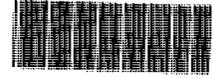




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MA 02114-2023

Statewide Records Center  
SITE: Centredale  
BRANCH: 11-9  
NUMBER: 285169



SDMS DocID 285169

**URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

August 7, 2007

Suzanne Krolikowski, Esq.  
Office of Counsel  
Department of the Navy  
NAVFAC-Midlant  
9742 Maryland Avenue (A-81, 2d Floor)  
Norfolk, VA 23511-3095

Re: Notice of Potential Liability for Centredale Manor Restoration Project Superfund Site,  
North Providence, Rhode Island

Dear Ms. Krolikowski:

This letter serves to formally notify the United States Navy of the potential liability which it has or may have incurred with respect to the Centredale Manor Restoration Project Superfund Site in North Providence, Rhode Island ("Site"). In addition, this letter requests that you pay certain costs related to the Site and that you prepare to participate in the conduct or financing of certain clean-up activities at the Site.

**NOTICE OF POTENTIAL LIABILITY**

The U.S. Environmental Protection Agency ("EPA") has documented the release or threatened release of hazardous substances, pollutants or contaminants at the Site. EPA has spent and is considering spending additional public funds on actions to investigate and control such releases or threatened releases. Unless EPA reaches an agreement under which a responsible party or parties such as yourself will properly perform or finance such actions, EPA may itself perform these actions or order responsible parties to perform these actions pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 *et seq.* ("CERCLA").

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), and other laws, responsible parties may be obligated to undertake actions deemed necessary by EPA to protect the public health, welfare or environment. Responsible parties may also be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such costs may include, but are not limited to, expenditures for investigation, planning, clean-up

response and enforcement activities. In addition, responsible parties may be required to pay damages for injury to, destruction of, or loss of natural resources, including the costs to assess such damages.

Responsible parties under CERCLA include persons who are current or former owners and/or operators of a site, persons who arranged for disposal of hazardous substances at a site, or persons who accepted hazardous substances for transport to a site selected by such persons.

EPA has evaluated a large body of evidence in connection with its investigation of the Site, including witness interviews; written statements and depositions from persons familiar with activities at the former chemical and drum refurbishing companies that operated at the Site; and responses to CERCLA Section 104(e) information requests. Based on this evidence, EPA has information indicating that you are a potentially responsible party (“PRP”) with respect to this Site. Specifically, EPA has reason to believe that you arranged by contract, agreement or otherwise for disposal or treatment, or arranged with a transporter for transport for disposal or treatment of hazardous substances found at the Site.

By this letter, EPA notifies you of your potential liability with regard to this matter. EPA also encourages you, as a PRP, to reimburse EPA for the costs incurred to date as set out below, and to prepare to voluntarily perform or finance future response activities which EPA determines are necessary to address the contamination at the Site.

#### **DEMAND FOR PAYMENT OF COSTS**

In accordance with CERCLA and other authorities, EPA has undertaken certain actions and incurred costs in response to conditions at the Site. These response actions are described below. The costs to date associated with these actions are approximately \$17.5 million, excluding interest. EPA anticipates that it will expend additional funds for response activities at the Site under the authority of CERCLA and other laws, including those response activities described below.

In accordance with Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), demand is hereby made for payment of the above amount, and all interest authorized to be recovered under that Section or under any other provisions of law. Demand is also hereby made under these authorities for payment of all future costs, and interest thereon, that EPA may accrue in regard to the Site.

#### **RESPONSE ACTIVITIES AT THE SITE**

EPA has conducted or is planning in the future to conduct the following activities at the Site:

## **1. Previous Site activities:**

### Previous activities by EPA

- established site security;
- restricted access to contaminated soils;
- conducted certain characterization activities to assist in determining the extent of contamination at the Site;
- installed one and partially installed a second interim cap over two contaminated soil areas at the Site;
- conducted an Engineering Evaluation/Cost Analysis for addressing the breached Allendale Dam and contaminated soil and sediment on residential-use properties; and
- conducted a remedial investigation to identify the characteristics of the Site, to define the nature and extent of soil, sediment, air, surface water and ground water contamination at the Site, and to characterize the risk posed by the Site.

### Previous activities by PRPs

- completed installation of a second interim cap over a contaminated soil area at the Site;
- completed the restoration of the Allendale Dam;
- sampled, analyzed, excavated and disposed of contaminated soils and sediments located in areas accessible by residential and recreational users; and
- completed the reconstruction of the tail-race, including the construction of a cap over contaminated soil and sediment and construction of a drainage swale to prevent migration.

## **2. Current Site activities:**

### Current activities by EPA

- a feasibility study to evaluate a number of different means for addressing the contamination at the Site and the risk posed by that contamination.

### Current activities by PRPs

- performance of studies and investigations to assist EPA in its analysis of the conditions that would potentially result from the removal of the Allendale and Lyman Mill Dams.

## **3. Future Site activities:**

Future work at the Site may include removal actions to address any remaining sources of contamination. Future work shall also include the design and implementation of the remedial action to be selected and approved by EPA for the Site and any operation, maintenance and monitoring activities necessary at the Site.

In addition to those activities enumerated above, EPA may, pursuant to its authorities under CERCLA and other laws, decide that other studies or clean-up activities are necessary to protect public health, welfare or the environment.

## **FUTURE SPECIAL NOTICE AND NEGOTIATION MORATORIUM**

At an appropriate point in the future, EPA will send to you, or a person you designate to represent you, a notice informing you that one or more of the above activities is pending and that your cooperation is being requested to negotiate an agreement to perform or finance those activities.

This forthcoming notice will tell you whether EPA has decided to use the "Special Notice" procedures pursuant to CERCLA Section 122(e), 42 U.S.C. § 9622(e), to formally negotiate the terms of a consent order or consent decree to conduct or finance response activities at the Site. If EPA does not use Section 122(e) Special Notice procedures, the notice will explain to you why EPA has determined that those procedures are not appropriate for this Site.

If EPA chooses to employ the Special Notice procedures under Section 122(e) of CERCLA, that notice will commence formal negotiations between EPA and the PRPs. This notice will also trigger a moratorium on certain EPA activities at the Site. The purpose of the moratorium is to provide a period of time when PRPs and EPA may negotiate a settlement.

## **INFORMATION TO ASSIST POTENTIALLY RESPONSIBLE PARTIES**

### **SITE INFORMATION**

In order to encourage you to meet with other PRPs, the following information has been enclosed with this letter:

1. A list of contacts for PRPs previously identified for this Site (Enclosure A).
2. An evidentiary summary which sets forth the documentary evidence which indicates, along with other investigatory information gathered by EPA, that you are a PRP for this Site (Enclosure B).
3. A compact disk set (with user manual) that contains evidentiary documents including responses to EPA's information requests; deposition transcripts; and summaries of interviews or written statements from former employees of the companies that previously operated at the Site (Enclosure C). EPA is in the process of updating the disk with documents issued or received since June 2003 and will provide copies to all of the PRPs upon completion.
4. A compact disk set that contains that portion of the ongoing administrative record file that is not available on EPA's website (Enclosure D).

## ADMINISTRATIVE RECORD

In accordance with Section 113(k) of CERCLA, EPA must establish an administrative record containing the documents used by EPA to select the appropriate response actions for the Site.

The administrative record file for past response actions is available to the public for inspection at:

EPA Records Center  
1 Congress Street  
Boston, MA 02114-2023  
Telephone No. 617-918-1440.

Please call the EPA Records Center at (617) 918-1440 for current hours and directions.

This administrative record file is also available at North Providence Union Free Library, 1810 Mineral Springs Ave., North Providence RI 02911 and Marion J. Mohr Memorial Library, 1 Memorial Avenue, Johnston, RI 02919.

In addition, this administrative record file is available at <http://www.epa.gov/region01/superfund/resource/centredale.htm>.

In most cases, EPA seeks an active dialogue with PRPs regarding the search for additional PRPs. If you have evidence regarding the liability of any party for response actions at the Site which has not already been provided to EPA, you should provide that information no later than thirty (30) days from the date of this letter. In addition, if you are interested in participating in the search for additional PRPs, you should contact members of the EPA case team, listed below, for guidance on how you can best target your efforts. You should note that any evidence which you gather and offer to EPA regarding other PRPs will be subject to independent evaluation by EPA. Therefore, this evidence must be reliable and sufficiently detailed to be verified by EPA.

## ORPHAN SHARE INFORMATION

Pursuant to the Superfund Reforms, when EPA enters into certain settlements, EPA may compensate settlors for a portion of the shares specifically attributable to insolvent and defunct PRPs ("orphan share"), if any. EPA believes that there may be PRPs at this site who are insolvent or defunct. If in the future you, either individually or with other PRPs, enter into a cost recovery or RD/RA settlement with EPA and provide sufficient information about the existence, liability, and relative shares of responsibility of insolvent and defunct PRPs, EPA will analyze the information and determine whether to consider the shares of these parties in the amount of past costs and future oversight costs which EPA will seek to recover in such settlement.

## STEERING COMMITTEE

EPA recommends that all PRPs form a steering committee to negotiate on behalf of the entire group of PRPs, and to otherwise pursue the interests of the PRPs. Establishing an effective steering committee, which represents the different interests of the PRPs at the Site, is a critical component of the negotiation process.

EPA recognizes that the organization of a steering committee and the allocation of responsibility among PRPs may be difficult. If PRPs are unable to organize an effective steering committee or to reach consensus among themselves, we encourage the use of the services of a neutral third party to facilitate negotiations. If requested, EPA can provide a list of experienced third-party neutrals and help arrange for the PRPs to meet with such a neutral.

## TIMING AND FORM OF RESPONSE TO THIS LETTER

As a PRP, you should notify EPA in writing within 30 days from the date of this letter of your receipt of this letter, and your willingness to join the other PRPs in addressing the contamination at the Site, and in paying EPA's outstanding response costs set out in this letter. Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary clean-up action, or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you with respect to any such activities. EPA requests that you report the status of such Site-related activities in your response to this letter.

Your response letter should be sent to:

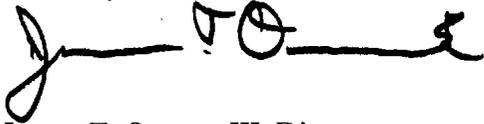
Anna Krasko  
U.S. Environmental Protection Agency  
Office of Site Remediation and Restoration  
1 Congress Street, Suite 1100 (HBO)  
Boston, MA 02114-2023

If EPA does not receive a timely response to this letter, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the Site and that you have declined any involvement in performing the response activities, and paying outstanding costs.

If you have questions regarding the Site or this notice letter, please contact Anna Krasko at (617) 918-1232. If you have an attorney representing you in this matter, please direct his or her questions to Eve Vaudo of the EPA Office of Environmental Stewardship at (617) 918-1089.

The factual and legal discussions in this letter are intended solely to provide notice and information, and such discussions are not to be construed as a final agency position on any matter set forth herein. Due to the seriousness of the environmental and legal problems posed by conditions at the Site, EPA urges that immediate attention and a prompt response be given to this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "James T. Owens, III". The signature is fluid and cursive, with a large initial "J" and a distinct "O" in the middle.

James T. Owens, III, Director  
Office of Site Remediation and Restoration

Enclosures

cc: Scott Schachter, USDOJ  
Patty Fairweather, RIDEM Legal Services  
Louis Maccarone, RIDEM Remedial Project Manager  
Eve Vaudo, EPA Office of Environmental Stewardship  
Anna Krasko, EPA Remedial Project Manager  
Jim Murphy, EPA Community Involvement Coordinator  
Bruce Marshall, Chief, Search & Cost Recovery Section

July 2007

**CENTREDALE MANOR RESTORATION PROJECT SUPERFUND SITE**

1. American Mineral Spirits Company

Richard T. Hughes  
Law Department  
Chevron U.S.A. Inc.  
1500 Louisiana Street  
Room 36050C  
Houston, TX 77002  
(P): (832) 854-6449  
(F): (832) 854-6496  
RHughes@chevron.com

2. Ciba Specialty Chemicals Corporation

Rachel E. Deming, Esq.  
Scarola Ellis LLP  
888 Seventh Avenue  
45<sup>th</sup> Floor  
New York, NY 10106  
(P): (212) 757-0007, ext. 352  
(F): (212) 757-0469  
red@selaw.com

R. Howard Grubbs, Esq.  
Womble Carlyle Sandridge & Rice, PLLC  
P.O. Box 10208  
Greenville, SC 29603-0208  
hgrubbs@wcsr.com

3. CNA Holdings, Inc.

David B. Graham, Esq.  
Kaufman & Canoles, P.C.  
4801 Courthouse Street, Suite 300  
Williamsburg, VA 23188  
(P): (757) 259-3855  
(F): (757) 259-3838  
dbgraham@kaufcan.com

4. ConocoPhillips Company

Stephen P. Chung, Esq.  
Counsel  
ConocoPhillips Company  
Legal - ML 1112  
600 North Dairy Ashford  
Houston, TX 77079  
(P): (281) 293-6231  
(F): (281) 293-1987  
stephen.chung@conocophillips.com

Ms. Willette A. DuBose  
Senior Legal Assistant  
ConocoPhillips Company  
Legal-ML 1116  
600 North Dairy Ashford  
Houston, TX 77079  
(P): (281) 293-6952  
(F): (281) 293-1987

5. Cranston Print Works Company

Steven M. McInnis, Esq.  
38 Bellevue Avenue  
Newport, Rhode Island 02840  
(P): (401) 841-8480  
(F): (401) 841-8555  
steve@mcinnislaw.com

6. Crown-Metro, Inc.

Knox L. Haynsworth, III, Esq.  
Brown, Massey, Evans, McLeod & Haynsworth, LLC  
P.O. Box 2464  
Greenville, SC 29602  
(P): 864-271-7424  
(F): 864-242-6469

7. Eastern Color & Chemical Company

Gregory L. Benik, Esq.  
Nixon and Peabody  
1 Citizens Plaza  
Providence, RI 02903  
(P) 401-454-1025  
(F)  
[gbenik@nixonpeabody.com](mailto:gbenik@nixonpeabody.com)

Mr. Barry S. Shepard  
President  
Eastern Color & Chemical Company  
35 Livingston Street  
Providence, RI 02904  
(P): (401) 331-9000  
(F): (401) 331-2155

8. Eli Lilly and Company

Jerome I. Maynard, Esq.  
Dykema Gossett Rooks Pitts PLLC  
10 S. Wacker, Suite 2300  
Chicago, IL 60606  
(P): (312) 627-2185  
(F): (312) 627-2302  
[jmaynard@dykema.com](mailto:jmaynard@dykema.com)

9. Emhart Industries, Inc.

Jerome C. Muys, Jr., Esq.  
Sullivan & Worcester  
1666 K Street, N.W.  
Washington, DC 20006  
(P): 202-370-3920  
(F): 202-293-2275  
[jcmuys@sandw.com](mailto:jcmuys@sandw.com)

10. New England Container Company, Inc.

James Ray, Esq.  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, CT 06103-3597  
(P): 860-275-8257  
(F): 860-275-8299

11. Organic Dyestuffs Corporation

Greg Gormley  
Organic Dyestuffs  
P.O. Box 14258  
East Providence, RI 02914  
(P): 401-434-3300  
(F):  
[greg@organicdye.com](mailto:greg@organicdye.com)

12. Refinity Corporation

Mark Kalpin, Esq.  
Hale and Dorr  
60 State Street  
Boston, MA 02109  
(P): 617-526-6176  
(F): 617-526-5000

13. Sequa Corporation

Gary Donner, Esq.  
Robertson, Freilich, Bruno & Cohen, LLC  
The Legal Center  
1 Riverfront Plaza  
Newark, NJ 07102  
(973) 848-2100

14. The Original Bradford Soap Works, Inc.

Richard A. Sherman, Esq.  
Edwards & Angell, LLP  
2800 Financial Plaza  
Providence, RI 02903  
(P): 401-276-6513  
(F): 401-276-6611  
rsherman@eapdlaw.com

15. Teknor Apex Company

Gregory L. Benik, Esq.  
Nixon and Peabody  
1 Citizens Plaza  
Providence, RI 02903  
(P) 401-454-1025  
(F)  
gbenik@nixonpeabody.com

Mr. David F. Yopak  
Director of Environmental, Health and Safety  
Teknor Apex Company  
505 Central Avenue  
Pawtucket, RI 02861-1900  
(P) 401-725-8000  
(F) 401-725-0978  
dyopak@teknorapex.com

16. THBC, Inc.

Mr. Charles E. Bradley  
President  
THBC, Inc.  
c/o Stanwich Partners, Inc.  
62 Southfield Avenue  
Stamford, CT 06902

Scott Junkin, Esq.

Enclosure B

**For Settlement Purposes Only**

**CENTREDALE MANOR RESTORATION PROJECT SUPERFUND SITE**

**United States Navy  
Former Naval Base at Quonset Point  
Quonset Point, Rhode Island**

**Contact: Mr. Ralph Lombardo, Counsel  
Department of Navy  
Northern Division NAVFAC  
10 Industrial Highway  
Lester, PA 19113**

Evidentiary Summary

In response to EPA's request for information, the United States Navy states that it operated a naval base in Quonset Point, Rhode Island from 1942 to 1974. (Navy Response dated May 31, 2001.) The base was used for the overhaul and maintenance of aircraft and ships, as well as for performing patrols of the North Atlantic by Naval aircraft. (Navy Response dated May 31, 2001.) With its response, the United States Navy also included a copy of excerpts from the Final Initial Assessment Study of the Naval Education and Training Center, Newport, RI, NEESA Document 13-124. According to those excerpts, drums of liquid waste were stored in the field from the late 1960s until Quonset Point was decommissioned in 1974. The report also states that as many as 500 drums were stored at the site any any given time and the drums largely contained petroleum products, some of which were in "deteriorating condition and may have leaked liquids onto the ground." (NEESA Document, Chapter 8).

New England Container Company, Inc. ("NECC") operated a drum refurbishing business at 2074 Smith Street in North Providence, Rhode Island from approximately 1952 to approximately mid-1971. This property is now part of the Centredale Manor Restoration Project Superfund Site ("Site"). EPA has requested and received information from NECC about its operations. In addition, EPA personnel have interviewed many former employees of NECC. One of the former NECC employees interviewed as part of this investigation was employed by NECC from about 1956 to about 1969 and drove a truck for about six of those years. According to a signed statement dated October 27, 2000, this individual stated that he picked up 2,400 fifty-five gallon barrels with turbine oil residues from the Quonset Point naval base on one occasion in the 1960s. This information was confirmed in a subsequent interview dated December 11, 2001 and again in a signed statement dated August 14, 2002.

Vincent Buonanno confirmed that the U.S. Navy supplied drums that previously contained

lubricating oils to NECC in a deposition taken on March 28, 2003 in Russell-Stanley Holdings v. Vincent Buonanno (U.S. Dist. Ct., So. District of NY). According to his deposition, Mr. Buonanno's father was a part owner of NECC. Mr. Buonanno worked at NECC in the summers in the early 1960s; became a salesperson in 1967; and eventually became the Chief Executive Officer.

NECC's refurbishing operations resulted in contamination at the Site. NECC received drums by truck. The drums were then unloaded and stacked on the ground. The contents of some of the drums leaked onto the ground. Drums were then placed upside down on a conveyor belt inside a furnace. The drum contents either drained into a pit located under the conveyor belt or were burned out. Ash from the incineration process either fell into the pit or was swept into the pit. (The liquid contents of some drums may have been emptied into other drums or onto the ground before being placed on the conveyor belt.) The contents of the pits were emptied periodically into drums. Those drums or the contents of those drums were then taken to an area south of the facility (but still within the Site property) and dumped. Residents living near the Site observed the dumping of drums in this area. In addition, residents observed bulldozers burying drums into the ground.