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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

JUL 10 2003

Thomas McNulty
E.A. McNulty Real Estate Group
573 Mendon Road
Cumberland, RI 02864

Superfund Records Center

SITE: Peterson/Puritan

BREAK: 11.09

OTHER: OV 02



SDMS DocID 000214636

Re: Proposed Berkeley Commons/River Run Development
Town of Cumberland Tax Assessor's Map Plat 14, Lots 2 and 4 and Plat 15, Lot 1

Dear Mr. McNulty:

I am writing in response to your May 15, 2003, request that the United States Environmental Protection Agency ("EPA") provide an update on E.A. McNulty Real Estate Group's status concerning Operable Unit Two of the Peterson/Puritan, Inc. Superfund Site (the "Peterson/Puritan Site" or the "site"). Your request has been made in connection with your company's proposed development of property identified as Plat 14, Lots 2 and 4 and Plat 15, Lot 1, known as the Berkeley Commons/River Run Development in Cumberland, Rhode Island (and collectively referred to in this letter as "Berkeley Commons" or the "Property") which you currently own.

As I understand it, your family acquired the Property in the form of raw, vacant land in 1934. In 1939, a portion of the Property was subdivided into residential lots; the remaining portion became a working sand and gravel mining operation from 1939 to at least its peak in the early 1970s. With the exception of the former Admiral Inn property, acquired in 1993, the Property has been under the same family ownership for approximately 70 years. As explained to EPA, your future development plans include two projects: 1) Berkeley Commons—a Mixed Use Development covering approximately 32 acres, including duplexes, townhouses, and office/retail buildings; and 2) River Run—a residential subdivision covering approximately 35 acres. The Second Operable Unit of the Superfund site includes the western third of the proposed Berkeley Commons/River Run Development, the remaining two thirds of the development being outside the current site boundary.

Based upon a review of all available information submitted so far, EPA has not issued a General Notice Letter of Liability to E.A. McNulty Real Estate Group; EPA is not actively considering your company as a Potentially Responsible Party at the site. This letter is based on EPA's current information. It is not a release of potential liability, nor does it limit in any way EPA's rights and authority for future action based on new information under CERCLA and other relevant environmental laws. Please be advised that at some time in the future, EPA or the State, may undertake additional investigations concerning the nature and extent of groundwater

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contamination, if any, found at Berkeley Commons or in the Blackstone River. EPA or the State may, at that time, request access to Berkeley Commons to support such investigations that may occur adjacent to the Property.

EPA hopes that the above information is useful to you. If you have any questions, or wish to discuss this letter, please feel free to contact David Newton, Remedial Project Manager, at (617) 918-1243 or Michelle Lauterback, Enforcement Counsel, at (617) 918-1774.

Sincerely,

Susan Studlien

Susan Studlien, Acting Director
Office of Site Remediation and Restoration

cc: Michelle Lauterback, Enforcement Counsel, EPA
Dave Newton, Remedial Project Manager, EPA ✓
Timothy Regan, Senior Engineer, EA Engineering
Greg Roscoe, Environmental and Management Consultant
Louis Maccarone, State Project Manager, RIDEM