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RHODE ISLAND

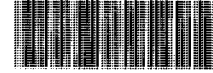
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Centredale Manor
Centredale
Box 9-1
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July 21, 2006



SDMS DocID

273405

Mr. Ted Bzenas, On Scene Coordinator
USEPA – New England - HBR
1 Congress Street, Suite 1100
Boston, MA 02114-2023

RE: Centredale Manor Restoration Project, North Providence, Rhode Island
Time Critical Removal Activity – Tailrace Capping Project

Dear Mr. Bzenas:

This Office has received your letter of June 27, 2006, notifying the Department (RIDEM) of the completion of the tailrace capping removal action. The Department appreciates the work of the performing parties and the oversight provided by EPA in this matter. These efforts have done much to address potential migration of dioxin contamination on the Centredale Manor property.

Your letter advises the Department that the EPA Emergency Response Branch does not engage in operation and maintenance (O&M) at removal sites. Therefore, the issue regarding operation and maintenance will be directed to RIDEM. Given that the site has not yet been fully addressed through the Superfund process, RIDEM strongly disagrees with operation and maintenance responsibilities being turned over to the Department at this time.

Although this is not a fund financed removal, the Code of Federal Regulations (CFR), Title 40, Section 300.415(k) states, "provision for post-removal site control following a Fund-financed removal action at both NPL and non-NPL sites is encouraged to be made prior to the initiation of the removal action." Even though this provision is not directly applicable to this site, if EPA wished to have RIDEM assume O&M responsibility before the implementation of the final remedy, we believe that issue should have been discussed prior to the removal process. Also, this paragraph describes that potentially responsible parties and EPA's remedial program may conduct post-removal site control. Until the site itself enters into the Operation and Maintenance phase, as described in 40 CFR 300.435(f), EPA, being the lead oversight agency, should keep O&M responsibilities. RIDEM strongly believes that if the EPA is unwilling to continue O&M of the tailrace, they should approach the potentially responsible parties about taking on this task.

Furthermore, this Office does not believe that the removal action cap is "operational and functional" as stated in 40 CFR 300.435(f)(2). The cap was designed not only to prevent

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migration of dioxin-contaminated soil, but also to allow drainage for stormwater and prevent vegetation from impacting the cap function. As of this letter, there is significant vegetation growing in and significant sedimentation of the drainage swale of the tailrace cap, and substantial erosion around the gross particle separator as a result of the separator being clogged. This erosion has exposed potentially contaminated soils as a result of the displacement of the permeable mat, geo-web structure and incorporated stone cover. There is also sedimentation of the drainage swale at the end of Steere Avenue, Grover Street, and Redfern Street as mentioned in letters of August 6, 2003 and January 15, 2004. This issue was not satisfactorily addressed.

It is understood that the potentially responsible parties (PRPs) that refer to themselves as the Performing Parties and the Rhode Island Department of Transportation (RIDOT) have an agreement in place, where RIDOT will clean the gross particle separator as a part of their semi-annual maintenance program. It is the responsibility of the Performing Parties to enforce this agreement with RIDOT, and ensure the cap is not further impacted.

If EPA is not in agreement with our position on this matter, it may need to be discussed at greater length and with our respective management. In the meantime, I would like to schedule a site inspection with you to review some of these significant concerns. Please inform me of your availability over the next two weeks via either phone (401-222-2797, ext. 7142) or e-mail (louis.maccarone@dem.ri.gov). If you have any other questions or concerns, feel free to contact me.

Sincerely,



Louis R. Maccarone II, Engineer
Office of Waste Management

cc: T. Gray, RIDEM Assoc. Dir.
L. Hellested, RIDEM OWM
M. DeStefano, RIDEM OWM
M. Jasinski, EPA OSRR
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