

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

June 23, 2008

Ms. Linda Marszalkowski
J.M. Mills, Inc.
4651 Gulf Shore Boulevard #1501
Naples, FL 34103

Re: Peterson/Puritan, Inc. Superfund Site Operable Unit 2 which includes the J. M. Mills Landfill, Cumberland, Rhode Island

Dear Ms. Marszalkowski:

This letter informs you that the U.S. Environmental Protection Agency ("EPA") has perfected a lien upon property located at 140 Mendon Road (Plat #12, Lot #4 owned by Linda Marszalkowski) and 44 Mendon Road (Plat #12, Lot #12 owned by J.M. Mills, Inc.), Cumberland, RI, the exact legal descriptions of which are contained in the Enclosures to this letter (the "Property"). The Property is part of the Peterson/Puritan, Inc. Superfund Site. EPA has determined that you are the owners of this Property. The lien which EPA has perfected against the Property arises under Section 107(l) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), commonly known as "Superfund," 42 U.S.C. § 9607(l). The lien is intended to secure payment to the United States of costs and damages which you, as the owners of the Property, would be liable to the United States under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

Under CERCLA Sections 107(a) and 101(9), 42 U.S.C. §§ 9607(a) and 9701(9), liable persons include persons who own any "facility," including a site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located. EPA has determined that a release or threat of release of hazardous substances pursuant to Section 101(22) has occurred at or from the Property. The hazardous substances include, but are not limited to volatile organic contaminants (including, but not limited to, trichloroethylene, freon 11, 1,2-dichloroethene, 1,1,1-trichloroethane, benzene) and chromium, nickel, lead, in groundwater. Contaminants found in soils and sediments include benzo(a)pyrene, chrysene, indeno(1,2,3-cd)pyrene, bis(2-ethylhexyl)phthalate, aroclors, and asbestos insulation/transite. As the owners of Property located in a Superfund Site, you are liable for all costs of a remedial action at the Site.

The lien arising in favor of the United States on the Property continues until the liability or the costs is satisfied or until the liability for the costs becomes unenforceable through operation of the statute of limitations in CERCLA Section 113.

On November 25, 1998 and October 7, 1991, EPA notified Linda Marszalkowski and J.M. Mills, Inc. by certified mail of your potential liability under CERCLA. You may satisfy the lien placed upon the Property by paying all costs and damages for which you are liable.

EPA has assembled a Lien Filing Record consisting of documents relating to its decision to perfect the lien. This record is kept at the following address, and may be reviewed and copied at reasonable times by arrangement with me, at the address listed below:

Diane Boudrot, Paralegal
U.S. Environmental Protection Agency
Office of Environmental Stewardship
One Congress Street, Suite 1100 (SES)
Boston, MA 02114-2023
(617) 918-1776

EPA has reviewed the information in the Lien Filing Record and believes the Agency has a reasonable basis to believe that the statutory elements for perfecting a lien are satisfied. EPA has perfected its lien by filing a notice of lien with the Town of Cumberland Registry of Deeds, as designated by State law, where the real property is located.

If you have any questions pertaining to this letter, please contact me at (617) 918-1776.

Sincerely,



Diane Boudrot
Paralegal

Enclosure

cc: Michelle Lauterback, Senior Enforcement Counsel
David Newton, RPM
Louis Maccarone, RIDEM-OWM
Curtis A. Conners, Esq.