

US EPA ARCHIVE DOCUMENT

**Appendices**  
**Sample Letters**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

APR 12 2001

David Chenevert  
Swissline Precision Manufacturing, Inc.  
c/o  
Michael. A. Kelly, Esq.,  
3055 Diamond Hill Road  
Cumberland, Rhode Island 02684

Re: **Peterson/Puritan Superfund Site – Letter of Understanding: Review By Environmental Protection Agency (“EPA”) of Construction Projects on Properties Containing Institutional Controls**

Dear Mr. Chenevert:

As you know, the U.S. Environmental Protection Agency (EPA) is requiring Lonza Inc. to obtain easements and covenants on your property in order to protect people from coming into contact with contaminated soil and groundwater and to ensure that people do not interfere with the ongoing cleanup of the Peterson/Puritan Superfund Site. To accomplish these goals, the covenants and easements will require you to give EPA and the State access to your property, refrain from using the groundwater under your property, and refrain from conducting any activity that could disturb the remedial measures. Examples of such activities include disturbing groundwater monitoring wells, excavating soils down to, or below, groundwater level, and changing the groundwater flow pattern (groundwater flow can be affected if you pave over large areas, remove pavement from large areas, install sump pumps in basements, or discharge stormwater through dry wells, among other activities).

Under the Declaration of Easements and Covenants, you will have a right to demonstrate to EPA that construction projects and other intended property uses will not interfere with the remedial measures. Even if the project *would* interfere with the remedial measures, EPA may be able to help you design the project so that it does not compromise the Superfund cleanup. You should know that EPA is committed to ensuring that remedial work interferes as little as possible with the productive use of your property and that we have a good track record so far of helping property owners on this Site expand their operations without interfering with the cleanup.

In order to expedite the approval of any planned construction projects that you or your client may wish to undertake, we provide the following general guidelines for facilitating the EPA’s review of the project.

Nature of the Project Requiring Review: If the Property Owner is planning a construction project that would impact any of the monitoring wells, cause a release of hazardous substances to soil or groundwater, increase the footprint of the Property Owner's current structure, result in a new structure, change the groundwater flow pattern, or otherwise affect the integrity of the remedy, the Property Owner should submit detailed plans of the proposed project to the EPA for review and approval.

Timing of Submission: While we are available to provide informal input during the formative stage of a project, we would prefer that plans for a proposed project be definitive before submitting them to the EPA, and that such plans be submitted prior to obtaining permits, consents, certificates or any other governmental approvals required to commence construction.

Information Required for Review: So that the EPA may fairly assess the impact of the proposed construction on the environmental controls currently in place, the plans should provide information as to the following items:

- blueprints or drawings illustrating the planned construction;
- the nature of the proposed construction project;
- timing of completion of the work;
- the size and placement of the new building or construction footprint;
- any potential effect on ground water;
- any potential effect on existing leachfield or stormwater drainage or creation of new leachfield or stormwater drainage;
- the scope of excavation, if any;
- whether there is soil contamination present, whether the construction activity may require a disturbance or redistribution of these soils, and what actions will be taken to appropriately handle those soils;
- any other proposed remedial activity to be undertaken, if any; and
- an explanation as to why planned construction would not impact environmental controls at site.

In general, the Property Owner should submit all available information that he or she reasonably believes will facilitate the EPA's review process.

Plan Submission: Submit plans for review and approval to address (a) with a copy to address (b).

(a) David J. Newton  
Remedial Project Manager  
United States Environmental Protection Agency Region I

Office of Site Remediation and Restoration  
Suite 1100  
Boston, Massachusetts 02114-2023

(b) Suzanne M. Avena, Esq.  
Paul, Hastings, Janofsky & Walker LLP  
75 East 55<sup>th</sup> Street  
New York, New York 10022

Timing of Review: EPA will endeavor to review all submitted plans as quickly as possible. We certainly will endeavor to review all submitted plans within sixty (60) business days of the date of receipt of the initial plans and specifications by the Property Owner. If the EPA determines that the proposed plans are not satisfactory in light of the environmental monitoring and compliance criteria, the EPA will advise the Property Owner as soon as possible, and specify in what respects the plans and specifications have been determined to impact the remediation activities and environmental controls. The EPA will not review portions of the approved plans and specifications that the EPA has previously determined to be satisfactory, provided that such plans and specifications have not been changed by the Property Owner.

Plan Modifications: If a Property Owner elects to modify a section of a plan to address and resolve the EPA's concerns, or the Property Owner desires to modify a section of the proposal that may impact the remediation after such proposal has been approved, the Property Owner must resubmit the revised plan to the EPA. All modifications must be identified within the section, and like the initial review, the proposal should include an explanation as to how the modifications resolve the EPA's concerns and do not interfere with remediation activities and existing environmental controls.

A Property Owner is not required to submit proposals for modifications to the EPA that affect only the interior of an existing structure, provided that such modifications do not affect environmental controls and activities, access to monitoring wells, or groundwater.

If you or your client have any questions regarding construction projects or project specific inquiries, please do not hesitate to contact David J. Newton, the EPA's Remedial Project Manager at (617) 918-1243.

Sincerely,



David J. Newton  
Remedial Project Manager

cc: Dr. David W. Eastman  
David J. Freeman, Esq.  
Suzanne M. Avena, Esq.  
Robert L. Wegman, Esq.  
Louis Maccarone, RIDEM



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NEW ENGLAND

Office of Site Remediation and Restoration  
One Congress Street Suite 1100, (Mail Code HBO)  
Boston, Massachusetts 02114-2023

June 27, 2001

Mr. Fred Sarmento  
Fleet Construction Company, Inc.  
Greenville, Rhode Island 02828

Re: Martin St. Property Bedrock Excavation in the Vicinity of the Peterson/Puritan, Inc.  
Superfund Site

Dear Mr. Sarmento:

Thank you for the opportunity to meet with you and review and comment on your plans regarding the operations at the sand and gravel quarry south of Martin Street and west of Rt. 122 in Cumberland Rhode Island, known to EPA as the sand and gravel quarry. After receiving your grading plan and surface water sampling data, I made note of the sampling locations, and on June 14, 2001 I visited the property to observe the location and direction of the flow of surface water across your property. A worker at the property pointed out the surface flow, the locations from where the samples were collected and the bedrock knobs that are the point of this discussion.

As I understand it, you have proposed to use explosives to remove one or more bedrock knobs to level the existing grade of the property. Further excavation below this grade is not required nor planned at this time. I understand that the Fire Marshall, Cumberland Fire Chief and the Town of Cumberland are all aware of your needs and desires concerning this procedure. You may wish to pass along this letter to these (and other) parties interested in the Agency's recommendations in this matter.

EPA is interested in Fleet Construction's proposed property improvement because we are overseeing a clean up and continued investigation of a Superfund site which is located in the immediate vicinity of the subject property. We want to ensure that the property improvement or use do not interfere with the clean up and that no one is exposed to potentially contaminated groundwater.

The Peterson/Puritan, Inc. Superfund Site is currently split into two geographical parts, known as Operable Unit 1 and Operable Unit 2. Operable Unit 1 (the Martin St. vicinity) is under active remediation, including the pumping and treating of groundwater whereas, in Operable Unit 2, we are just initiating a study into the nature and extent of contamination potentially impacting the southern portion of the Site.

With respect to Operable Unit 2 of the Site, a Remedial Investigation and Feasibility Study will be initiated this summer to investigate the nature extent of contamination south of Martin St. (and

Operable Unit 1) to the Pratt Dam and which includes an inactive landfill, a solid waste transfer station, sand and gravel operations, wetlands, local tributaries, and flood plains of the Blackstone River, former municipal water supply wells, an active railroad line, and a number of undeveloped areas along the Blackstone River. I understand that the subject property owner has been contacted for access concerning the proposed investigations for Operable Unit 2.

In evaluating these factors and the Fleet Construction grading plans and sampling data as submitted to me, I am aware of no elements of your proposed or current work that would adversely interfere with the ongoing operation and maintenance activities connected with the ongoing Superfund remediation for Operable Unit 1, nor that which may interfere with proposed environmental studies for Operable Unit 2. In my review of the information as presented to me, I have the following comments/recommendations:

- A Contingency Plan for the Management of Contaminated Soils and Waters: In the event that any construction activities or sand and gravel operations encounter contaminated soils or ground- and/or surface water above health-based levels, a contingency plan for the proper handling and disposal of these soils and the monitoring of such waters should be developed. Historical groundwater and soils data obtained from existing monitoring wells and soil boring locations northwest, west and southwest of the subject property indicate the presence of considerable soil and groundwater contamination. Additionally, it is important to point out that a surface water grab sample taken at one of two locations on the subject property did indicate the presence of chloroform and trichloroethene at very low (below health-based levels) but detectable concentrations. Given the Site history and the variability of concentrations of contaminants identified throughout the Site, it is suggested that a contingency plan for occasional monitoring of soils and waters and provisions for personnel safety, soil and flow management, and proper handling/disposal practices (as may be necessary) may be prudent.
- Concern for Creating Fractures and Preferential Contaminant Pathways: Groundwater contaminants can travel significant distances through natural or artificially induced bedrock joints and fractures. Use of explosives can alter the groundwater flow path through these fractures. However, in this case, the bedrock knobs in question are not in contact with the water table, and their size are sufficiently small thus limiting the amount of charge necessary to complete the removal bedrock knob to grade. It is unlikely that any substantial fracturing of the underlying rock would be anticipated, thus limiting any chance for enhancing lateral fracture interconnections allowing for the widespread formation of induced preferential pathways for which contaminated groundwater could easily migrate. Should your plan be revised such that there may be the likelihood that further quarrying below the current grade is anticipated or that there may be a likelihood that groundwater is to be encountered during this or any future operation at the property, this new information should be brought to the attention of the Agency and RIDEM for further review.

- Use of Best Management Practices (BMPs): Under State requirements, the use of BMPs at the subject property to limit erosion and minimize siltation and deposition into the Blackstone River must be maintained. The small stream flowing from east to west in the southern portion of the Site is of interest since it flows directly into the river. BMPs should be adequate to control erosion and siltation for all flow conditions, including storm events, and minimize wind blown particulates leaving the subject property boundaries.
- Continued Cooperation and Communication: At some future date, Fleet Construction and/or the property owner of record may be contacted by the Agency, RIDEM, or other parties conducting environmental studies for the Agency, for access to the property for the purpose of observing, monitoring, and/or sampling surface water and/or groundwater. At that time, a description of the work or purpose for the property access will be shared with you and a consent for access will be sought. If conditions at the Site change, Fleet Construction and/or the property owner of record may be contacted concerning the placement of easements and covenants in the form of deed restrictions onto the subject property in order to protect people from coming in contact with contaminated groundwater and to ensure that land uses do not interfere with the ongoing cleanup and/or investigation of the Site. Should either of these situations present itself, your prompt attention to these matters would be appreciated. Also, should you need any additional information concerning the Site, the Agency would be willing to share this information with you. Any sampling data obtained from the property would be copied to your attention upon your written request.

I recommend that Fleet Construction incorporate the points as communicated above in proceeding with its property improvement plans. In doing so, I conclude that the proposed property improvements as presented to me to date will not interfere with, nor limit or restrict the nature or scope of the Superfund response activities. Further, I find no conflict with the goal of the proposed land use restrictions to be considered throughout the Site which prevents the future use, or exposure to, or hydraulic alteration of, groundwater throughout the vicinity. I further request that Fleet Construction continue to communicate with EPA, and RIDEM (as may be appropriate) concerning scheduling, any substantial changes to the submitted plan, or other situations that may develop as you proceed with your property improvement.

Should you have any further questions or concerns, please feel free to call me at (617) 918-1243.

Sincerely,

David J. Newton, RPM  
NH & RI Superfund Section

cc: Dick Boynton, Chief NH/RI SF Section

Lou Maccarone, RIDEM-OWM  
Catherine Smith, OES  
Michelle Lauterback, OES