

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION I

In the Matter of:	)	
	)	U.S. EPA New England
	)	CERCLA Docket No.
Centredale Manor Restoration Project	)	CERCLA-1-2001-0032
Superfund Site	)	
Brook Village Associates Limited Partnership;	)	
Centerdale Manor Associates Limited Partnership;	)	
Crown Metro, Inc.; Emhart Industries, Inc., and;	)	
New England Container Company, Inc.	)	
	)	SECOND AMENDMENT TO
Respondents,	)	SECOND ADMINISTRATIVE
	)	ORDER FOR REMOVAL ACTION
Proceeding under Section 106(a) of the	)	
Comprehensive Environmental Response,	)	
Compensation and Liability Act, as	)	
as amended, 42 U.S.C. § 9606(a)	)	

SECOND AMENDMENT
TO SECOND ADMINISTRATIVE ORDER FOR REMOVAL ACTION

Pursuant to paragraph 92 of the Second Administrative Order For Removal Action (as amended), the On-Scene Coordinator hereby amends the schedule of work in paragraphs 49-67 and the Statement of Work as follows:

Paragraph 60 of the Second Administrative Order for Removal Action, which originally read:

"60. Within ten (10) days of EPA approval of the 100% Design, Respondents shall conduct a preconstruction meeting and start construction. Within one hundred twenty (120) days (November 23, 2001) of EPA approval of the 100% Design, Respondents shall submit to EPA for approval and the State for review and comment, a Post-Removal Site Control Plan. Within on hundred eighty (180) days (January 22, 2002) of EPA approval of the 100% Design, Respondents shall implement all institutional controls. "

shall now read:

"60. Within ten (10) days of EPA approval of the 100% Design, Respondents shall conduct a preconstruction meeting and start construction. Within one hundred twenty (120) days (November 23, 2001) of EPA approval of the 100% Design, Respondents

shall submit to EPA for approval and the State for review and comment, a Post-Removal Site Control Plan. On or before June 15, 2002, Respondents shall implement all institutional controls. On or before May 7, 2003, Respondents shall substantially complete construction."

Paragraph IV.A.1 of the Statement of Work, which formally read:

"1. Implementation Schedule

Within 90 days of the effective date of this Order, the Respondents shall submit an Implementation Schedule. The Implementation Schedule shall identify the date for performance of all major milestones to be performed in order to implement the NTCRA, including the date for submission of all deliverables required by this section of the SOW. The Implementation Schedule shall include the following deadlines:

- a. The Respondents shall conduct a preconstruction meeting with representatives from the EPA, COE, RI DEM and shall start construction 10 days after EPA Approval of the 100% Design;
- b. The Respondents shall substantially complete the construction of the NTCRA within 448 days (October 16, 2002) of EPA Approval of the 100% Design;
- c. The Respondents shall submit to EPA and RI DEM the Implementation Workplan and the Project Operations Plan within 90 days of the effective date of this Order;
- d. The Respondents shall submit to EPA and RI DEM the Post-Removal Site Control Plan within 120 days (November 23, 2001) of EPA Approval of the 100% Design; and
- e. The Respondents shall implement all required institutional controls within 180 days (January 22, 2002) of EPA Approval of the 100% DESIGN.

The Respondents shall receive EPA Approval of the determination that construction is complete in compliance with the Performance Standards. Prior to receiving EPA Approval, the Respondents shall perform a final inspection with EPA and submit a Demonstration of Compliance Report, demonstrating that the construction has been completed and the system is operating in compliance with the Performance Standards."

shall now read:

"1. Implementation Schedule

Within 90 days of the effective date of this Order, the Respondents shall submit an Implementation Schedule. The Implementation Schedule shall identify the date for performance of all major milestones to be performed in order to implement the NTCRA, including the date for submission of all deliverables required by this section of the SOW. The Implementation Schedule shall include the following deadlines:

- a. The Respondents shall conduct a preconstruction meeting with representatives from the EPA, COE, RI DEM and shall start construction 10 days after EPA Approval of the 100% Design;
- b. The Respondents shall substantially complete the construction of the NTCRA on or before May 7, 2003;
- c. The Respondents shall submit to EPA and RI DEM the Implementation Workplan and the Project Operations Plan within 90 days of the effective date of this Order. Respondents shall submit to EPA and RI DEM a Modified Field Sampling Plan on or before March 8, 2002. Respondents shall begin implementation of the Modified Field Sampling Plan, as approved by EPA, on or before April 1, 2002. Respondents shall begin soil excavation and disposal (for those soils related to residential and recreational use) on or before October 28, 2002;
- d. The Respondents shall submit to EPA and RI DEM the Post-Removal Site Control Plan within 120 days (November 23, 2001) of EPA Approval of the 100% Design; and
- e. The Respondents shall implement all required institutional controls on or before June 15, 2002.

The Respondents shall receive EPA Approval of the determination that construction is complete in compliance with the Performance Standards. Prior to receiving EPA Approval, the Respondents shall perform a final inspection with EPA and submit a Demonstration of Compliance Report, demonstrating that the construction has been completed and the system is operating in compliance with the Performance Standards."

Paragraph V.A.5.b of the Statement of Work, which formally read:

"b. Other Property

if the Site, or any other property where access and/or land/water use restrictions are needed to implement this Order, is owned or controlled by persons other than any of the Respondents, Respondents shall use best efforts to secure from such persons the execution and recordation in the Recorder's Office or Registry of Deeds or other appropriate land records office of Providence County, State of Rhode Island, of an easement, running with the land, that grants the right to enforce the land/water use restrictions found in the January 18, 2001 Action Memorandum, or other restrictions that EPA determines are necessary to implement, ensure non-interference with, or ensure the protectiveness of the response activities to be performed pursuant to this Order. Respondents shall grant the rights to enforce the land/water use restrictions to one or more of the following persons, as determined by EPA, (i) EPA and its representatives, (ii) the State and its representatives, (iii) the other Respondents and their representatives, and/or (iv) other appropriate grantees.

If EPA so requests, Respondents shall submit to EPA for review and approval with respect to such property:

1. A draft easement, in substantially the form attached hereto as Attachment 2, that is enforceable under the laws of the State of Rhode Island, free and clear of all prior liens and encumbrances (except as approved by EPA), and acceptable under the Attorney General's Title Regulations promulgated pursuant to 40 U.S.C. § 255; and
2. a current title commitment or report prepared in accordance with the U.S. Department of Justice Standards for the Preparation of Title Evidence in Land Acquisitions by the United States (1970) (the "Standards").

Within 15 days of EPA's approval and acceptance of the easement, Respondents shall update the title search and, if it is determined that nothing has occurred since the effective date of the commitment or report to affect the title adversely, the easement shall be recorded with the Recorder's Office or Registry of Deeds or other appropriate office of

Providence County. Within 30 days of the recording of the easement, Respondents shall provide EPA with final title evidence acceptable under the Standards, and a certified copy of the original recorded easement showing the clerk's recording stamps."

shall now read:

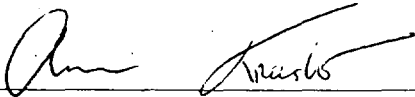
"b. Other Property

If the Site, or any other property where access and/or land/water use restrictions are needed to implement this Order, is owned or controlled by persons other than any of the Respondents, Respondents shall use best efforts to secure from such persons the execution and recordation in the Recorder's Office or Registry of Deeds or other appropriate land records office of Providence County, State of Rhode Island, of an easement, running with the land, that grants the right to enforce the land/water use restrictions found in the January 18, 2001 Action Memorandum, or other restrictions that EPA determines are necessary to implement, ensure non-interference with, or ensure the protectiveness of the response activities to be performed pursuant to this Order. Respondents shall grant the rights to enforce the land/water use restrictions to one or more of the following persons, as determined by EPA, (i) EPA and its representatives, (ii) the State and its representatives, (iii) the other Respondents and their representatives, and/or (iv) other appropriate grantees.

On or before October 31, 2001 Respondents shall submit to EPA for review and approval with respect to such property:

1. A draft easement, in substantially the form attached hereto as Attachment 2, that is enforceable under the laws of the State of Rhode Island, free and clear of all prior liens and encumbrances (except as approved by EPA), and acceptable under the Attorney General's Title Regulations promulgated pursuant to 40 U.S.C. § 255; and
2. a current title commitment or report prepared in accordance with the U.S. Department of Justice Standards for the Preparation of Title Evidence in Land Acquisitions by the United States (1970) (the "Standards").

Upon receipt of EPA's approval and acceptance of the easement, Respondents shall present the easement to such owners and obtain the signatures of such owners on or before April 30, 2002. If such owners wish to make any changes to the easement approved by EPA, Respondents shall promptly consult with EPA. On or before May 15, 2002, Respondents shall update the title search and, if it is determined that nothing has occurred since the effective date of the commitment or report to affect the title adversely, the easement shall be recorded with the Recorder's Office or Registry of Deeds or other appropriate office of Providence County. On or before June 15, 2002, Respondents shall provide EPA with final title evidence acceptable under the Standards, and a certified copy of the original recorded easement showing the clerk's recording stamps."



Anna Krasko, On-Scene Coordinator
Office of Site Remediation & Restoration

3/25/02

Date