

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
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BOSTON, MA 02109**

**Memorandum**

**DATE:** September 27, 2012  
**SUBJ:** Centredale Manor Superfund Site, North Providence, RI  
**FROM:** Eve Vaudo, Senior Enforcement Counsel, EPA   
**TO:** File

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In a July 18, 2007 letter from Jeffrey Karp on behalf of Emhart Industries, Inc., counsel stated that enforceable mechanisms currently exist to maintain the existing caps and asphalt areas in the Source Area of the Centredale Manor Site. Specifically, counsel asserted that the owners of the two apartment buildings on-site are required to maintain the caps installed during removal actions pursuant to Consent Decrees signed in 2006 (Civ. Act. No. 05 195S). The Consent Decrees referred to by counsel require Brook Village Associates Limited Partnership and Centerdale Manor Associates to "maintain the Property in a manner appropriate for a residential apartment complex (including standard landscaping activities)..." This provision (present in both consent decrees) was intended to require the building owners to maintain the asphalt driveway and parking areas and mow the grass over the caps in a manner that would be expected from a prudent landowner while they own and operate the buildings. (The Consent Decrees require the building owners to operate their properties as affordable housing for at least 40 years.)

This maintenance obligation was incorporated to insure that the grass would be maintained over the engineered soil caps and the asphalt caps would remain intact. It was not intended to take the place of institutional controls designed to insure the protectiveness of a cap covering soil contaminated with dioxins and other contaminants. The commenter does not provide any support for his assertion that landscaping grass and sealing pavement during the time that the parties own the buildings is sufficient to minimize exposure to the waste present under the caps and insure that they remain protective of human health and the environment into the future.

