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October 11, 2000

Centredale, RI 02
9725

By Hand
Catherine Garypie, Esq.
United States Environmental
Protection Agency, Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Re: Centredale Manor Superfund Site

Dear Catherine:

We have received the EE/CA and are preparing to participate in the public comment process. To enable us to do so, please provide us with the facts that EPA is aware of supporting the following statements in the EE/CA as they relate to Brook Village:

(1) "Releases of hazardous substances may have also occurred during construction of [Brook Village]." (Page 1-5); and

(2) "During construction of the Brook Village and Centredale Manor apartment buildings, approximately 400 drums and 6,000 cubic yards of contaminated soil were removed from the property by GZA Geo Environmental, Inc." (Page 1-7).

We are not aware of any facts demonstrating that releases of hazardous substances occurred during construction of Brook Village, and request that you provide us with the factual basis for EPA's assertion.

In addition, please provide us with the facts establishing that any of the 400 drums removed by GZA were removed from property owned by Brook Village (Lot 200). Because RIDEM supervised GZA's removal of these drums from the vacant Centredale Lot 250 almost 5 years after the Brook Village development was completed (with all related parking areas, roadways and landscaping), it is hard to understand how EPA asserts that any of the 400 drums were removed from the Brook Village property.

Also, in reviewing the EE/CA, it appears that the response activities proposed by EPA will not be performed on the Brook Village property. Rather it appears that the response activities will take place on property to the south of Brook Village, including areas around the Allendale Pond and the Lymansville Pond up to one mile away. We assume, therefore, that EPA will not be requiring Brook Village to participate in those response activities. If, however, EPA plans on requiring Brook Village to participate in those activities, we would like to know the legal basis for EPA's position, including the citation of any supporting cases.

As you are aware, Brook Village provides affordable housing to the elderly and owns just a small fraction of the Site (as defined by the EPA). Brook Village was not involved in the generation or disposal of any of the hazardous substances on the Site. Under these circumstances, it would be wholly inappropriate to require Brook Village to incur the cost of participating in EPA's clean-up activities as set forth in the EE/CA.

Thank you for your attention to the questions and concerns raised in this letter.

Sincerely,

Howard J. Castleman

Howard J. Castleman

HJC/mk: Garypie ltr EECA.doc
cc: Mr. Samuel Ross
Colburn T. Cherney, Esq.