



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND
1 CONGRESS ST., SUITE 1100
BOSTON, MA 02114-2023

Centredale, 0000
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9/17/00

October 19, 2000

VIA FACSIMILE AND REGULAR MAIL

Howard Castleman
Murtha Cullina Roche Carens & DeGiacomo
99 High Street
Boston, MA 02110

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

Dear Mr. Castleman:

The United States Environmental Protection Agency ("EPA" or "Agency") is in receipt of your October 11 letter. Brook Village asserts that in order to comment on the Evaluation/Cost Analysis ("EE/CA"), it needs "...the facts that EPA is aware of..." supporting two sentences in the EE/CA. As you know, the goals of the EE/CA are essentially to identify the objectives of the removal action and to analyze the various alternatives that may be used to satisfy these objectives for cost, effectiveness and implementability. The sentences on which Brook Village focuses contain background information regarding the Site. Therefore, while it is somewhat unclear to EPA why Brook Village would be unable to comment on the EE/CA without clarification regarding background information, EPA is nonetheless willing to provide additional information about Section 1 of the EE/CA.

The first sentence for which Brook Village seeks clarification appears on page 1-5 of the EE/CA. Specifically, the EE/CA states:

...The Brook Village Apartment Building was constructed in 1977 and the Centredale Manor Apartment Building was constructed in 1982. *Releases of hazardous substances may have also occurred during construction of these buildings.* (Emphasis added)

EPA believes it is reasonable to infer that since significantly elevated levels of hazardous substances were found adjacent to the buildings where we know that significant construction activities took place (e.g., earth work, soil boring), it is reasonable to infer that releases of those hazardous substances may have occurred during construction (see also the March 3, 2000 EPA letter to Brook Village).

The second sentence for which you seek clarification appears on page 1-7 of the EE/CA

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 GeoEnvironmental, Inc.

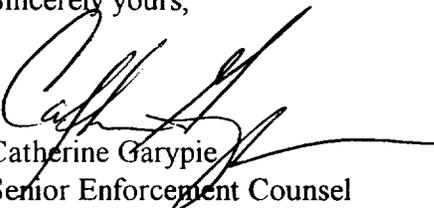
EPA has documents supporting this statement. They are contained in documents which were previously provided to Brook Village by EPA.¹ Some of these records are also included in the Administrative Record for the EE/CA. Although these documents include information regarding drum and soil removal by GZA on the Centredale Manor property, EPA does not have information indicating that GZA removed materials from the Brook Village property. EPA acknowledges that this sentence is partially erroneous.

Please be advised that the clarifications made herein will be made part of the administrative record for the non-time-critical removal by the inclusion of both the October 11 letter from Brook Village and this response.

Brook Village also seeks assurances from EPA regarding required participation in undertaking the response activities described in the EE/CA. As an initial matter, EPA notes that the Site includes the source or sources of contamination and any area where a hazardous substance release has "come to be located". See CERCLA §101(9). Thus, both the source area (including Brook Village) and the areas where hazardous substances from the source area have been disposed or have come to be located (including the areas addressed by the EE/CA) are part of the Site. At this Site, EPA has made a preliminary determination regarding the potential liability of five parties, including Brook Village. It is well-settled that liable parties under CERCLA are jointly and severally liable. *O'Neil v. Picillo*, 883 F.2d 176 (1st Cir. 1989), *cert. denied*, 493 U.S. 1071 (1990). Therefore, EPA anticipates that once an alternative have been selected, all PRPs, including Brook Village, will be offered the opportunity to perform and/or fund the alternative which is selected.

Please do not hesitate to contact me if you have questions regarding this matter. I can be reached at (617) 918-1540.

Sincerely yours,


Catherine Garypie
Senior Enforcement Counsel

¹ Documents were transmitted from EPA to Brook Village on the following dates: October 5, 1999; November 8, 1999; December 6, 1999; December 13, 1999; January 10, 2000; February 24, 2000; April 13, 2000; June 20, 2000; April 13, 2000; June 20, 2000; August 1, 2000; and, September 18, 2000.

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