

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
EPA NEW ENGLAND

Centredale Manor
10.7
9306

In the Matter of:

Centredale Manor Restoration Project
Superfund Site

Brook Village Associates Limited Partnership;
Centerdale Manor Associates Limited Partnership;
Crown Metro, Inc.; Emhart Industries, Inc.,
and; New England Container Company, Inc.

Respondents,

Proceeding under Section 106(a) of the
Comprehensive Environmental Response,
Compensation and Liability Act, as
as amended, 42 U.S.C. § 9606(a)

U.S. EPA Region I
CERCLA Docket No.
CERCLA1-2000-0026

UNILATERAL
ADMINISTRATIVE
ORDER FOR REMOVAL
ACTION

JURISDICTION

1. This Administrative Order ("Order") is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. § 9606(a). This authority was delegated to the Administrator of the United States Environmental Protection Agency ("EPA") on January 23, 1987, by Executive Order 12580, 52 Fed. Reg. 2926 (January 29, 1987), and further delegated to the Regional Administrators by EPA Delegation Nos. 14-14-A (April 15, 1994) and 14-14-B (May 11, 1994)) and further delegated to the Director, Office of Site Remediation and Restoration by Region I Delegations 14-14-A (September 29, 1995) and 14-14-B (September 3, 1996).

STATE COORDINATION

2. Pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), the State of Rhode Island has been notified in writing of the issuance of this Order.

9306

PURPOSE

3. The purpose of this Order is to compel the Respondents to perform certain removal activities at the Centredale Manor Restoration Project Superfund Site in North Providence, Rhode Island, as set forth in the Action Memoranda signed by Director of the Office of Site Remediation and Restoration on May 4, 1999, and September 13, 1999, and the Scope of Work appended to this Order as Appendix A.

FINDINGS OF FACT

4. Numerous hazardous substances have been found at the Centredale Manor Restoration Project Superfund Site ("Site"), including 2,3,7,8 -Tetrachlorodibenzo-*p*-Dioxin, PCBs, volatile organic compounds, semi-volatile organic compounds, and metals.

5. These hazardous substances have been found in surface and subsurface soil, sediment and at the groundwater/surface water interface in the Woonasquatucket River at the Site. Surface soil locations include areas within 50 feet of the senior highrise housing complexes located on the main portion of the Site, and areas on residential parcels along the River.

6. Hazardous substances were disposed of at the Site as part of former operations of several chemical companies (the Atlantic Chemical Company, Metro-Atlantic Inc., and Crown Metro, Inc.) and a drum recycler (New England Container Co., Inc.).

7. The current owners at the Site include Brook Village Associates Limited Partnership and Centerdale Manor Associates Limited Partnership, both of which conducted extensive construction activities at the Site.

SITE DESCRIPTION

8. The Centredale Manor Restoration Project Superfund Site ("Site") is located in North Providence, Rhode Island. The main portion of the Site is known as 2072 and 2074 Smith Street (or, plat 14, lots 200 and 250). The Site extends on the flood plain of the Woonasquatucket River from the main portion of the Site south to the Allendale Dam.

9. Currently, two high rise buildings (Centredale Manor and Brook Village) are located on the Site. In addition to the buildings, the Site is covered by roadway and parking lots. On the eastern portion of the Site is a drainage swale that begins near the northern portion of the Site and extends south, then curves to the west and discharges into a wooded wetland south of the Site and eventually into the Woonasquatucket River. The Site consists of all contaminated areas within this area as well as any other location to which contamination from that area has come to be located, or from which that contamination originated.

10. Pursuant to Section 105(8)(B) of CERCLA, 42 U.S.C. § 9605(8)(B), the Site is listed on the National Priorities List, 40 C.F.R. Part 300, Appendix B (1990).

RESPONDENTS

11. Respondent Brook Village Associates Limited Partnership ("BVALP") is a Massachusetts limited partnership with its principal place of business in Boston, Massachusetts.

12. Respondent Centerdale Manor Associates Limited Partnership ("CMALP") is a Rhode Island limited partnership with its principal place of business in East Providence, Rhode Island.

13. Respondent Crown Metro, Inc. ("Crown Metro") is a South Carolina corporation with its principal place of business in Greenville, South Carolina.

14. Respondent Emhart Industries, Inc. ("Emhart") is a Connecticut corporation with its principal place of business in Towson, Maryland.

15. Respondent New England Container Co., Inc. ("NECC") is a Rhode Island corporation with its principal place of business in Smithfield, Rhode Island.

16. By letters dated September 15, 1999 and February 28, 2000, EPA notified the Respondents of their status as potentially responsible parties at the Site and afforded them the opportunity to perform or finance necessary removal activities. Attempts by EPA to reach settlement with the Respondents have been unsuccessful.

SITE HISTORY

17. Respondent Crown Metro is a successor to liability of several chemical companies which operated at the Site from approximately 1943 to approximately 1971. The chemicals manufactured by these companies included hexachlorophene. The chemical companies also buried drums and other containers at the Site.

18. Respondent Emhart is also a successor to liability of several chemical companies which operated at the Site from approximately 1943 to approximately 1971. The chemicals manufactured by these companies included hexachlorophene. The chemical companies also buried drums and other containers at the Site.

19. Respondent NECC operated at the Site from approximately 1952 to approximately 1969. NECC's operations included obtaining 55-gallon drums containing residual chemicals,

disposing of certain drum residuals in the soil at the Site and incinerating other drum residuals at the Site.

20. Respondent BVALP acquired a portion of the Site by two deeds dated October 19, 1976 and October 20, 1976. BVALP constructed a high-rise on the main portion of the Site (2072 Smith Street) in approximately 1976-77.

21. Respondent CMALP acquired a portion of the Site by a deed dated March 18, 1982. CMALP constructed a high-rise on the main portion of the Site (2074 Smith Street) in approximately 1982-83.

ENDANGERMENT

22. With regard to actual or potential exposure to nearby human populations, EPA has documented elevated levels of contaminants including dioxin and PCBs in numerous areas at the Site which could result in human exposure. First, elevated levels of dioxin have been found in surface soils at primarily residential parcels along the floodplain of the Woonasquatucket River. Elevated levels of dioxin in surface soil include levels above the Agency-recommended 1 ppb (TEQs, or toxicity equivalent) to be used as a starting point for residential soil cleanup level for CERCLA non-time critical removal sites and as a preliminary remediation goal for remedial sites (Approach for Addressing Dioxin on Soil at CERCLA and RCRA Sites, OSWER Directive 9200.4-26, April 13, 1998). Levels as high as 140 ppb have been found in soil located near the highrises at the Site. Second, elevated levels of numerous hazardous substances have been found in surface soils at 2072 and 2074 Smith Street—including areas as close as 50 feet from the apartment complexes located on these parcels. Because the contaminants are found at the surface of the soil, they are readily accessible to residents of and visitors to the apartment complexes at 2072 and 2074 Smith Street, as well as neighborhood children who have been known to play in the southern portion of this area. Third, contamination was found in Woonasquatucket River sediments between Route 44 and a point just below the Allendale Dam. The Woonasquatucket River becomes relatively shallow approximately 2,000 feet south of Route 44, in an area known as the Allendale Pond. Due to a 1991 breach of the Allendale Dam, the sediments in this portion of the river are readily accessible to neighborhood children who have been known to play in the area. Finally, there are elevated levels of contaminants entering the Woonasquatucket River itself. The river is occasionally used by fishermen and recreational boaters. It is possible that these people could come in contact with sediment/surface water contamination while in the Site area.

23. With regard to actual or potential exposure to animals or the food chain, in the fall of 1999 the Rhode Island Department of Health (DOH) documented elevated levels of dioxin in fish tissue from fish collected in the portion of the Woonasquatucket River which flows through the Site. Although other animal/food chain studies have not been conducted, the potential for

exposure of animals or the food chain to hazardous substances or pollutants or contaminants is great. As explained above, elevated levels of hazardous substances have been found in surface soils, sediment, surface water and wetland areas. All of these areas are natural habitat for numerous species of plants and animals (ecological receptors).

24. The Woonasquatucket River and its associated wetlands and floodplain represent a sensitive ecosystem at the Site. Numerous media in this ecosystem have been affected by contamination: sediment, surface water, soil, and wetland areas. Although an ecological risk assessment has not yet been conducted at the Site, numerous birds, fish and animals have been observed at the Site by EPA employees and EPA contractors, including but not limited to: great blue herons; black crown night herons; black ducks; mallard ducks; Canada geese; spotted sandpipers; muskrat; mink; squirrels; snapping turtles; small mouth bass; large mouth bass; sucker fish; and sunfish. These ecological receptors would likely be damaged by exposure to the types of hazardous substances found at the Site.

25. There is evidence that drums and other waste material may be buried at the property. Drum carcasses were found by EPA in certain areas of the Site. Buried drums and waste material may be leaching contaminants into the Woonasquatucket River.

26. High levels of hazardous substances have been found in soils largely at or near the surface of the Site. These soils are in areas subject to erosion by the Woonasquatucket River as well as periodic flooding. Erosion and flooding appear to have caused the contaminated soil to migrate, since elevated levels of hazardous substances have been found in Woonasquatucket River sediments located in the downstream portion of the Site, including below the Allendale Dam. In addition, high levels of chlorinated solvents (TCE and PCE) found at the groundwater/surface water interface in the river indicate migration of contaminants from suspected buried waste near the riverbanks and likelihood of a non-aqueous phase liquid source of contamination that may continue to impact surface water and sediment.

27. The land portions of the Site are located in the floodplain and have been frequently flooded during high river stage. These weather conditions have caused and will continue to cause the migration of contaminated soil at the Site (particularly from those areas which are not covered by an interim cap) into the Woonasquatucket River and the migration of contaminated sediments further downstream. Allendale Dam, the first flood control structure downstream from 2072 and 2074 Smith Street, was breached in 1991 and its condition is continuing to deteriorate. This is causing the release of contaminated sediment into downstream reaches of the river, particularly during flood events.

28. The time critical removal activities already completed by EPA include sampling and analysis as well as placing fences and interim caps (one of which is completed, a second which is partially completed and a third which was determined to be beyond the scope of a time-critical

removal action) in the areas of surface soil contamination. EPA is also conducting two Engineering Evaluation/Cost Analysis studies and a Remedial Investigation at the Site.

29. The following table identifies the highest concentrations of some of the chemical compounds detected by EPA in soil samples collected at the Site:

CHEMICAL COMPOUND	HIGHEST CONCENTRATION (in parts per billion - ppb)
2,3,7,8 -Tetrachlorodibenzo- <i>p</i> -Dioxin	140
PCBs	1,300,000
1,2-dichlorobenzene	2,800,000
benzene	480,000
chlorobenzene	1,000,000
tetrachloroethene	1,7000,000
trichloroethene	2,400,000
cadmuim	180,000
lead	3,160,000
manganese	6,420,000
aluminum	16,100,000
antimony	27,800
arsenic	49,300
cadmium	180,000
chromium	472,000
copper	934,000
mercury	7,400
silver	35,500
vanadium	72,500

30. The following table represents some of the dangers to human health associated with each of the hazardous substances found on-site, as well as the potential routes of human exposure to these wastes:

HAZARDOUS SUBSTANCE	ROUTE(S) OF EXPOSURE	POTENTIAL HUMAN HEALTH EFFECTS
2,3,7,8 - Tetrachlorodi benzo- <i>p</i> -Dioxin	inhalation; skin absorption; ingestion; skin and/or eye contact	irritated eyes, skin, and mucous membranes; chloroacne; porphyria; gastrointestinal disturbances; possible reproductive problems; teratogenic effects The World Health Organization has classified dioxin as a human carcinogen
PCBs	inhalation; skin absorption	irritated eyes; chloroacne; liver damage; reproductive problems
1,2-dichloro-benzene	inhalation; skin absorption; ingestion; skin and/or eye contact	irritated eyes and nose; liver and kidney damage; skin blisters
benzene	inhalation; skin absorption; ingestion; skin and/or eye contact	irritated eyes, skin, nose and respiratory system; giddiness; headache, nausea, staggered gait; fatigue, anorexia, lassitude; dermatitis; bone marrow depression The U.S. Department of Health and Human Services has designated benzene as a known human carcinogen
chloro-benzene	inhalation; ingestion; skin and/or eye contact	irritated eyes, skin, nose; drowsiness, incoordination; central nervous system depression.
tetrachloro-ethene	inhalation; skin absorption; ingestion; skin and/or eye contact	irritated eyes, nose, throat; nausea; flushed face and neck; vertigo, dizziness, incoordination; headache, somnolence; skin erythema; liver damage
trichloro-ethene	inhalation ;skin absorption; ingestion; skin and/or eye contact	irritates eyes and skin; headache, vertigo; visual disturbance; fatigue, giddiness, tremors, somnolence, nausea, vomiting; dermatitis; cardiac arrhythmia, paresthesia, liver injury
cadmuim	inhalation; ingestion	pulmonary edema, dyspnea, cough, chest tightness, substernal pain; headache, chills, muscle aches; nausea, vomiting, diarrhea; anosmia, emphysema, proteinuria, mild anemia

lead	inhalation; ingestion; skin and/or eye contact	[NOTE: THESE SYMPTOMS ARE MORE PRONOUNCED IN CHILDREN] weakness, lassitude, insomnia; facial pallor; anorexia, weight loss; constipation, abdominal pain, colic, anemia; gingival lead line; tremors, paralysis of the wrist and ankles; encephalopathy; kidney disease, irritated eyes; hypotension.
manganese	inhalation; ingestion	Parkinson's; asthenia, insomnia, mental confusion, metal fume fever; dry throat, cough, chest tightness, dyspnea, rales, flu-like fever; lower back pain; vomiting; malaise; fatigue; kidney damage
aluminum	inhalation; skin and/or eye contact	irritated eyes, skin and respiratory system
antimony	inhalation; ingestion; skin and/or eye contact	irritated eyes, skin, nose, throat, mouth; cough; dizziness; headache; nausea, vomiting, diarrhea; stomach cramps; insomnia; anorexia; unable to smell properly
arsenic	inhalation; skin absorption; ingestion; skin and/or eye contact	ulceration of nasal septum, dermatitis, gastrointestinal disturbances, peripheral neuropathy, respiratory irritation, hyperpigmentation of skin The U.S. Department of Health and Human Services has designated arsenic as a known carcinogen
cadmium	inhalation; ingestion	pulmonary edema, dyspnea, cough, chest tightness, substernal pain; headache; chills, muscle aches; nausea, vomiting, diarrhea; anosmia, emphysema, proteinuria, mild anemia
chromium	inhalation; ingestion; skin and/or eye contact	irritated eyes and skin; lung fibrosis
copper	inhalation; ingestion; skin and/or eye contact	irritated eyes, nose, pharynx; nasal perforation; metallic taste; dermatitis
mercury	inhalation; skin absorption; ingestion; skin and/or eye contact	irritated eyes and skin; cough, chest pain, dyspnea, bronchial pneumonia; tremors, insomnia, irritability, indecision, headache, fatigue, weakness; stomatitis, salivation, gastrointestinal disturbance, anorexia, weight loss, proteinuria
silver	inhalation; ingestion; skin and/or eye contact	blue-gray eyes, nasal septum, throat and skin irritation, ulceration skin; gastrointestinal disturbance

vanadium	inhalation; ingestion; skin and/or eye contact	irritated eyes, skin and throat; green tongue, metallic taste, eczema, cough; fine rales, wheezing, bronchitis, dyspnea
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31. Approximately 200 residents live in the two high-rise housing complexes for the elderly located at the Site. Some of the highest levels of dioxin at the Site were found near these high-rises. Additionally, elevated levels of volatile organic compounds and semi-volatile organic compounds were found very close to the high-rises. The remainder of the Site (the drainage swale and the Woonasquatucket River and its floodplain extending south from Route 44 to the Allendale dam) is adjacent to or includes a number of residential yards as well as church grounds used for picnics and other events.

32. The Agency for Toxic Substances and Disease Registry (ATSDR) issued a Health Consultation on June 7, 1999. In that Health Consultation, ATSDR concluded that although current exposures are probably low, significant risks could exist for children or adults who have frequent contact with contaminated soils or sediment at the Site. ATSDR made several recommendations, including that public access be restricted to surface soils which exceed 1 part per billion (ppb) of dioxin.

33. By completing the second interim cap at the Site and implementing certain flood control measures at the Site, the removal action will minimize direct contact threat to humans. This removal action will also address the threat to the environment by minimizing contamination resulting from surface water run-off into the Woonasquatucket River and the drainage swale at the Site.

CONCLUSIONS OF LAW AND DETERMINATIONS

On the basis of the findings of fact, EPA makes the following Conclusions of Law and Determinations:

34. The Centredale Manor Restoration Project Superfund Site is a "facility" as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

35. Each Respondent is a "person" as that term is defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

36. Each Respondent is a liable party within the meaning of Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

37. Each substance listed in paragraph 29 above is a "hazardous substance" as that term is defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

38. The conditions described above in paragraphs 22 through 33 constitute an actual or threatened "release" into the "environment" within the meaning of Section 101(8), (22) of CERCLA, 42 U.S.C. § 9601(8), (22).

39. The actual or threatened releases of hazardous substances at or from the Site may pose "an imminent and substantial endangerment to the public health or welfare or the environment" within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

40. In order to protect public health and welfare and the environment, and prevent further release or threat of release of hazardous substances at or from the Site, a Removal Action is necessary and appropriate. The Removal Action will consist of implementation of the Scope of Work appended to this Order. The Removal Action is designed to prevent, minimize, and/or mitigate damage to the public health or welfare or the environment which may otherwise result from the release or threat of release of hazardous substances, and was developed in accordance with the criteria set forth at Section 300.415 of the National Contingency Plan ("NCP"), 40 C.F.R. § 300.415.

41. The removal actions specified in this Order will be done promptly and properly by the Respondents, and will be consistent with the NCP, if performed in accordance with the terms of this Order and Scope of Work.

ORDER

42. Based upon EPA's jurisdiction, and the findings of fact and determinations set forth above, the Respondents are **ORDERED** to perform all work required under this Order. The Respondents shall comply with the following provisions and perform all actions required by the terms and conditions of this Order.

PARTIES BOUND

43. This Order shall apply to and be binding upon the Respondents and upon their receivers, trustees, successors, and assigns. No change in ownership or corporate status shall in any way alter the Respondents' responsibilities under this Order. Respondents are jointly and severally responsible for carrying out all activities required of them by this Order. The failure of one or more Respondent to comply with all or any part of this Order shall not in any way excuse or justify noncompliance by any other Respondent, including but not limited to the failure to perform all obligations of any defaulting Respondent.

DESIGNATION OF SUPERVISING CONTRACTOR AND PROJECT COORDINATOR

44. Within seven (7) days after the effective date of this Order, the Respondents shall retain the services of a qualified and experienced Supervising Contractor for the purpose of performing the work required by this Order in accordance with the terms and conditions of the Scope of Work. Within the same seven (7) day period, the Respondents shall notify EPA in writing of the name, address, and qualifications of the proposed supervising contractor and the name and telephone number of the supervising contractor's primary contact person. The Respondents shall also notify EPA of the identity and qualifications of any other contractor(s) or subcontractor(s) to be used at the Site at least seven (7) days in advance of their performing any work under this Order.

45. The supervising contractor shall be a qualified and certified professional engineer with substantial expertise and experience in the cleanup of hazardous waste sites. EPA reserves the right to disapprove, based on professional qualifications, conflicts of interest, and/or deficiencies in previous similar work, any contractor or subcontractor or other person engaged directly or indirectly by the Respondents to conduct work activities under this Order. If EPA disapproves the selection of any proposed contractor, the Respondents shall notify EPA in writing of the name, address, and qualifications of another contractor within seven (7) days after receipt of the notice of disapproval.

46. The Respondents shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants retained in connection with this Order within seven (7) days after the Order's effective date or of such retention, whichever is later. The Respondents shall ensure that all such contractors, subcontractors, laboratories and consultants will perform all work in conformity with CERCLA, the NCP, and the terms and conditions of this Order and Scope of Work.

47. Within seven (7) days after the effective date of this Order, the Respondents shall designate a single Project Coordinator who shall be responsible for administration of all of the Respondents' actions called for by this Order, and shall submit the designated coordinator's name, address, and telephone number to EPA. EPA will deem the project coordinator's receipt of any notice or communication from EPA relating to this Order as receipt by the Respondents.

COMMUNICATION AND COOPERATION AMONG THE RESPONDENTS

48. Within three (3) days after the effective date of this Order, the Respondents shall submit to EPA for approval a Communication and Coordination Plan (CCP) that specifies the requirements and procedures by which the Respondents will communicate and coordinate

with one another in carrying out the requirements of this Order. The CCP shall include at a minimum the following:

A. Communication Strategy. The Respondents shall specify how the designated coordinator and the individual Respondents will communicate and disseminate information relative to this Order. The name, title, address and telephone number of the primary contact person for each Respondent shall be included in the communication strategy.

B. Coordination of Efforts. The Respondents shall describe with specificity how the technical, financial, and administrative requirements of this Order are to be coordinated and distributed among and performed by the Respondents. The CCP shall describe the obligations of each and every Respondent in full.

Each Respondent shall sign the CCP (by a duly authorized representative if the Respondent is other than a natural person) prior to its submission to EPA. Failure of any Respondent to sign the CCP will constitute a violation of this Order by that individual Respondent. The Respondents shall submit all proposed changes or amendments to the CCP to EPA for approval. The CCP as approved by EPA shall be incorporated into and enforceable under this Order.

EPA ON-SCENE COORDINATOR

49. The EPA On-Scene Coordinator ("OSC") will administer EPA's responsibilities and receive all written notices, reports, plans and other documents required by this Order. All submissions required by this Order shall be sent to EPA's OSC at the following address:

Ted Bzenas
Office of Site Remediation and Restoration
U.S. Environmental Protection Agency - New England
1 Congress Street, Suite 1100 (HBR)
Boston, MA 02114-2023
(617) 918-1230
FAX (617) 918-1291

50. EPA's OSC shall have the authority vested in her/him by the NCP, including but not limited to the authority to stop work being performed pursuant to this Order and the authority to modify the Scope of Work. Absence of the OSC from the Site shall not be cause for stoppage of work by the Respondents unless specifically directed by the OSC.

REMOVAL WORK TO BE PERFORMED; COMPLETION OF WORK

51. Within fourteen (14) days after retention of the supervising contractor, the Respondents shall commence the work detailed in the Scope of Work (completing the second interim soil cap and implementing flood control measures). All work performed by the Respondents shall be conducted in accordance with CERCLA, the NCP, applicable guidance documents provided by EPA, and the provisions of this Order including any standards, specifications, and time schedules contained in the Scope of Work or specified by the OSC.

52. Within thirty (30) days after completing all work required under this Order, the Respondents shall submit for EPA approval a Completion of Work Report summarizing the activities conducted pursuant to the Scope of Work. The Completion of Work Report shall include the categories of information and conform to the requirements specified in the Scope of Work. The Completion of Work Report shall be certified by the supervising contractor, to the effect that all removal activities have been completed in full satisfaction of the requirements of this Order.

53. When EPA determines that all work has been fully performed in accordance with this Order (with the exception of all continuing obligations required by this Order, including record preservation), and that all goals and objectives of this Order and the Scope of Work have been satisfied, EPA will provide written notice to the Respondents. If EPA determines that all removal activities have not been completed in accordance with the provisions of this Order, it will so notify the Respondents and provide a list of the tasks remaining and a schedule for their completion. The Respondents shall perform all remaining tasks and shall submit an amended Completion of Work Report in accordance with the EPA notice. If EPA determines that the remaining tasks have not been completed in accordance with the provisions of the EPA notice and this Order, the Respondents shall be in violation of this Order.

54. EPA's issuance of the notice referred to in paragraph 53 shall not preclude it from later determining, based upon new information or otherwise, that the Respondents have not completed all removal activities in accordance with the provisions of this Order.

**SUBMISSIONS REQUIRING AGENCY APPROVAL;
RESPONDENTS' OBLIGATION TO PROCEED**

55. After review of any deliverable, plan, report or other item ("submission") which the Respondents are required to submit for review and approval pursuant to this Order and Scope of Work, EPA may: (i) approve the submission; (ii) conditionally approve the submission with required modifications; (iii) disapprove the submission and notify the Respondents of deficiencies; or (iv) disapprove the submission and modify the deliverable, plan, report, or other

item itself to cure any deficiencies. In the event EPA approves or conditionally approves the submission, or disapproves and modifies the submission itself, the Respondents shall perform all actions required by the submission, as approved, conditionally approved, or modified by EPA.

56. Upon receipt of a notice of disapproval with deficiencies ((iii) above), the Respondents shall correct the deficiencies and resubmit the submission within seven (7) days or such other time period specified in the notice of disapproval. Notwithstanding a notice of disapproval, the Respondents shall proceed to take any action required by any non-deficient portion of the submission. If EPA does not approve the submission as resubmitted, Respondents shall be in violation of the Order.

57. For each submission provided to EPA, the Respondents shall submit such copies as specified by the OSC. Any deliverable, plan, or report submitted to EPA pursuant to this Order shall be dated and shall include, in a prominent location in the document, the following disclaimer: "Disclaimer: This document has been prepared pursuant to a government administrative order (U.S. EPA Region I CERCLA Docket No. CERCLA1-2000-0026) and is subject to approval by the U.S. Environmental Protection Agency. The opinions, findings, and conclusions expressed are those of the authors and not those of the U.S. Environmental Protection Agency." In addition, any such deliverable, plan, or report which has not received final approval from EPA shall be marked "Draft" on each page.

INCORPORATION AND ENFORCEABILITY OF DOCUMENTS

58. The Scope of Work and all other appendices or attachments to this Order shall be deemed incorporated into, and made an enforceable part of, this Order. Upon approval by EPA pursuant to the procedures of paragraphs 55-57, all contracts, deliverables, plans, reports, specifications, schedules, or other items required by or developed under this Order shall be deemed incorporated into, and made an enforceable part of, this Order. In the event of conflict between this Order and any document attached to, incorporated into, or enforceable hereunder, the provisions of this Order shall control.

SITE ACCESS

59. All Respondents that own, occupy, or control property at the Site, or property other than the Site to which access is required in order to properly carry out the terms of this Order, shall grant access to the other Respondents, the other Respondents' authorized representatives, the State of Rhode Island, and EPA and its officers, employees, agents, contractors, consultants, and other authorized representatives for purposes of implementing and monitoring work to be performed under this Order.

60. To the extent access to, use or ownership of, or easements over property not owned, occupied, or controlled by the Respondents, or property other than the Site is required for the proper and complete implementation of this Order, the Respondents shall use their best efforts to obtain site access agreements or other interests in the property, in writing, sufficient to allow implementation of this Order within fourteen (14) days after the Order's effective date. For purposes of this paragraph, "best efforts" include but are not limited to the payment of money in consideration of access to property.

61. Such written access agreements or other interests obtained pursuant to the preceding paragraph shall provide the Respondents, the Respondents' authorized representatives, the State of Rhode Island, and EPA and their officers, employees, agents, contractors, consultants, and other authorized representatives access to the Site at all times for purposes of implementing and monitoring work under this Order. Such written access agreements or other interests shall specify that the Respondents are not EPA's representatives or agents with respect to liability associated with the Site.

62. In the event that site access agreements or other interests sufficient for implementation and monitoring of work under this Order are not obtained within the time period specified above, the Respondents shall notify EPA in writing within three (3) days thereafter regarding the lack of such agreements and the efforts made by the Respondents to obtain them. Lack of access shall not excuse or justify failure to perform any activity or to meet any deadline not requiring or directly dependent upon such access.

QUALITY ASSURANCE/SAMPLING

63. The Respondents shall submit to EPA, upon request, the results of all sampling or tests and all other data generated by the Respondents, their contractor(s), or on the Respondents' behalf in the course of implementing this Order. The Respondents shall also provide the quality assurance/quality control procedures followed by all sampling teams and laboratories performing data collection and/or analysis.

64. Upon request, the Respondents shall allow EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by the Respondents while performing work under this Order. The Respondents shall notify EPA not less than fourteen (14) days in advance of any sample collection activity. In addition, EPA shall have the right to take any additional samples that it deems necessary.

65. The Respondents shall assure that EPA and its authorized representatives are allowed access to any laboratory utilized by the Respondents in implementing this Order. Upon request, the Respondents shall have a designated laboratory analyze samples submitted by EPA for quality assurance monitoring.

**ACCESS TO INFORMATION; RECORD PRESERVATION;
CONFIDENTIALITY CLAIMS**

66. Upon request, the Respondents shall provide EPA with copies of all records, documents, and other information generated by the Respondents and their contractor(s) which relates in any way to the Site or to the implementation of this Order, including but not limited to, sampling and analysis records, field sheets and field notes, engineering logs, chain of custody records, contracts, bills of lading, trucking logs, manifests, receipts, reports, and correspondence. In addition, the Respondents' employees, agents, or representatives with knowledge of facts concerning the conditions at the Site or performance of work under this Order shall be made available to EPA to provide such information.

67. For a period of at least nine (9) years following completion of all work conducted by the Respondents pursuant to this Order, the Respondents shall preserve all documents, records, and information of whatever kind, nature or description in their possession and/or control or that of their officers, employees, agents, accountants, contractors, attorneys, successors and assigns, that relate in any way to the performance of work under this Order, or relate in any way to releases or threatened releases of hazardous substances which are the subject of the removal action addressed by this Order. After this nine (9) year period has expired, the Respondents shall provide EPA with thirty (30) days advance written notice prior to the destruction of any such records, documents, or information. The Respondents shall send such notice, accompanied by a copy of this Order, to:

Office of Environmental Stewardship
U.S. Environmental Protection Agency
1 Congress Street, Suite 1100 (SES)
Boston, MA 02114-2023

Re: Removal Action at Centredale Manor Restoration Project Superfund Site,
CERCLA Docket No. CERCL1-2000-0026

Upon request, the Respondents shall provide to EPA copies of all such records, documents, or information.

68. The Respondents may assert a confidentiality claim, if appropriate, covering part or all of the information required by or requested under this Order, pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and 40 C.F.R. § 2.203(b) (1989). The Respondents shall adequately substantiate all such assertions. Analytical and other data specified in Section 104(e)(7)(F) of CERCLA shall not be claimed as confidential by the Respondents. Information determined to be confidential by EPA will be afforded the protection required by Section 104(e)(7) of CERCLA and by 40 C.F.R. Part 2, Subpart B. If no confidentiality claim

accompanies the information when submitted to EPA, EPA may make it available to the public without further notice to the Respondents.

CREATION OF DANGER; EMERGENCY RESPONSE

69. Upon the occurrence of any incident or change of conditions during the activities conducted pursuant to this Order that causes or threatens a release of hazardous substances from the Site or an endangerment to the public health or welfare or the environment, the Respondents shall immediately take all appropriate action to prevent, abate or minimize such release or endangerment. The Respondents shall also immediately notify the OSC or, in the event of his/her unavailability, shall notify the Regional Duty Officer of the Emergency Planning and Response Branch, EPA Region I, telephone (617) 223-7265. In taking any actions under this paragraph, the Respondents shall act in accordance with all applicable provisions of the Health and Safety Plan prepared pursuant to the Scope of Work.

70. The Respondents shall submit a written report to EPA within seven (7) days after each incident specified above, setting forth the events that occurred and the measures taken and to be taken to mitigate any release or endangerment caused or threatened by the incident and to prevent the reoccurrence of such an incident.

71. Nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants or contaminants, or hazardous or solid waste on, at, or from the Site.

OFF-SITE RULE

72. All hazardous substances, pollutants, or contaminants removed off-site for treatment, storage, or disposal pursuant to this Order shall be treated, stored, or disposed of at a facility in compliance with the EPA Off-Site Rule pursuant to the National Contingency Plan, 40 C.F.R. § 300.440 (Procedures for Planning and Implementing Off-Site Response Actions). This Rule was published in the Federal Register, Volume 58, Number 182, Page 49200, on Wednesday, September 22, 1993.

AMENDMENTS

73. This Order, other than the Scope of Work, may only be amended in writing by signature of the EPA New England Director of the Office of Site Remediation and Restoration. Amendments to the Scope of Work may be made in writing by the OSC or at the OSC's oral direction. Where the OSC makes an oral modification, he will memorialize the modification in

writing to the Respondents within three (3) days; provided, however, that the effective date of the modification shall be the date of the OSC's oral direction.

74. No informal advice, guidance, suggestion, or comment by EPA regarding reports, plans, specifications, schedules, and any other writing submitted by the Respondents shall be construed as relieving the Respondents of their obligation to obtain such formal approval as may be required by this Order.

OTHER APPLICABLE LAWS

75. Except as otherwise provided pursuant to paragraph 76 herein and Section 121(e) of CERCLA, all on-site and off-site actions required pursuant to this Order shall be performed in accordance with all applicable local, state, and federal laws and regulations. Such laws shall include, but not be limited to, the laws relating to occupational health and safety and worker's compensation.

76. In accordance with 40 C.F.R. § 300.415(i), all on-site actions required pursuant to this Order shall, to the extent practicable, as determined by EPA, considering the exigencies of the situation, attain applicable or relevant and appropriate requirements under federal environmental, state environmental, or facility siting laws.

INSURANCE

77. At least seven (7) days prior to commencing any on-site work under this Order, the Respondents shall secure, and shall maintain for the duration of this Order, comprehensive general liability and automobile insurance with limits of three hundred thousand dollars (\$200,000), combined single limit. The United States shall be named as an additional insured for all such insurance policies. Within the same time period, the Respondents shall provide EPA with certificates of such insurance and a copy of each insurance policy. If the Respondents demonstrate to EPA that any contractor or subcontractor maintains insurance equivalent to that described above or insurance covering the same risks but in a lesser amount, then the Respondents need provide only that portion of the insurance described above which is not maintained by such contractor or subcontractor.

ENFORCEMENT; PENALTIES FOR NONCOMPLIANCE

78. Violation of this Order may subject the Respondents to civil penalties of up to twenty-seven thousand five hundred dollars (\$27,500) for each day the violation occurs, as provided in Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1). The Respondents may also be subject to punitive damages in an amount up to three (3) times the amount of any costs

incurred by the United States as a result of such violation, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3).

DISCLAIMER OF LIABILITY BY EPA

79. By issuance of this Order, the United States and EPA assume no liability for injuries or damages to persons or property resulting from acts or omissions by the Respondents, their officers, employees, agents, representatives, successors, assigns, contractors, or consultants in carrying out activities pursuant to this Order. Neither the United States nor EPA shall be held as a party to any contract entered into by the Respondents or their directors, officers, employees, agents, representatives, successors, assigns, contractors, or consultants in carrying out activities pursuant to this Order.

NO RELEASE FROM LIABILITY

80. Nothing in this Order shall constitute or be construed as a satisfaction or release from any claim, cause of action, or demand in law or equity against the Respondents or any other person, whether or not a party to this Order, for any liability such person may have for any conditions or claims arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the Site, including but not limited to any and all claims of the United States for money damages and interest under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), or under any other applicable statute or the common law.

81. Nothing in this Order shall be deemed to constitute any decision on preauthorization of a claim within the meaning of Section 111 of CERCLA, 42 U.S.C. § 9611.

RESERVATION OF RIGHTS BY THE UNITED STATES GOVERNMENT

82. The United States reserves all rights against the Respondents and all other persons to take any further civil, criminal, or administrative enforcement action pursuant to CERCLA and/or any other available legal authority, including natural resource damages, the right to seek injunctive relief; the recovery of money expended or to be expended (plus interest); monetary penalties; criminal sanctions; and/or punitive damages regarding: (i) any violation of this Order; or (ii) any actual or potential threat to human health or welfare or the environment, or any release or threat of release of hazardous substances on, at, in, or near the Site.

83. EPA further expressly reserves the right both to disapprove work performed by the Respondents and to request or order the Respondents to perform tasks in addition to those detailed in the Order. In addition, EPA reserves the right to undertake response actions at any

time and to perform any and all portions of the work activities which the Respondents have failed or refused to perform properly or promptly.

84. Notwithstanding any other provision of this Order, EPA shall retain all of its information gathering, entry, inspection, and enforcement authorities and rights under CERCLA and under any other applicable law, regulation, or permit.

OPPORTUNITY TO CONFER

85. Within two (2) days after receipt of this Order, the Respondents may request a conference with EPA to be held no later than two (2) days before the effective date. Requests for a conference should be submitted to:

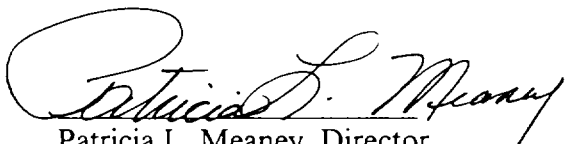
Catherine Garypie, Senior Enforcement Counsel
Office of Environmental Stewardship
U.S. Environmental Protection Agency - New England
1 Congress Street, Suite 1100 (SES)
Boston, Massachusetts 02214-2023
(617) 918-1540
FAX (617) 918-1809

86. The purpose and scope of the conference shall be limited to issues involving the implementation of the response actions required by this Order and the extent to which the Respondents intend to comply with this Order. The conference is not an evidentiary or adversarial hearing and is not part of any proceeding to enforce or challenge the Order. The conference does not give the Respondents a right to seek review of this Order, or to seek resolution of potential liability, and no official stenographic record of the conference will be made. At any conference held pursuant to this section, the Respondents may appear in person or by attorney or other representative.

EFFECTIVE DATE; COMPUTATION OF TIME

87. This Order shall be effective ten (10) days after the Order is signed by the EPA New England Director of the Office of Site Remediation and Restoration. All times for performance of obligations under this Order shall be calculated from the effective date. For purposes of this Order, the term "day" shall mean a calendar day unless otherwise noted herein. When computing any period of time under this Order, if the last day would fall on a Saturday, Sunday, or federal holiday, the period shall run until the next working day.

IT IS SO ORDERED. Issued at Boston, Massachusetts this 12th day of April,
2000.



Patricia L. Meaney, Director
Office of Site Remediation and Restoration

SCOPE OF WORK

This Scope of Work is provided for the Centredale Manor Restoration Project in North Providence, Rhode Island as an attachment to the Unilateral Administrative Order.

Preface

EPA has determined that Potentially Responsible Parties (PRPs) have the ability to promptly and properly prevent, mitigate, or eliminate the threats posed by hazardous substances at the Site. Therefore, EPA has issued a Unilateral Administrative Order (Order) to such parties (the Respondents) with this attached Scope of Work (SOW).

As described previously in the Order, EPA has undertaken Removal Action at the Site to prevent exposure and control migration of contaminants at the Site including, but not limited to, dioxins, PCBs and others. This scope of work addresses the completion of Removal Activities which were proposed in the Action Memorandum (May, 1999) and the Action Memorandum Addendum (September, 1999). It should be noted that several actions proposed in these Action Memoranda were subsequently determined to be beyond the scope of Removal Action and have been incorporated into the Engineering Evaluation/Cost Analysis (EE/CA) process that EPA has undertaken to address the larger scale threats at the Site.

All actions taken by the Respondents shall be consistent with the National Contingency Plan (NCP), found in Title 40, Part 300 of the Code of Federal Regulations (40 CFR 300).

The Respondents shall communicate freely with the On-Scene Coordinator (OSC) prior to and during development of plans and deliverables, and throughout the implementation of approved plans.

The Order and SOW compel the Respondent to commence the work detailed in the Scope of Work. Therefore, within seven (7) days of retaining the services of a qualified and experienced Supervising Contractor for the purpose of performing the work required by this Order, the respondent shall submit a general plan (the Plan) to EPA for approval. The Plan shall address the components listed below:

GENERAL COMPONENTS

1. **Site Security** - The plan shall provide for on-site security during construction and thereafter by, at a minimum, maintaining the current fences and signs which are in place

Centredale Manor Restoration Project
Unilateral Administrative Order
Scope of Work

to limit access to contaminated areas of the site. The effectiveness of signs, fences, and barriers will be evaluated during the construction phase to determine if they adequately restrict access. If not deemed to be sufficient by the OSC, additional fencing, the placement of security guards or other measures may be warranted. Site security shall be maintained until EPA determines that the threats posed by conditions at the Site are eliminated or substantially mitigated.

2. **Work Plan** - The Work Plan will provide a detailed description of expected activities and the **project schedule**, including completion dates for interim activities. Out of respect for the nearest residents, noisy equipment (such as dumptrucks or bulldozers) will not be operated before 0800AM. A **daily work schedule** will also be provided to the OSC. At a minimum, **weekly progress meetings** will be scheduled with the OSC throughout the implementation of the Order.
3. **Site-Specific Health and Safety Plan (HASP)** - The Respondents shall develop and implement a HASP for all activities to be conducted at the Site in accordance with the NCP §300.150, and OSHA. The HASP shall be developed to protect all on-site personnel and the general public. Private employers are responsible for the health and safety of their own employees. Nothing contained in this SOW or the Order shall relieve the Respondents of their liability in this regard.
4. **Quality Assurance Plan (QAP)** - If sample collection and analysis is necessary, the Respondents shall develop a QAP to be used in conducting all field and laboratory analysis. The QAP shall ensure that analytical results generated are of known quality. The QAP will be consistent with the Region 1, EPA- New England *Compendium of Quality Assurance Project Plan Guidance*.
5. **Completion of Work Report (CWR)** - Upon completion of the tasks in this Order and SOW, the Respondent shall submit a CWR summarizing the work performed. At a minimum, the CWR will provide an estimate of the Respondents' costs incurred; identify all required activities and certify that each has been completed in accordance with the approved plans; include original photographs with written descriptions; include analytical results of any environmental samples collected during the period of performance, in both tables and on site maps; include 'as-built' drawings of any structures or features constructed ; contain a chronology of onsite activities; identify subcontractors and their roles.

Centredale Manor Restoration Project
Unilateral Administrative Order
Scope of Work

SPECIFIC ACTIONS

6. **Complete construction of Interim Cap #2** - The Army Corps of Engineers (ACOE) has provided a Preliminary Plan for completion of an interim protective cap with flood management berms over the area of contaminated soil adjacent to the Woonasquatucket River and between the Centredale Manor and Brook Village parking lots. (Refer to the attached plans.) The Respondents will complete construction of the interim cap with berms to the specifications provided by the ACOE through the OSC.
7. **Other specific actions requested by EPA** - At any time prior to or after the completion of the work specified in this SOW, EPA may determine that additional tasks are necessary in order to achieve the objectives of the Order, the SOW and CERCLA. Therefore, this SOW may be modified by the OSC at anytime.