metro-Atlantic with the trichlorophenol ("TCP") it used to produce hexachlorophene. Dep. of T. Cleary, *Emhart Indus., Inc. v. Home Ins. Co.*, No. 02-053-S (D.R.I.) (Feb. 10, 2003), at 40, 48, 50. The TCP was supplied in tank trucks. *Id.* at 61. Under certain circumstances, a company that supplies raw materials can be held liable as an arranger under CERCLA. See *United States v. Burlington N. & Santa Fe Ry. Co.*, 479 F.3d 1113 (9th Cir. 2007).

Occidental Chemical acquired the stock of Diamond Shamrock in 1986. Occidental Chemical § 104(e) Response (Apr. 16, 1999). The last known business address for Occidental Chemical is Occidental Tower, 5005 LBJ Freeway, Dallas, TX 75244. EPA issued a CERCLA § 104(e) information request to Occidental Chemical inquiring about the sale of sodium 2,4,5-trichlorophenate to Metro-Atlantic. In response, Occidental Chemical located a September 3, 1964 letter agreement between Diamond Alkali and Metro-Atlantic confirming an agreement of confidentiality related to the potential use by Metro-Atlantic of Diamond Alkali's Basic Chromic Chloride material. Occidental Chemical § 104(e) Response (Apr. 16, 1999). EPA did not inquire, however, about Diamond Alkali's sale of TCP to Metro-Atlantic or Diamond Alkali's practices regarding the delivery of TCP in the 1960s.

We request that EPA issue a supplemental CERCLA § 104(e) information request to Occidental Chemical to obtain information to further assess the company's liability under CERCLA.

8. Duro Finishing Corp. (n/k/a Nortek Inc., Chace Street, Inc., or Duro Textiles, LLC)

Duro Finishing was a customer of NECC. NECC Supp'l § 104(e) Response (Feb. 8, 2002), at 5; Dep. of F. Palumbo, *Emhart Indus., Inc. v. Home Ins. Co.*, No. 02-053-S (D.R.I.) (Dec. 20, 2002), at 71-72; Dep. of V. Buonanno (Mar. 28, 2003), at 110, 122-24, 252. Residual contents of the drums included solvent-borne coatings for textiles. NECC Supp'l § 104(e) Response (Aug. 22, 2002), Att. A. Raw materials used by Duro Finishing included dyestuffs, mineral spirits, ammonia, acids, caustics, and finishing solutions. Duro Textiles, LLC § 104(e) Response (Jul. 15, 2003). Duro Textiles, LLC admits that Duro Finishing returned drums that were used to store dry powder dyes to NECC for reconditioning. *Id.*

Duro Finishing operated at 110 Chace Street in Fall River, MA from 1947 until 1985. *Id.* Duro Finishing Corp. merged into Duro Group, Inc. in April 1988. Duro Group was owned by Nortek Inc. In December 1985, Duro Industries, Inc. purchased certain assets of Duro Finishing. *Id.* Duro Industries, Inc. changed its name to Chace Street, Inc. in October 2002. Duro Textiles, LLC purchased the operating assets of Duro Industries, Inc. at a secured party sale in October 2002. *Id.* Duro Textiles, LLC admits that it "continued the business of Duro Industries, Inc." *Id.* In fact, the Superior Court of Massachusetts held in June 2005 that Duro Textiles, LLC is the successor to Duro Industries, Inc. See *Milliken & Co. v. Duro Textiles, LLC*, No. BRCV2002-1364, 2005 WL 1791562 (Mass. Super. Ct. Jun. 10, 2005), at \*11. The last known business address for Duro Textiles, LLC is 110 Chace Street, Fall River, MA 02724.

To our knowledge, neither Nortek Inc. nor Chace Street, Inc. has received a CERCLA § 104(e) information request. The last known business address for Nortek Inc. is 50 Kennedy Plaza, Providence, RI 02903. The last known business address for Chace Street, Inc. is 124 Washington Street, Suite 101, Foxborough, MA 02724.

We request that EPA issue CERCLA § 104(e) information requests to Nortek and Chace Street.

9. Eastern Color & Chemical Co.

Between approximately 1962 and 1969, Raymond Nadeau picked up 20 to 30 drums containing chemical residues, from Eastern Color on a weekly basis. Aff. of R. Nadeau (Oct. 27, 2000) at ¶ 10; *see also* Tr. Test. of R. Nadeau, *Emhart Indus., Inc. v. Home Ins. Co.*, No. 02-053-S (D.R.I.) (Sept. 15, 2006), at 83. Joseph Cifelli also picked up drums from the company. Int. of J. Cifelli (Jan. 2, 2002); Dep. of J. Cifelli, *Emhart Indus., Inc. v. Home Ins. Co.*, No. 02-053-S (D.R.I.) (Feb. 13, 2003), at 24. Eastern Color had on-going business relationship with NECC. NECC Supp'l § 104(e) Response (Feb. 8, 2002), Tab B; *see also* Dep. of V. Buonanno (Mar. 25, 2003), at 82; Dep. of V. Buonanno (Mar. 28, 2003), at 47, 51, 124, 135. The residue in the drums included solvents and paints. NECC Supp'l § 104(e) Response (Aug. 22, 2002), Att. A. In the 1960s and 1970s, Eastern Color used and/or manufactured a variety of chemicals, including adhesives, antibacterial agents, bactericides and bacteriostats, bleaches and bleaching assistants, detergents, dyes and dye assistants, finishing agents, fireproofing and flame retarding agents, fungicides, germicides, insecticides, mildew preventatives, paint removers, paper chemicals, pigments, plastics and resins, solvents, and sterilizing agents. Eastern Color has admitted that it did business with NECC, and that it purchased chemicals in drums. Eastern Color § 104(e) Response (May 3, 2001).

By letter dated March 3, 2003, Eastern Color received notice of its potential liability from EPA, but Eastern Color did not execute the September 2003 Administrative Order on Consent. The last known business address for Eastern Color is 35 Livingston Street, Providence, RI 02904.

We request that EPA issue a participate and cooperate order to Eastern Color.

10. Eastern Smelting & Refining Corp. (n/k/a Refinity Corp. or Metallix Refining)

Eastern Smelting sent 1315 drums to NECC between 1969 and 1971. NECC Supp'l § 104(e) Response (Aug. 22, 2002), at 6-10. By letter dated March 3, 2003, Eastern Smelting received notice of its potential liability from EPA, but Eastern Smelting did not execute the September 2003 Administrative Order on Consent.

Eastern Smelting changed its name to Refinity Corp in December 2000. In 2002, Metallix Refining purchased the majority of Refinity's assets. The last known business address for Refinity is 37-39 Bubier St. Lynn, MA 01901. The last known business address for Metallix Refining is 64c Bridge Ave, Red Bank, NJ 07701. To our knowledge, neither Refinity nor Metallix Refining has received a CERCLA § 104(e) information request.

We request that EPA issue a participate and cooperate order to Eastern Smelting. We also request that EPA issue CERCLA § 104(e) information requests to Refinity and Metallix Refining.

11. Efros Barrel Co., Inc.

Efros Barrel was a customer of NECC. Dep. of V. Buonanno (Mar. 28, 2003), at 110, 125-27. In its § 104(e) response, Efros Barrel admitted that it sold drums to NECC around the end of 1966. Efros Barrel § 104(e) Response (Aug. 14, 2001). Between approximately 1962 and 1969, Raymond Nadeau picked up 50 to 60 drums from Efros Barrel, two to three times a week, and delivered them to NECC for reconditioning. Aff. of R. Nadeau (Oct. 27, 2000) at ¶ 12.

On March 27, 1978, an EPA contractor, NUS, found drums from the following companies on the Efros Barrel property: Drew Chemical Corp., ICI United States, Inc., IMC Chemical Group, Inc., McKesson Chemical Corp., Nalco Chemical Corp., Randustrial, Rochester Germicide Co., and Wyandotte Chemical Corp. In the 1960s, Drew Chemical, which was headquartered in New York, manufactured bactericides and fungicides. In 1950, ICI United States acquired a 70% interest in Arnold, Hoffman & Co., which had manufacturing facilities in Providence, RI and Dighton, MA. The primary products manufactured at the Dighton facility included algicides, bactericides, chlorinated compounds, and soluble vat dyes. In the 1960s, International Minerals & Chemical Corp., the probable predecessor to IMC Chemical Group, manufactured insecticides. McKesson & Robbins, a predecessor to McKesson Chemical, distributed algicides, bactericides, insecticides, and pentachlorophenol. McKesson operated facilities in Medford, MA and North Haven, CT. Nalco Chemical manufactured algicides, bactericides, fungicides, herbicides, mildew and mold preventatives, and weed killers in the 1960s and 1970s. Randustrial likely manufactured herbicides. Rochester Germicide manufactured antibacterial soap. Wyandotte Chemical manufactured bactericides, germicides, mildew and mold preventives, and sanitizing agents at a number of facilities, including those in Parsippany, NJ, Washington, NJ and Rensselaer, NY.

The last known address for Everett G. Efros is 3725 S. Ocean Drive, #1224, Hollywood, FL 33019. The NECC Customer Group has been trying to contact Mr. Efros in order to interview him concerning his customers during the period he was sending drums to NECC for reconditioning. Mr. Efros, however, had refused to speak with the Group.

We request EPA's assistance in setting up an interview with Mr. Efros.

12. E.I. DuPont de Nemours & Co.

A barrel labeled "Dupont 3661S Acrylic Lacquer Thinner" was found on the Allendale Mill property in August 1986. SEA Consultants, Inc., *Hazardous Waste Site Assessment of the Allendale Mill Complex, North Providence, Rhode Island* (Aug. 1986), at 4-1 to 4-2. DuPont also was written on a number of bags containing powdery residue and on aluminum galvanized barrels that were discarded at the dump located at the southern end of the Site. Admin. Dep. of Anonymous (Nov. 30, 1999), at 9-12.

The last known business address for DuPont is 1007 Market Street, Wilmington, DE 19898. EPA issued a CERCLA § 104(e) information request to DuPont inquiring about the company's relationships with New England Container Co., Atlantic Chemical Co., Metro-Atlantic, Inc., Crown-Metro Chemical Co., Bostik-South, and United Shoe Machinery (USM). In response, DuPont states that it "has no information to indicate we ever had a business relationship with any of the entities mentioned." DuPont § 104(e) Response (Apr. 12, 2000). EPA did not inquire, however, about DuPont's relationships with Allendale Mill and/or Bristol Craft, both of which operated at the Allendale Mill property.

We request that EPA issue a supplemental CERCLA § 104(e) information request to DuPont.

13. Farrel Barrel (n/k/a Mallinckrodt Inc.)

Farrel Barrel was a customer of NECC. NECC Supp'l § 104(e) Response (Feb. 8, 2002), at 6. Raymond Nadeau picked up dirty barrels from Farrel Barrel for cleaning and re-conditioning. Aff. of R. Nadeau (Oct. 27, 2000), at ¶ 11; NECC Supp'l § 104(e) Response (Aug. 22, 2002), Att. A.

It appears that Farrel Barrel was acquired by Great Lakes Container Corp., which was acquired by Mallinckrodt. The last known business address for Mallinckrodt is 675 McDonnell Boulevard, Hazelwood, MO 63042. To our knowledge, Mallinckrodt has not received a CERCLA § 104(e) information request.

We request that EPA issue a CERCLA § 104(e) information request to Mallinckrodt.

14. G.M. Gannon Co., Inc. (n/k/a George Mann & Co. or Univar USA Inc.)

G.M. Gannon was a customer of NECC. NECC Supp'l 104(e) Response (Feb. 8, 2002), at 6. Residual contents of the closed head drums included solvents. NECC Supp'l 104(e) Response (Aug. 22, 2002), Att. A.

Gerald M. Gannon, the former owner and president of G.M. Gannon, has stated that G.M. Gannon was sold to George Mann & Co., which was owned by Ellis & Everard, in March 1997. G.M. Gannon § 104(e) Response (May 6, 2002). No further information is available from Mr. Gannon's response, however, to understand the nature of this transaction. (Mr. Gannon passed away in February 2007.) In its § 104(e) response, Ellis & Everard does not address its relationship with G.M. Gannon. Ellis & Everard § 104(e) Response (Apr. 26, 2001).

The last known business address for George Mann & Co., Inc. is 6100 Carillon Point, Kirkland, WA 98033. Ellis & Everard was acquired by Vopak USA Inc. in January 2001. Vopak USA changed its name to Univar USA Inc. in July 2002. The last known business address for Univar USA is 17425 NE Union Hill Road, Redmond, WA 98052.

We request that EPA issue a CERCLA § 104(e) information request to Univar USA regarding Ellis & Everard's purchase of G.M. Gannon.

15. George Mann & Co., Inc. (n/k/a GM Holdings, Inc. or Univar USA, Inc.)

Between approximately 1962 and 1969, Raymond Nadeau picked up 40 to 50 barrels, containing toluene, naphtha, methyl ethyl ketone, ammonia and solvent residues, monthly from George Mann. Aff. of R. Nadeau (Oct. 27, 2000), ¶ 10; NECC Supp'1 § 104(e) Response (Aug. 22, 2002), Att. A; Dep. of V. Buonanno (Mar. 25, 2003), at 84; *see also* Tr. Test. of R. Nadeau, *Emhart Indus., Inc. v. Home Ins. Co.*, No. 02-053-S (D.R.I.) (Sept. 15, 2006), at 64, 78. In the 1960s and early 1970s, George Mann used and/or manufactured a variety of chemicals, including acetone, algicides, bactericides, chlorinated solvents, cyclohexanone, detergents, fungicides, methyl ethyl ketone, methyl ethyl ketone peroxide, methylene chloride, pentachlorophenol, perchloroethylene, solvents, styrene monomer, 1,1,1-trichloroethane, 1,2,4-trichlorobenzene, 2,4,5-trichlorophenol, 2,4,6-trichlorophenol, and trichloroethylene. NECC Supp'1 § 104(e) Response (Aug. 22, 2002), Att. J.

George Mann & Co. changed its name to GM Holdings, Inc. in January 1996. The last known business address for GM Holdings is 1500 Fleet Center, Providence, RI 02903. A new George Mann & Co. was formed in February 1996. New George Mann was acquired by Ellis & Everard. The last known business address for new George Mann is 6100 Carillon Point, Kirkland, WA 98033. Ellis & Everard was acquired by Vopak USA Inc. in January 2001. Vopak USA changed its name to Univar USA Inc. in July 2002. The last known business address for Univar USA is 17425 NE Union Hill Road, Redmond, WA 98052. To our knowledge, neither GM Holdings nor Univar USA has received a CERCLA § 104(e) information request.

We request that EPA issue CERCLA § 104(e) information requests to GM Holdings and Univar USA.

16. Lubrx Products, Inc.

Lubrx Products was a customer of NECC. NECC Supp'1 § 104(e) Response (Feb. 8, 2002), at 6; Dep. of V. Buonanno (Mar. 25, 2003), at 84. NECC picked up drums from Lubrx Products 6 to 8 times per year. NECC Supp'1 § 104(e) Response (Aug. 22, 2002), Att. A. Residual contents of the drums included oil and motor oil. *Id.*

Mansfield Distributing Corporation purchased the real estate and certain assets of Lubrx Products in July 1975. Lubrx Products § 104(e) Response (Jun. 11, 2002). Mansfield Distributing changed its name to Lubrx Products, Inc. in December 1975. *Id.* Although new Lubrx Products claims that it did not assume any of old Lubrx's liabilities, it did not provide any documentation supporting its assertion. The last known business address for Lubrx Products is 8 Darby Drive, Mansfield, MA 02048.

We request that EPA issue a supplemental CERCLA § 104(e) information request to Lubrx Products requesting documentation of the disposition of old Lubrx Product's liabilities.

17. Marshall Contractors, Inc. (n/k/a Fluor NE, Inc.)

Marshall Contractors, Inc. was the general contractor during the construction of both the Brook Village and Centredale Manor apartment buildings. Brook Village Associates § 104(e) Response, (Mar. 19, 1999), at 3; Centredale Manor Associates § 104(e) Response (Apr. 7, 1999), at 6; ADP Marshall § 104(e) Response (Apr. 1, 1999), at 8. For both projects, the accompanying Contractor's Certificate of Actual Cost shows that Marshall was involved in and submitted bills for services including Field Engineering, Concrete Work and Carpentry, in addition to the overall General Contractor's fee. Marshall Contractors was also asked to "excavate existing sludge pits." Construction Change Authorization (Apr. 5, 1982), ADP 000065. Both Brook Village Associates and Centredale Manor Associates have alleged that Marshall Contractors exercised "effective control" of the Site during construction. Brook Village Associates § 104(e) Response (Mar. 19, 1999), at 3. Marshall Contractors also had control over the subcontractors, including C. Pezza & Son, Inc. ("Pezza").

Pezza was the subcontractor hired to perform grading and filling activities at the Site during construction of the Brook Village and Centredale Manor apartment buildings. See ADP Marshall § 104(e) Response (Apr. 1, 1999), at 6; Pezza § 104(e) Response (Mar. 5, 1999), at 2. For the Brook Village Apartments, Pezza was responsible for "Earth Work & Site Utilities" and Carmine Pezza was responsible for "Cleaning & Rubbish Removal" and "General Requirements-Other." Brook Village § 104(e) Response (Mar. 19, 1999). For the Centredale Manor Project, Pezza was responsible for "Subsurface Investigation; Site Clearing, Earthwork; Slope Protection; Erosion Control, Site Utilities; Water Distribution." ADP 000001. A bulldozer supervised by Pezza was observed pushing debris into the Woonasquatucket River. Admin. Dep. of T. Cambio (Jun. 30, 1999), at 11-12.

Courts have found that a party, particularly one who has authority to control the contamination, who moves waste intra-site and exacerbates the site's contamination is liable under CERCLA as an arranger, operator or transporter. See *Tanglewood E. Homeowners v. Charles-Thomas, Inc.*, 849 F.2d 1568 (5th Cir. 1988), *Kaiser Aluminum & Chem. Corp. v. Catellus Dev. Corp.*, 976 F.2d 1338 (9th Cir. 1992), *Redwing Carriers Inc. v. Saraland Apartments*, 94 F.3d 1489 (11th Cir. 1996). In addition, Marshall Contractors may be liable for Pezza's acts at the Site since a general contractor who has control over and is primarily responsible for the construction can be liable for the harm despite the fact that a subcontractor did the particular work. See *Dow v. Holly Mfg. Co.*, 321 P.2d 736 (Cal. 1958); *E. Coast Collision & Restoration, Inc. v. Allyn*, 742 A.2d 273 (R.I. 1999); *Pastorelli v. Associated Engineers, Inc.*, 176 F. Supp. 159 (D.R.I. 1959).

Fluor Daniel, Inc. acquired the stock of Marshall Contractors, and changed the company's name to ADP Marshall, Inc., in October 1996. ADP Marshall changed its name to Fluor NE, Inc. in January 2004. The last known business address for Fluor NE, Inc. is 6700 Las Colinas Boulevard, Irving, TX 75039.

We request that EPA issue a notice of potential liability and participate and cooperate order to Fluor NE.

18. New York, New Haven & Hartford Railroad (n/k/a American Premier Underwriters, Inc.)

The New York, New Haven & Hartford Railroad (“NYNH&H”) operated a rail line between Providence and Pascoag that ran along the west side of the Woonasquatucket River. The line was abandoned in approximately 1962. R. Patrick Stanford, *Lines of the New York, New Haven & Hartford Railroad*, at 27. According to a statement submitted to EPA by James McEnery, a former employee of the railroad, NYNH&H used a “substance like Agent Orange” to kill vegetation along the tracks. Letter to EPA (undated).

NYNH&H was absorbed by Penn Central Railroad in January 1969. After emerging from bankruptcy in October 1978, Penn Central changed its name to American Premier Underwriters, Inc. (“APU”) in March 1994. APU became a wholly-owned subsidiary of American Financial Group, Inc. in April 1995. The last known business address for APU is 1 East Fourth Street, Cincinnati, OH 45202. To our knowledge, APU has not received a CERCLA § 104(e) information request.

We request that EPA issue a CERCLA § 104(e) information request to APU.

19. Otis Air Base

Raymond Nadeau picked up 2400 drums containing turbine oil from Otis Air Base located in Falmouth, MA. Aff. of R. Nadeau (Oct. 27, 2000), at ¶ 10; Dep. of R. Nadeau, *Russell-Stanley Holdings, Inc. v. Buonanno*, No. 01 Civ. 8218 (S.D.N.Y.) (Oct. 1, 2002), at 49; see also Tr. Test. of R. Nadeau, *Emhart Indus., Inc. v. Home Ins. Co.*, No. 02-053-S (D.R.I.) (Sept. 15, 2006), at 84.

The Department of the Air Force submitted a response to EPA’s CERCLA § 104(e) information response on September 20, 2002. The Air Force, however, claimed it did not have any facilities within 60 miles of the Site and did not address its operations at Otis Air Base.

We request that EPA demand that the Air Force submit a supplemental § 104(e) response providing a complete response to the previously requested information.

20. Philipp Brothers Chemicals, Inc. (n/k/a Philbro Animal Health Corp.)

Philipp Brothers Chemicals, which was located in Holbrook, Massachusetts, was a customer of NECC. NECC Supp’l § 104(e) Response (Feb. 8, 2002), at 6.

Philipp Brothers Chemicals submitted a response to EPA’s CERCLA § 104(e) information response on May 20, 2002. Philipp Brothers Chemicals, however, claimed it did not have any facilities in Rhode Island, Massachusetts, or Connecticut and did not address its operations in Holbrook (even though it acknowledged that Holbrook Chemical Corp. was a subsidiary from 1960 to 1991). Moreover, the company claims that Holbrook Chemical was “transferred to other ownership,” but does not indicate to whom Holbrook Chemical was transferred. Philipp Brothers Chemicals changed its name to Philbro Animal Health Corp. in

September 2003. The last known business address for Philbro Animal Health is 65 Challenger Road, Third Floor, Ridgefield Park, NJ 07660.

We request that EPA demand that Philbro Animal Health submit a supplemental § 104(e) response inquiring about, *inter alia*, Holbrook Chemical's operations and transfer.

21. Plymouth Rubber Co.

Plymouth Rubber was a customer of NECC at the Site. NECC Supp'l § 104(e) Response (Feb. 8, 2002), Tab B. Raw materials used by Plymouth Rubber included standard rubber elastomer and vinyl plastic compounding ingredients, including rubbers, PVC resins, fillers, plasticizers, solvents, fabrics, packaging ingredients, and pigments. Plymouth Rubber § 104(e) Response (May 17, 2002), at 7. Plymouth Rubber has admitted that it sent empty drums to NECC and purchased reconditioned drums from NECC "beginning in the early 1970's, exact date unknown." *Id.*, at 14.

The last known business address for Plymouth Rubber is 104 Revere Street, Canton, MA 02021.

We request that EPA issue a notice of potential liability and participate and cooperate order to Plymouth Rubber.

22. Quonset Naval Base

Quonset Naval Base was a customer of NECC. Dep. of V. Buonanno (Mar. 28, 2003), at 113, 129-30; NECC Supp'l § 104(e) Response (Feb. 8, 2002), at 6. On one occasion, Raymond Nadeau picked up 2,400 barrels containing turbine oil from Quonset Naval Base. Aff. of R. Nadeau (Oct. 27, 2000), at ¶ 10; *see also* Tr. Test. of R. Nadeau, *Emhart Indus., Inc. v. Home Ins. Co.*, No. 02-053-S (D.R.I.) (Sept. 15, 2006), at 684. Residual contents of the drums also included oil or jet fuel. NECC Supp'l § 104(e) Response (Aug. 22, 2002), Att. A. In its response to EPA's CERCLA § 104(e) information request, the Department of the Navy states that "[n]o records were found indicating any relationship with the New England Container Company and Quonset Point Naval Station." Department of the Navy § 104(e) Response (Apr. 27, 2001).

We request that EPA issue a notice of potential liability and participate and cooperate order to the Department of the Navy.

23. Sterling Winthrop (n/k/a Sanofi-Aventis)

Thomas Cleary stated that he worked as a broker between Metro-Atlantic and Sterling Winthrop in connection with the hexachlorophene manufacturing process. Dep. of T. Cleary, *Emhart Indus., Inc. v. Home Ins. Co.*, No. 02-053-S (D.R.I.) (Feb. 10, 2003), at 32-33. In this regard, he provided Sterling Winthrop's specifications for the hexachlorophene to Metro-Atlantic. *Id.* at 33. (This allegation is supported by Joseph Buonanno, Jr., who stated that the hexachlorophene was manufactured for use in Sterling Winthrop's product known as Phisohex.

Dep. of J. Buonanno, Jr., *Crown-Metro, Inc. v. Emhart Indus., Inc.*, C.A. No.: 6:00-2720-24 (D.S.C.) (Apr. 23, 2001), at 21). Mr. Cleary demonstrated the manufacturing process to Sterling Winthrop's vice-president of manufacturing at Metro-Atlantic. Dep. of T. Cleary (Feb. 10, 2003), at 33-34. He also demonstrated the process at Sterling Winthrop's laboratory in Rensselaer. *Id.* at 34. At one point, Sterling Winthrop was interested in purchasing the process and the Metro-Atlantic plant, so Sterling Winthrop's vice-president of manufacturing "examined the [Metro-Atlantic] plant very carefully and gave it his imprimatur." *Id.* at 34. Sterling Winthrop was the only purchaser of the "pure" hexachlorophene allegedly manufactured by Metro-Atlantic, with the "second crop" being sold to Kalo Laboratories for use as a seed disinfectant. *Id.* at 42-43, 53.

CERCLA § 107(a)(3) makes liable any person who arranges for the disposal or treatment of hazardous substances at a facility. In *Aceto Agric. Chems. Corp. v. United States*, 872 F.2d 1373 (8<sup>th</sup> Cir. 1989), the U.S. Court of Appeals for the Eighth Circuit held that companies that had contracted for the production of a certain product could be liable as an arranger where the companies retained ownership of the product and its constituents throughout the formulation process and the generation of waste was inherent in the process. *See id.* at 1378-82. The *Aceto* court looked beyond the manufacturers' characterization of their arrangement with the formulator as solely one to produce a valuable product to see if the transaction in fact involved an arrangement for disposal of a hazardous substance. *Id.* at 1381. Either ownership of the hazardous substance or authority to control the formulator's operations is sufficient to give rise to arranger liability. *See, e.g., United States v. Hercules, Inc.*, 247 F.3d 706 (8th Cir. 2001); *Aceto*, 872 F.2d at 1382; *United States v. Northeastern Pharm. & Chem. Co.*, 810 F.2d 726 (8th Cir. 1986), *cert. denied* 108 S. Ct. 146 (1987).

In 1992, Sterling Winthrop merged with Sanofi to form Sanofi Winthrop. Sanofi Winthrop merged with Synthelabo in 1999 to form Sanofi-Synthelabo. Finally, in 2004, Sanofi-Synthelabo merged with Aventis to form Sanofi-Aventis. The last known business address for Sanofi-Aventis is 55 Corporate Drive, Bridgewater, NJ 08807. To our knowledge, Sanofi-Aventis has not received a CERCLA § 104(e) information request.

We request that EPA issue a CERCLA § 104(e) information request to Sanofi-Aventis.

24. Synthron Chemicals, Inc. (n/k/a Synthron, Inc.)

Synthron Chemical was a customer of NECC. NECC Supp'1 § 104(e) Response (Feb. 8, 2002), at 11; Dep. of V. Buonanno (Mar. 25, 2003), at 80-81 Synthron purchased clean barrels from NECC and returned dirty barrels. Int. of R. Nadeau (Dec. 11, 2001). Synthron filed for Chapter 11 bankruptcy in October 2006 and the case was converted to Chapter 7 in March 2007. The bar date for filing claims for non-governmental creditors is July 9, 2007 and September 17, 2007 for governmental creditors.

We request that EPA file a proof of claim in Synthron's bankruptcy proceeding.

25. T.H. Baylis Co. (n/k/a THBC, Inc. or ACW Industries)

T.H. Baylis Company was an NECC customer. NECC Supp'l § 104(e) Response (Feb. 8, 2002), at 6. Raymond Nadeau picked up 30 to 40 barrels, containing chemical liquids, including mineral spirits, every two weeks from Baylis. Aff. of R. Nadeau (Oct. 27, 2000), ¶ 10; *see also* Tr. Test. of R. Nadeau, *Emhart Indus., Inc. v. Home Ins. Co.*, No. 02-053-S (D.R.I.) (Sept. 15, 2006), at 63, 77, 83. Joseph Cifelli also picked up barrels from Baylis. Int. of J. Cifelli (Jan. 2, 2002); Dep. of J. Cifelli, *Russell-Stanley Holdings, Inc. v. Buonanno*, No. 01 Civ. 8218 (S.D.N.Y.) (Sept. 30, 2002), at 78. Baylis's driver also delivered barrels to NECC. Aff. of R. Nadeau (Oct. 27, 2000), at ¶ 10. The residual content in Baylis's drums included solvents and acids. NECC Supp'l § 104(e) Response (Aug. 22, 2002), Att. A. By letter dated March 3, 2003, THBC received notice of its potential liability from EPA, but THBC did not execute the September 2003 Administrative Order on Consent.

In April 1985, T.H. Baylis was merged into Sanitas Security Services Corporation, which changed its name to T.H. Baylis. New T.H. Baylis changed its name to THBC, Inc. in June 1988. The last known business address for THBC is c/o Stanwich Partners, 62 Southfield Avenue, Stamford, CT 06902. THBC supplied an inadequate one-page response to EPA's CERCLA § 104(e) information request on May 22, 2002. The company limited its response to operations by THBC, new T.H. Baylis and Sanitas and failed to provide any information concerning the operations of old T.H. Baylis.

Baylis-American Co., Inc. purchased certain assets of T.H. Baylis in 1988. Bruce Holland § 104(e) Response (May 8, 2002). Although Mr. Holland claims that Baylis-American did not assume any of T.H. Baylis's liabilities, he did not provide any documentation supporting its assertion. Baylis-American merged into American Chemical Works Co. in December 1989. American Chemical Works changed its name to ACW Industries, Inc. in April 1999. The last known business address for ACW Industries is 570 Glen Hill Drive, Saunderstown, RI 02874. At a minimum, we request that EPA issue a supplemental CERCLA § 104(e) information request to THBC to inquire about the sale of assets to Baylis-American. To our knowledge, ACW Industries has not received a CERCLA § 104(e) information request.

We request that EPA issue a participate and cooperate order to THBC. We also request that EPA demand that THBC submit a supplemental § 104(e) response providing a complete response to the previously requested information. Finally, we request that EPA issue a CERCLA § 104(e) information request to ACW Industries.

26. Wayland Chemical (n/k/a Olin Corp. or Fuji Hunt)

Wayland Chemical was a customer of NECC. NECC Supp'l § 104(e) Response (Feb. 8, 2002), at 6. Wayland Chemical was a division of Philip A. Hunt Chemical Co. In the 1960s and 1970s, Wayland Chemical used and/or manufactured a variety of chemicals including cleaners, corrosion inhibitors, detergents, dispersing agents, dyes and dye assistants, finishing agents, fixing agents, herbicides, paper chemicals, photographic developers, plasticizers, research chemicals, softeners, weed killers, and wetting agents. NECC Supp'l § 104(e) Response (Aug. 22, 2002), Att. Q.

According to Olin Corp.'s website, the company purchased Philip A. Hunt in 1984. Olin Corp.'s last known business address is 190 Carondelet Plaza, Suite 1530, Clayton, MO 63105-3443. According to Fuji Hunt's website, however, it acquired Philip A. Hunt in 1989. Fuji Hunt's last known business address is 40 Boroline Road, Allendale, NJ 07401. It is unclear which company is responsible for Wayland Chemical's liability at the Centredale Manor Site.

We request that EPA issue CERCLA § 104(e) information requests to Olin and Fuji Hunt.

\* \* \*

In sum, we request that EPA issue initial CERCLA § 104(e) information requests to:

American Premier Underwriters, Inc.  
ANPC Associates Limited Partnership  
Chace Street, Inc.  
Fuji Hunt  
GM Holdings, Inc.  
Mallinckrodt Inc.  
Metallix Refining  
Nortek Inc.  
North American Heritage Brands  
Olin Corp.  
Precision Industries, Inc.  
Refinity Corp.  
Sanofi-Aventis  
Univar USA, Inc. (as successor to George Mann & Co.)

We request that EPA issue supplemental CERCLA § 104(e) information requests to:

ACW Industries  
BNS Co.  
Brown & Sharpe, Inc.  
Cal Chemical Corp.  
E.I. DuPont de Nemours & Co.  
Lubrx Products, Inc.  
Occidental Chemical Corp.  
Univar USA Inc. (as successor to G.M. Gannon Co.)

We request that EPA demand supplemental § 104(e) responses from:

A. Harrison & Co.  
Department of the Air Force  
Eastern Resins Corp.  
Phibro Animal Health Corp.  
THBC, Inc.

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We request that EPA issue participate and cooperate orders to:

Eastern Color & Chemical Co.  
Eastern Smelting & Refining Corp.  
THBC, Inc

We request that EPA issues notices of potential liability and participate and cooperate orders to:

Allendale Mills Associates Limited Partnership  
Department of the Navy  
Fluor NE, Inc.  
Plymouth Rubber Co.

Finally, we request that EPA assist us in interviewing Everett Efros and that EPA file a proof of claim in Synthron, Inc.'s bankruptcy proceeding.

We look forward to meeting with you on July 26 to discuss these parties. In the meantime, please feel free to contact us if you have any questions concerning this matter.

Sincerely,

  
Jerome C. Muys, Jr.

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cc: David Graham, Esquire  
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