

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
ONE CONGRESS STREET, SUITE 1100  
BOSTON, MA 02114-2023

**URGENT LEGAL MATTER - PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

APR 14 2009

Wilfred Greene, President  
Seaconke Wampanoag Tribe  
Wampanoag Nation, Inc.  
2220 Warwick Avenue, Apt. H10  
Warwick, RI 02889-3166

Seaconke Wampanoag Tribe  
Wampanoag Nation, Inc.  
c/o Patrick Conley, Esq.  
Attorney At Law  
200 Allens Ave  
Providence, RI 02903

RE: Administrative Order for Property Access – Plat 58, Lot 69  
Peterson/Puritan, Inc. Superfund Site, Cumberland and Lincoln, RI

Dear Mr. Greene:

Enclosed is an Administrative Order for Property Access (the "Order") for a parcel of property owned by the Seaconke Wampanoag Tribe, Wampanoag Nation, Inc. ("Respondent"), located within Operable Unit One ("OU 1") of the Peterson/Puritan, Inc. Superfund Site ("Site"). Access is required for the purpose of implementation of remedial work selected in the U.S. Environmental Protection Agency's ("EPA") Record of Decision ("ROD") for OU1. Remedial work includes, but is not limited to, monitoring contaminant levels of hazardous substances in groundwater on the property to ensure that cleanup efforts required in the ROD are effective.

The property is identified by the Town of Cumberland Assessors Office as Map 58 Lot 69. The property was transferred to Respondent by Quit Claim Deed of Gift, dated June 24, 2008. On June 30, 2008, the Quit Claim Deed of Gift was recorded at the Town of Cumberland Office of the Town Clerk at Book Number 1430, Page Number 244. Despite repeated requests from EPA representatives to enter the Site, Respondent has refused to provide EPA with access to conduct the remedial activities.

EPA is issuing this Order pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. § 9604(e) and

the National Contingency Plan, 40 CFR § 300.400(d).

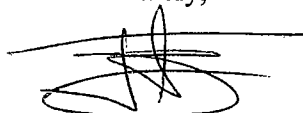
You may request a conference with EPA within seven business days after receipt of this Order, to be held no later than five business days after Respondent's request, on any matter pertinent to this Order.

You may also submit written comments or statements of position on any matter pertinent to this Order no later than the time of the conference or two business days before the effective date of this Order if a conference is not requested. Written comments or statements should be submitted to:

John Hultgren, Enforcement Counsel  
U.S. Environmental Protection Agency  
Office of Environmental Stewardship  
One Congress Street, Suite 1100 (SES)  
Boston, MA 02203-2211  
hultgren.john@epa.gov

As described in Paragraph 37 of the Order, the Order shall become effective ten business days after receipt by Respondent, unless a conference is timely requested. Paragraph 40 of the Order requires Respondent to notify EPA in writing whether Respondent will comply with the terms of the Order. Paragraph 40 also notifies Respondent that EPA will construe Respondent's failure to notify EPA of Respondent's intent to comply with the Order by the effective date as a denial of EPA's access request and a violation of the Order.

Sincerely,



John Hultgren  
Enforcement Counsel

Enclosure

cc: David Newton, EPA Remedial Project Manager (by email)  
Michelle Lauterback, Senior Enforcement Counsel (by email)  
Donald Frankel, Trial Attorney, Department of Justice (by email)  
Lesley Rich, Esq., CPA (by email)  
Patrick Conley, Esq. (by email)  
Captain James P. Coyne, Operations Commander,  
Cumberland Police Department (by email)  
Ray Madden, Building Official, Town of Cumberland (by email)  
Will Greene, Greene's Construction (by first class mail)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

-----	)	
IN THE MATTER OF:	)	
	)	
PETERSON/PURITAN, INC.	)	Docket No.:
SUPERFUND SITE	)	CERCLA-01-2009-0048
	)	
Seaconke Wampanoag Tribe -	)	ADMINISTRATIVE ORDER
Wampanoag Nation	)	FOR ACCESS
	)	
Respondent	)	
	)	
Proceedings under Section 104(e) of the	)	
Comprehensive Environmental Response,	)	
Compensation, and Liability Act of 1980,	)	
as amended, 42 U.S.C. § 9604(e)(5)	)	
-----	)	

**I. JURISDICTION**

1. This Administrative Order ("Order") is issued to the Seaconke Wampanoag Tribe - Wampanoag Nation, Inc. (hereinafter, "Respondent"), pursuant to the authority vested in the President of the United States by Section 104(e)(5) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e)(5), and the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. § 300.400(d)(4). 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. 2923, redelegated to the Regional Administrators of EPA on May 11, 1994, by EPA Delegation No. 14-6, and further delegated concurrently to the Director, Office of Site Remediation and Restoration, the Manager, Emergency Planning and Response, Office of Site Remediation and Restoration, and the Managers, Remediation and Restoration I and II, Office of Site Remediation and Restoration, as appropriate, by Order No. 1200, Chapter 14-6, September 3, 1996.

**II. STATEMENT OF PURPOSE**

2. This Order requires Respondent to grant EPA and its officers, employees, agents, attorneys, contractors, and other authorized representatives entry and access to the real property described in Paragraph 6 below (the "Property") located in Cumberland, Rhode Island. Access is required for the purpose of implementation of remedial work selected in the Record of Decision ("ROD") for Operable Unit 1 of the Peterson/Puritan, Inc. Superfund Site (the "Site"). This

Order further requires Respondent to refrain from interfering with access to the Property by EPA and its authorized agents or representatives for the purposes set forth herein.

### **III. FINDINGS OF FACT**

3. Respondent is a Rhode Island 501(c)(3) not-for-profit corporation. Its business address is 2220 Warwick Avenue, Apt H-10, Warwick, RI 02889-3166. Wilfred W. Greene is the President of the Seaconke Wampanoag Tribe - Wampanoag Nation, Inc.

4. The Site consists of two operable units, Operable Unit 1 ("OU1") and Operable Unit 2 ("OU2"), and a potential third operable unit, totaling over two linear miles of mixed industrial, commercial, and residential property. The Site is located along the Blackstone River (the "River") and includes a portion of the Blackstone River Valley National Heritage Corridor. The Site is located in the Towns of Cumberland and Lincoln, located in the north-central corner of Rhode Island. The Site is surrounded by industrial, residential, and semi-rural properties.

5. OU1 consists of several parcels and has two principal sources of groundwater and soil contamination. The first source is the CCL Custom Manufacturing facility (CCL) (formerly the Peterson/Puritan, Inc. facility, which is the Site's namesake). The second source is the Pacific Anchor Chemical Corporation (PAC) facility (formerly the Lonza and Universal Chemical Company facility). The PAC facility and the CCL facility are each located in Cumberland, off Mendon Road and Martin Street, respectively. From these source areas, OU 1 extends through additional parcels down the River valley to approximately 2,000 feet south of the CCL facility along the east bank of the River. The River and the Quinville wellfield, located in the southeast corner of OU 1, are primary receptors of the contaminated ground water migrating from OU 1.

6. The Property, identified by the Town of Cumberland Assessors Office as Map 58 Lot 69, is located entirely within OU1. The Property was transferred to Respondent by Quit Claim Deed of Gift, dated June 24, 2008. On June 30, 2008, the Quit Claim Deed of Gift was recorded in the Town of Cumberland Office of the Town Clerk at Book Number 1430, Page Number 244. A copy of the Quitclaim Deed is attached as Appendix A.

7. Samples taken from OU1 indicate, among other substances, the presence of volatile organic contaminants ("VOCs") (including, but not limited to, trichloroethylene, freon 11, 1,2-dichloroethene, 1,1,1-trichloroethane and benzene) and arsenic in soil and groundwater. All of these are "hazardous substances" within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). These hazardous substances were disposed of at the Site and have been released or are threatened to be released at or from the Site, including at or from the Property.

8. The Property is located west of, and down gradient from, the PAC facility. A survey map of the Property is attached as Appendix B. Hazardous substances released at the Site have migrated onto the Property, primarily through groundwater. Groundwater within the Property is impacted by arsenic, and to a lesser extent, VOCs. Contaminated groundwater from past PAC/Lonza facility operations may continue to migrate onto the Property.

9. On September 8, 1983, EPA included the Site on the Superfund National Priorities List, 40 C.F.R. Part 300, App. B, pursuant to Section 105(a)(8)(B) of CERCLA, 42 U.S.C. § 9605(a)(8)(B).

10. To address the release or threatened release of hazardous substances, pollutants or contaminants at or from the Property, EPA and certain potentially responsible parties at the Site are conducting certain response actions. These actions include the implementation of remedial work at OU1, as described below, to abate the potential danger to public health or the environment posed by the release or threat of release of hazardous substances at the Site. These actions are authorized by Section 104(a) and (b) of CERCLA, 42 U.S.C. § 9604(a) and (b).

11. An investigation into the extent of contamination at OU 1 was completed in 1993. After evaluating cleanup alternatives, in 1993 EPA issued a final cleanup ROD for OU 1. The remedy selected in the ROD includes, *inter alia*, soil vapor extraction to clean soils surrounding a tank farm, pumping and treating a contaminated groundwater plume emanating from the tank farm, pumping groundwater downgradient from the tank farm into the local sewer system, excavating the leach fields, and using in-place oxidation to reduce arsenic concentrations in groundwater. The remedy also requires periodic monitoring of contaminant levels in groundwater to ensure that each of the cleanup efforts is effective, and recording of groundwater and land use restrictions on the deeds of all impacted properties. The Property is part of these impacted properties. (Henceforth the above-described remedy selected in the ROD shall be collectively referred to as the "Remedial Work").

12. In 1995, EPA entered into a Consent Decree with CCL Custom Manufacturing Inc., Lonza, Inc., Pacific Anchor Chemical Corporation, and SUPERVALU Operations, Inc. ("Settling Parties") by which the Settling Parties agreed to perform the Remedial Work. Sections V and X of the Consent Decree require SUPERVALU Operations, Inc. to use best efforts obtain access agreements to certain parcels at OU1, including the Property, granting access to EPA and its representatives. Project managers for the Settling Parties have been designated as authorized representatives of EPA for the purpose of entry onto the Property.

13. To perform the Remedial Work, it is necessary for EPA, the Settling Parties and their respective officers, employees, agents, attorneys, contractors, and other authorized representatives, to have access to the Property. Activities for which entry is required include:

- a. Access to, on, above, across, and under the Property for the purposes of performing and maintaining the Remedial Work on the Property or on adjacent properties;
- b. Ingress to and egress from, and passage and repassage by foot and any form of vehicle or transportation device to perform the Remedial Work on the Property or on adjacent properties;



Administrative Order for Access: Operable Unit 1 of the Peterson / Puritan Inc., Superfund Site

- c. Installing, repairing, maintaining, constructing, replacing, using and operating those instrumentalities and facilities necessary to perform the Remedial Work on the Property;
- d. Taking soil, water, and air samples necessary for the Remedial Work;
- e. Sampling of any solids or liquids stored or disposed of on the Property;
- f. Examining and sampling all wells, including all groundwater monitoring wells, to the extent such wells exist on the Property; and
- g. Taking any emergency response actions as necessary on the Property.

14. EPA and its representatives have communicated with Mr. Greene, Respondent's President, on numerous occasions, by letter, telephone conversations and face-to-face meetings, of the ongoing remedial work at the Site.

15. Respondent owns two other properties within the areas in which response actions for OU1 and OU2 are being performed, which are separate and apart from the Property subject of this Order. These properties are described by and on file with the Town of Cumberland Office of the Assessor and Office of the Clerk as Plat Number 14, Lot Number 23, and Plat Number 34, Lot Number 249. Between June 2007 and April 2008, EPA and its representatives made numerous attempts by letter, telephone conversation and face-to-face meetings, but Respondent did not grant access to the properties. EPA therefore issued an Administrative Order for Access to these two other properties on July 1, 2008. The Administrative Order for Access states that the Order will become effective ten business days after receipt by Respondent, unless Respondent requests a conference within three business days after receipt. EPA received no response from Respondent to the Administrative Order for Access. The Administrative Order for Access is attached as Attachment C.

16. By letter, dated August 20, 2008, SUPERVALU Operations, Inc. requested access to the Property. Respondent has not replied to this access request to date.

17. By letter, dated September 11, 2008, EPA requested access to the Property. Respondent has not replied to this access request to date.

18. To date, Respondent has not agreed, in writing, to give EPA and its representatives access to the Property.

#### **IV. CONCLUSIONS OF LAW AND DETERMINATIONS**

19. The Site is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

20. Respondent is a "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

21. All of the substances listed in Paragraphs 7 and 8 above are hazardous substances or pollutants or contaminants within the meaning of Sections 101(14) and 101(23) of CERCLA, 42 U.S.C. §§ 9601(14), 9601(23).

22. Based on the information provided in Paragraphs 4 - 8 of this Order, EPA has a reasonable basis to believe that there may be a release or threat of release of a hazardous substance or pollutant or contaminant, within the meaning of Sections 101(22) and 104(e)(1) of CERCLA, 42 U.S.C. §§ 9601(22) and 9604(e)(1), at or from the Property.

23. The Property is owned or controlled by Respondent and is a vessel, facility, establishment, or other place or property:

- a. from or to which a hazardous substances, pollutants or contaminants has been or may have been released; and
- b. where such release is or may be threatened; and
- c. where entry is needed to determine the need for response, to identify the appropriate response, or to effectuate a response action within the meaning of Section 104(e)(3) of CERCLA, 42 U.S.C. § 9604(e)(3).

24. Entry to the Property owned or controlled by Respondent by the Settling Parties, their officers, employees, agents, contractors, and other authorized representatives, and by EPA, its officers, employees, agents, contractors, or other representatives of the United States (all hereinafter referred to as "EPA and its authorized representatives") is needed for the purposes of taking a response action, within the meaning of Section 104(e)(1) of CERCLA, 42 U.S.C. § 9604(e)(1).

25. Requests for access to the Property made by SUPERVALU Operations, Inc. and EPA have not been granted by the Respondent.

## **V. ORDER**

26. Based upon the foregoing Findings of Fact, Conclusions of Law and Determinations, and the Administrative Record, the Respondent is hereby ordered to provide EPA, SUPERVALUE Operations, Inc. and their authorized representatives, full and unrestricted access at all reasonable times to the Property for the purpose of conducting response activities, including, but not limited to, those purposes listed in Paragraph 13 of this Order. EPA has designated the following individual, a representative of the OU1 Settling Parties, as its representative solely for the purpose of coordinating access to the Site:



For the OU 1 Settling Parties Group:

Douglas Simmons  
ENSR/AECOM  
2 Technology Park Drive  
Westford, MA 01886-3140  
Tel: (978) 589-3360

27. Respondent shall not interfere with EPA's exercise of its access authorities pursuant to 42 U.S.C. § 9604(e) and 40 C.F.R. § 300.400(d), and shall not interfere with or otherwise limit any activity conducted at the Site pursuant to this Order by EPA and its authorized representatives. Any such interference shall be deemed a violation of this Order.

28. Nothing herein limits or otherwise affects any right of entry held by the United States pursuant to applicable laws, regulations, or permits.

29. This Order shall apply to and be binding upon Respondent and its successors, heirs and assigns (including transferees of the Property), and each and every officer, employee, or agent of Respondent and upon all other persons and entities who are under the direct or indirect control of Respondent, including any and all lessees of the Property.

30. In the event of any conveyance by Respondent, or Respondent's agents, heirs, successors and assigns, of an interest in the Property described in Paragraph 6, Respondent or Respondent's agents, heirs, successors and assigns shall convey the interest in a manner which ensures continued access to the Property by EPA and its authorized representatives for the purpose of carrying out the activities at the Site. Any such conveyance shall restrict the use of the Property so that the use will not interfere with activities undertaken or to be undertaken by EPA and its authorized representatives. Respondent, or Respondent's agents, heirs, successors and assigns shall notify EPA in writing at least thirty (30) days prior to the conveyance of any interest in the Property, and shall, prior to the transfer, notify the other parties involved in the conveyance of the provisions of this Order.

**VI. ENFORCEMENT**

31. Compliance with this Order shall be enforceable pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). A court may impose a civil penalty on Respondent of up to thirty-seven thousand five hundred dollars (\$37,500) for each day that Respondent unreasonably fails to comply with this Order, as provided in Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5), and the Civil Monetary Penalty Inflation Adjustment Rule, 69 Fed. Reg. 7121, 40 C.F.R. § 19.4. Nothing herein shall preclude EPA from taking any additional enforcement actions, and/or other actions it may deem necessary for any purpose, including the prevention or abatement of a threat to the public health, welfare, or the environment arising from conditions at or from the Property, and recovery of the costs thereof.

32. Nothing in this Order constitutes a waiver, bar, release, or satisfaction of or a defense to any cause of action which EPA has now or may have in the future against Respondent, or against any entity that is not a party to this Order.

33. Nothing in this Order shall affect in any manner the right of EPA to issue any other orders to or take any other administrative or civil action against Respondent or any other parties under CERCLA that relate to this Property or any other site.

34. Nothing in this Order constitutes a decision on preauthorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

## **VII. ADMINISTRATIVE RECORD**

35. EPA has established an Administrative Record which contains the documents that form the basis for the issuance of this Order. It is available for review by appointment on weekdays between the hours of 8:00 am and 4:00 pm at the EPA offices at One Congress Street, Boston, Massachusetts. To review the Administrative Record, please contact John Hultgren at (617) 918-1761 to make an appointment.

## **VIII. OPPORTUNITY TO CONFER**

36. Within **seven (7) business days** after receipt of this Order by Respondent, Respondent may request a conference with EPA, to be held no later than **five (5) business days** after Respondent's request, on any matter pertinent to this Order, including its applicability, the factual findings and the determinations upon which it is based, the appropriateness of any actions Respondent is ordered to take, or any other relevant and material issues or contentions which Respondent may have regarding this Order. This conference is not an adversarial proceeding and is not part of any proceeding to enforce or challenge this Order. Respondent may appear in person or by an attorney or other representative at the conference. Respondent may also submit written comments or statements of position on any matter pertinent to this Order no later than the time of the conference, or at least two business days before the effective date of this Order if Respondent does not request a conference. EPA will deem Respondent to have waived its right to the conference or to submit written comments if it fails to request the conference or submit comments within the specified time period(s). Any request for a conference or written comments or statements should be submitted to:

John Hultgren  
Enforcement Counsel  
United States Environmental Protection Agency - Region 1  
One Congress Street, Suite 1100, Mailcode SEL  
Boston, MA 02114-2023  
Telephone: (617) 918-1761  
Fax: (617) 918-0761

## **IX. EFFECTIVE DATE; COMPUTATION OF TIME**

37. This Order shall be effective **ten (10) business days** after its receipt by Respondent or Respondent's designated representative unless a conference is timely requested as provided above. If a conference is timely requested, then at the conclusion of the conference or after the conference, if EPA determines that no modification to the Order is necessary, the Order shall become effective immediately upon notification by EPA of such determination. If modification of the Order is determined by EPA to be necessary, the Order shall become effective upon notification by EPA of such modification. Any EPA notification under this paragraph may, at EPA's discretion, be provided to Respondent by facsimile, electronic mail, or oral communication; provided that if EPA does use such a form of notification, it will also confirm such notification by first class, certified or express mail to Respondent or its legal counsel. Any amendment or modification of this Order by EPA shall be made or confirmed in writing.

38. For purposes of this Order, the term "day" shall mean a calendar day unless expressly stated to be a business day. "Business day" shall mean a day other than a Saturday, Sunday, or federal legal holiday. When computing any period of time under this Order, if the last day would fall on a Saturday, Sunday, or federal legal holiday, the period shall run until the next business day.

## **X. APPENDICES**

39. The following appendices are attached to and incorporated into this Order: "Appendix A" is a copy of the Quitclaim Deed, dated June 24, 2008 for the Property. "Appendix B" is a survey map of the Property. "Appendix C" is a copy of the Administrative Order for Access, dated July 1, 2008, for two other properties owned by Respondent within the Site.

## **X. NOTICE OF INTENT TO COMPLY**

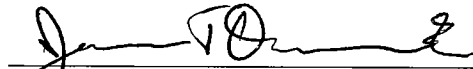
40. On or before the effective date of this Order, Respondent shall notify EPA in writing whether Respondent will comply with the terms of this Order. Respondent's failure to notify EPA of its unconditional intent to fully comply with this Order by the time the Order becomes effective shall be: 1) construed as a denial of EPA's request for access; and 2) as of the effective date of the Order, treated as a violation of the Order. Such written notice shall be sent to John Hultgren at the address identified above.

## **XI. TERMINATION**

41. This Order shall remain in effect until James T. Owens, III, Director, Office of Site Remediation and Restoration or his designee notifies Respondent in writing that access to the Property is no longer needed for the purpose of implementing the response actions referenced in this Order.

Administrative Order for Access: Operable Unit 1 of the Peterson / Puritan Inc., Superfund Site

SO ORDERED.

  
\_\_\_\_\_  
James T. Owens, III, Director  
Office of Site Remediation and Restoration

4 / 14 / 09  
\_\_\_\_\_  
Date

Administrative Order for Access: Operable Unit 1 of the Peterson / Puritan Inc., Superfund Site

I am notifying the U.S. Environmental Protection Agency that the Seaconke Wampanoag Tribe - Wampanoag Nation will comply with the Administrative Order for Access to the Property identified by the Town of Cumberland Assessors Office as Map 58 Lot 69, Docket No. CERCLA-01-2009-0048

\_\_\_\_\_  
Wilfred W. Greene  
President  
Seaconke Wampanoag Tribe - Wampanoag Nation, Inc.

\_\_\_\_\_  
Date

## APPENDIX A



07/02/2008 01:05PM  
B/P:001430/000244  
Inst#:00026258  
Cumberland, RI

QUIT CLAIM DEED OF GIFT

PATRICK T. CONLEY and GAIL CAHALAN CONLEY, One Bristol Point Road, Bristol, Rhode Island 02809

for consideration paid, grant to SEACONKE WAMPANOAG TRIBE-WAMPANOAG NATION, INC., a Rhode Island Corporation, c/o Wilfred W. Greene "Chief Eagle Heart", 2220 Warwick Avenue, Apt. H-10, Warwick, Rhode Island 02889

with QUIT CLAIM COVENANTS

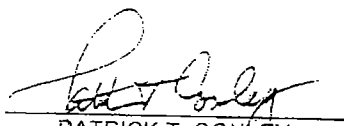
FOR LEGAL DESCRIPTION  
SEE EXHIBIT "A" ATTACHED HERETO  
AND INCORPORATED HEREIN BY REFERENCE

Subject to all municipal liens, taxes, and encumbrances of record.

THIS TRANSFER IS A GIFT SO THAT NO DOCUMENTARY STAMPS ARE REQUIRED AND NO R.I.G.L. 44-30-71.3 IS REQUIRED AS THIS IS NOT A TRANSFER FOR VALUE.

THIS TRANSFER IS EXCLUDED FROM THE SMOKE DETECTOR AND CARBON MONOXIDE LAW AS PROVIDED IN SECTION 23-28.35-14 BECAUSE THE PROPERTY CONTAINS NO RESIDENTIAL DWELLINGS.

WITNESS our hands this 27<sup>th</sup> day of June, 2008.

  
PATRICK T. CONLEY


  
GAIL CAHALAN CONLEY

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

In East Providence on the 27<sup>th</sup> day of June, 2008, before me personally appeared PATRICK T. CONLEY and GAIL CAHALAN CONLEY to me known and known by me to be the parties executing the foregoing instrument and they acknowledged said instrument by them executed to be their free act and deed.

Grantee's Address:

2220 Warwick Ave.  
Apt. H-10  
Warwick, RI 02889

  
Anna Maria Loiselle, Notary Public  
My Commission Expires: 11/24/10



SDMS DOC ID 297102

08 01:08PM  
30/000245  
0028258  
and, RI

### EXHIBIT A

A parcel of land situated on the westerly side of the location of the New York, New Haven & Hartford Railroad in the Ashton section in the Town of Cumberland, County of Providence, State of Rhode Island, bounded and described as follows:

beginning at a point in the westerly line of the New York, New Haven & Hartford Railroad, Providence-Worcester Branch right-of-way opposite station 487 / 81.83 of the monumented railroad base line, said point being marked by a granite bound and being the northeasterly corner of land now or formerly of Owens-Corning Fiberglas Corporation and the northeasterly corner of the herein described parcel; thence running southerly along the westerly line of said railroad right-of-way twelve hundred sixty-three and 5/10 (1263.5) feet to a corner; thence turning at right angles and running westerly bounding southerly on land of Development Realty Corp. about four hundred (400) feet to the Blackstone River; thence northerly bounding westerly on said Blackstone River about thirteen hundred thirty (1330) feet to said land now or lately of Owens-Corning Fiberglas Corporation; thence easterly bounded northerly on the last mentioned land one hundred (100) feet, more or less, to the point and place of beginning. Said parcel contains by estimation 5.1 acres.

Together with a right of way forty (40) feet in width for passage by vehicle or on foot from Martin Street across other property now or formerly of Development Realty Corp. to the southerly line of the property hereby conveyed, running as follows: across that tract of approximately fifteen and 9/10 (15.9) acres now or formerly leased by Development Realty Corp. to The Ansonia Wire & Cable Company as shown on a blueprint annexed to and made a part of an Indenture of Lease dated August 5, 1955, between Development Realty Corp. and said The Ansonia Wire & Cable Company recorded prior hereto, and continuing across Development Realty Corp.'s tract of approximately twelve and 9/10 (12.9) acres, which lies between said tract now or formerly leased by Development Realty Corp. to The Ansonia Wire & Cable Company and the property hereby conveyed approximately parallel to and near the Blackstone River, the easterly line of said right-of-way to be at least three hundred fifty (350) feet westerly from the southeasterly corner of the property hereby conveyed.

Together also with such riparian rights as are appurtenant to the parcel herein described and are owned or enjoyed by said Development Realty Corp.

This conveyance is made subject to the reservations contained in deed from Lonsdale Company to Edward A. McNulty dated November 27, 1942 and recorded with the Records of Land Evidence in said Cumberland in Deed Book 94 at page 60, but as modified by those two certain quitclaim deeds to said Edward A. McNulty, one from King Philip Finishing Co. and the other from J. M. Mills, Inc., recorded in said records in Deed Book 136 at pages 426 and 430, and as further modified by two certain quitclaim deeds to Development Realty Corp., one from J. M. Mills, Inc. and the other from Berkshire-Hathaway Inc., duly recorded with said records prior hereto; and subject also to the easement granted by Edward A. McNulty to the Blackstone Valley Gas and Electric Company dated May 23, 1946 and recorded with said records in Deed Book 99 at page 36.

This conveyance is further made subject to sewer easements of record as shown as "Proposed Sewer Easement to Parcel C" on that certain plat of land entitled "REPLAT APRIL 1984 PLAN OF LAND TO BE CONVEYED BY TOWN OF CUMBERLAND CUMBERLAND R.I. SCALE 1"=40' MARCH 1984 THE GUILLEMETTE CORPORATION" and recorded in the Land Evidence Records of said Town of Cumberland.

Said parcel is further designated as Lot 69 on Assessor's Plat 58, having an address of 65 John C Dean Memorial Blvd., Cumberland, RI.

## APPENDIX B



## APPENDIX C

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

In the Matter of:

PETERSON/PURITAN, INC. SUPERFUND SITE

Seaconke Wampanoag Tribe--  
Wampanoag Nation, Inc.

Respondent.

Proceedings under Section 104(e)(5) of the  
Comprehensive Environmental Response, Compensation  
and Liability Act, as amended, 42 U.S.C. § 9604(e)(5)

Docket No.:  
CERCLA 01-2008-0056

ADMINISTRATIVE ORDER  
FOR ACCESS

**I. JURISDICTION**

1. This Administrative Order ("Order") is issued to the Seaconke Wampanoag Tribe—Wampanoag Nation, Inc., (hereinafter "Respondent"), pursuant to the authority vested in the President of the United States by Section 104(e)(5) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(5), and the National Contingency Plan ("NCP"), 40 C.F.R. § 300.400(d)(4). 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. 2923, delegated to the Regional Administrators of EPA on May 11, 1994, by EPA Delegation No. 14-6, and further delegated concurrently to the Director, Office of Site Remediation and Restoration, the Manager, Emergency Planning and Response, Office of Site Remediation and Restoration, and the Managers, Remediation and Restoration I and II, Office of Site Remediation and Restoration, as appropriate, by Order No. 1200, Chapter 14-6, September 3, 1996.

**II. STATEMENT OF PURPOSE**

2. This Order requires the Respondent to grant EPA and its officers, employees, agents, attorneys, contractors, and other authorized representatives entry and access to the real property described in Paragraph 6 (the "Property") below, located in Cumberland, Rhode Island. Access is required for: 1) implementing a remedial design and remedial action ("RD/RA") for the First Operable Unit ("OU 1") of the Peterson/Puritan, Inc. Superfund Site located in Cumberland and Lincoln, Rhode Island (the "Site"); and 2) determining the need for a response action at the Second Operable Unit ("OU 2") of the Site by performing a remedial investigation and feasibility



study ("RI/FS"), as further described in the Findings of Fact. This Order further requires the Respondent to refrain from interfering with access to the Property by EPA and its authorized agents or representatives for the purposes set forth herein.

### **III. FINDINGS OF FACT**

3. Respondent Seaconke Wampanoag Tribe—Wampanoag Nation, Inc. (the "Respondent") is a Rhode Island 501(c)(3) not-for-profit corporation. Its business address is 2220 Warwick Avenue, Apt. H10, Warwick, Rhode Island 02889-3166. The Respondent has owned the Property since December 2006. Wilfred W. Greene is the President of the Seaconke Wampanoag Tribe—Wampanoag Nation, Inc.

4. The Site consists of two operable units ("OUs") and a potential OU 3 area, totaling over two linear miles of mixed industrial/commercial/residential property. The Site is located along the Blackstone River and includes a portion of the Blackstone River Valley National Heritage Corridor. The Site is located in the towns of Cumberland and Lincoln, in the north-central corner of Rhode Island. The Site is surrounded by industrial, residential, and semi-rural properties. An aerial Site map and the Town of Cumberland's assessors plat maps 14 and 34 are attached as Appendix A.

5. The Site contains many different parcels. EPA believes that the most contaminated parcel is the 52-acre J. M. Mills Landfill located within OU 2, which accepted mixed municipal and industrial waste from 1954 through 1986.

6. In 2006, the Respondent was gifted the Property which includes the J. M. Mills Landfill. The Property includes two parcels described by the Cumberland Assessors Office and the Cumberland Registry of Deeds as Plat #14, Lot #23 and Plat #34, Lot #249. Plat #14, Lot #23, which includes the Landfill, is located entirely within OU 2. Plat #34, Lot #249, is primarily within OU 1, but also spans into OU 2. The deeds transferring Plat #14, Lot #23 and Plat #34, Lot #249 to Respondent are attached as Appendix B.

7. Samples taken from the Site indicate the presence of volatile organic contaminants (including, but not limited to, trichloroethylene, freon 11, 1,2-dichloroethene, 1,1,1-trichloroethane, benzene) and also chromium, nickel, and lead in the groundwater. Contaminants found in the soil and sediment include benzo(a)pyrene, chrysene, indeno(1,2,3-cd)pyrene, bis(2-ethylhexyl)phthalate, aroclors, and asbestos insulation/transite. In addition, soil samples along the Blackstone River have been found to be contaminated with polychlorinated biphenyls, polyaromatic hydrocarbons, and heavy metals. All of these are "hazardous substances" within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). These hazardous substances were disposed of at the Site and have been released or are threatened to be released at the Site.

8. On September 8, 1983, EPA included the Site on the Superfund National Priorities

List, 40 C.F.R. Part 300, App. B, pursuant to Section 105(a)(8)(B) of CERCLA, 42 U.S.C. § 9605(a)(8)(B). EPA conducted a removal action on the OU 2 area in 1992, which involved construction of a fence around the former J. M. Mills Landfill and the removal of drums containing contaminated materials from the base of the landfill. In November 1997, a second removal action was conducted at the J. M. Mills Landfill, which included the disposal of asbestos containing wastes found outside of the fenced-in area. The security fence was extended to limit further dumping and restrict access to the OU 2 portion of the Site.

9. To address the release or threatened release of hazardous substances, pollutants or contaminants at the Property, EPA is conducting certain response actions. These actions include performing an investigation into the nature and extent of contamination at OU 2 through an RI/FS, and the implementation of an RD/RA at OU 1. These actions are authorized by Section 104(a) and (b) of CERCLA, 42 U.S.C. § 9604(a) and (b).

10. Pursuant to an October 18, 2004, Third Amendment to an Administrative Order on Consent ("AOC"), a group of Potentially Responsible Parties, including KIK Custom Products, Inc., Waste Management, Inc., and Unilever (collectively the "OU 2 PRPs" or "OU 2 PRP Group"), are under an obligation to pay for and perform the RI/FS at OU 2. The AOC requires the OU 2 PRP Group to obtain site access agreements from the owners of any portion of the Site not owned by the PRPs. Another group of Potentially Responsible Parties, including KIK Custom Products, Inc., Lonza, Inc., Pacific Anchor Chemical Corporation, and SUPERVALU Operations, Inc. (collectively the "OU 1 PRPs" or "OU 1 PRP Group"), are also required to obtain such access agreements pursuant to a 1995 Consent Decree to perform the RD/RA for OU 1. Despite numerous requests from the OU 1 PRP Group, the OU 2 PRP Group, and representatives of EPA, Respondent has refused to provide access for the purposes of performing the response activities described above. The Project Managers for the OU 1 PRP Group and the OU 2 PRP Group have been designated as Authorized Agents of EPA for the purpose of entry onto the Property owned or controlled by Respondent.

11. To perform the RD/RA at OU 1 as described above, it is necessary for EPA and its officers, employees, agents, attorneys, contractors, and other authorized representatives, including the OU 1 PRP Group and their respective officers, employees, agents, attorneys, contractors, and other representatives, to have access to the Property. The activities for which entry is required include:

- a. Access to, on, above, across, and under the Property for the purposes of performing the RD/RA for OU 1 on the Property or on adjacent properties.
- b. Ingress to and egress from and passage and repassage by foot and any form of vehicle or transportation device to perform the RD/RA on the Property.
- c. Permission to install, repair, maintain, construct, replace, use and operate those instrumentalities and facilities deemed necessary by EPA to perform the RD/RA on the Property.

Administrative Order for Access: Operable Units 1 and 2 of the Peterson/Puritan, Inc. Superfund Site

- d. Taking soil, water, and air samples as determined to be necessary on the Property.
- e. Sampling of any solids or liquids stored or disposed of on the Property.
- f. Examining the groundwater monitoring wells to the extent such wells exist on the Property.
- g. Sampling existing well water to the extent such wells exist on the Property.
- h. Examining the Property in connection with RD/RA activities, including, but not limited to monitoring institutional controls.
- i. Taking any emergency response actions as necessary on the Property.
- j. Other activities incident to conducting or observing the conduct of the RD/RA for OU 1.

12. To perform the RI/FS at OU 2 as described above, it is necessary for EPA and its officers, employees, agents, attorneys, contractors, and other authorized representatives, including the OU 2 PRP Group and their respective officers, employees, agents, attorneys, contractors, and other representatives, to have access to the Property. The activities for which entry is required include:

- a. Access to, on, above, across, and under the Property for the purposes of performing the RI/FS for OU 2 on the Property or on adjacent properties.
- b. Ingress to and egress from and passage and repassage by foot and any form of vehicle or transportation device to perform the RI/FS for OU 2 on the Property.
- c. Permission to install, repair, maintain, construct, replace, use and operate those instrumentalities and facilities deemed necessary by EPA to perform the RI/FS on the Property.
- d. Taking soil, water, and air samples as determined to be necessary on the Property.
- e. Sampling of any solids or liquids stored or disposed of on the Property.
- f. Examining the groundwater monitoring wells to the extent such wells exist on the Property.
- g. Sampling existing well water to the extent such wells exist on the Property.
- h. Drilling or excavating holes for subsurface investigation on the Property.
- i. Taking actions related to the investigation or remediation of surface or subsurface contamination on the Property.
- j. Examining the Property in connection with remedial design and implementation activities.
- k. Taking any emergency response actions as necessary on the Property.
- l. Other activities incident to conducting or observing the conduct of the RI/FS for OU 2.

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13. Beginning in June, 2007, numerous attempts were made by the OU 2 PRP Group and, subsequently, the OU 1 PRP Group, to obtain the Respondent's consent for access to the Property. On January 4, 2008, EPA sent the Respondent a written request for access to the Property. The request for access letter outlined EPA's need for access and included a consent for access agreement ("Access Agreement"). The letter requested a reply within 20 business days of receipt, or by January 24, 2008. To date, no response has been received.

14. On March 21, 2008, personnel from EPA, while installing new locks on three gates in the fence around the J. M. Mills Landfill, encountered Mr. Greene using heavy machinery to remove metal debris and other material from the J.M. Mills Landfill. At that time, Mr. Greene was provided with a key to the newly installed locks and was verbally reminded of his responsibility to refrain from disturbing or interfering with the ongoing investigation at the Site (including the sampling and monitoring stations installed as part of the ongoing RI/FS). Mr. Greene was told that his use of heavy machinery to remove material from the landfill may be considered to be such a disturbance or interference, and he was urged to respond to the request for access letter.

15. On March 25, 2008, after many unsuccessful attempts to contact the Respondent through its attorney, EPA sent the Respondent a Notice of Failure to Respond to a request for access letter which requested a reply within 10 business days of receipt. In this letter, EPA described the need to access the Property, included another copy of the Access Agreement, listed EPA's attempts since June 2007 to obtain voluntary access and explained that if no response was received EPA would be forced to treat the Respondent's inaction as a denial of access. To date, more than 10 business days have elapsed and no response has been received.

16. On April 8, 2008, counsel for the OU 1 PRP Group met with Mr. Greene and his counsel Patrick Conley. At this meeting, the Access Agreement was discussed, and Mr. Conley suggested that it would be signed within a matter of days.

17. On April 10, 2008, Mr. Conley sent a letter to the Respondent in which he strenuously urged his client to sign the Access Agreement and to cooperate with EPA.

18. On April 15, 2008, Michelle Lauterback, EPA Senior Enforcement Counsel, and David Newton, EPA Remedial Project Manager, spoke by telephone with Lesley Rich, another attorney representing the Respondent. Mr. Rich was not aware of the April 8 meeting or Mr. Conley's April 10 letter to Mr. Greene. During this call, Mr. Rich said he would contact Ms. Lauterback within two days to confirm whether his client was willing to sign the Access Agreement and cooperate with EPA. To date, the Access Agreement has not been signed. EPA has not been contacted by Respondent or Respondent's counsel since the April 15 telephone conversation.



#### **IV. CONCLUSIONS OF LAW AND DETERMINATIONS**

19. The Site is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

20. The Respondent is a "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

21. All of the substances listed in Paragraph 6 above are hazardous substances or pollutants or contaminants within the meaning of Sections 101(14) and 101(23) of CERCLA, 42 U.S.C. §§ 9601(14), 9601(23).

22. Based on the information provided in Paragraphs 3 through 17 of this Order, EPA has a reasonable basis to believe that there may be a release or threat of release of hazardous substances, pollutants or contaminants, within the meaning of Sections 101(22) and 104(e)(1) of CERCLA, 42 U.S.C. §§ 9601(22) and 9604(e)(1), at the Site.

23. The Property owned or controlled by Respondent referred to in Paragraph 6 above, is a property:

- a. where hazardous substances, pollutants or contaminants have been generated, stored, treated, disposed of, or transported from; and
- b. from or to which hazardous substances, pollutants or contaminants have been or may have been released; and
- c. where such release is or may be threatened; and
- d. where entry is needed to determine the need for response, to identify the appropriate response, or to effectuate a response action within the meaning of Section 104(e)(3) of CERCLA, 42 U.S.C. § 9604(e)(3).

24. Entry to the Property is needed by the OU 1 and OU 2 PRP Groups and by EPA, its officers, employees, agents, contractors, and other representatives of the United States, for the purposes of determining the need for a response action and for the purpose of choosing or taking a response action, within the meaning of Section 104(e)(1) of CERCLA, 42 U.S.C. § 9604(e)(1).

25. Repeated requests for access to the Property made by the OU 1 and OU 2 PRP Groups and by EPA have not been granted by the Respondent.

#### **V. ORDER**

26. Based upon the foregoing Findings of Fact, Conclusions of Law and Determinations, and the Administrative Record, the Respondent is hereby ordered to provide EPA, the OU 1 PRP Group, the OU 2 PRP Group, and their respective officers, employees, agents, attorneys, contractors, and other representatives, full and unrestricted access at all

Administrative Order for Access: Operable Units 1 and 2 of the Peterson/Puritan, Inc. Superfund Site

reasonable times to the Property for the purpose of conducting response activities, including but not limited to those purposes listed at Paragraphs 11 and 12 of this Order. EPA has designated the following individuals as its representatives solely for the purpose of coordinating access to the Site:

For the OU 1 PRP Group:

Douglas Simmons  
ENSR/AEC OM  
2 Technology Park Drive  
Westford, MA 01886-3140  
Tel: (978) 589-3360

and

Bruce-Sean Reshen  
The Guardian Trust  
P.O. Box 158  
Fairfield, CT 06824-0158

For the OU 2 PRP Group:

David J. Lang, LSP  
Ground Water Consultants, Inc.  
2 Fosters Point  
Beverly, MA 01915  
Tel: (508) 641-5522  
Fax: (978) 921-1540

27. The Respondent shall not interfere with EPA's exercise of its access authorities pursuant to 42 U.S.C. § 9604(e) and 40 C.F.C. § 300.400(d), and shall not interfere with or otherwise limit any activity conducted at the Site by EPA, its officers, employees, agents, contractors, or other representatives. Any such interference shall be deemed a violation of this Order.

28. Nothing herein limits or otherwise affects any right of entry held by the United States pursuant to applicable laws, regulations, or permits.

29. This Order shall apply to and be binding upon the Respondent and its successors, heirs and assigns (including transferees of the Property), each and every officer, employee, or agent of the Respondent, and all other persons and entities who are under the direct or indirect control of the Respondent, including any and all lessees of the Property.

30. In the event of any conveyance by the Respondent, or the Respondent's agents,



heirs, successors and assigns, of an interest in the Property, described in Paragraph 6 above, Respondent or Respondent's agents, heirs, successors or assigns shall convey the interest in a manner which insures continued access to the Property by EPA and its representatives for the purpose of carrying out activities at the Site. Any such conveyance shall restrict the use of the Property so that the use will not interfere with activities undertaken or to be undertaken by EPA and its representatives. Respondent, or Respondent's agents, heirs, successors and assigns shall notify EPA in writing at least thirty (30) days prior to the conveyance of any interest in the Property, and shall, prior to the transfer, notify the other parties involved in the conveyance of the provisions of this Order.

## **VI. ENFORCEMENT**

31. Compliance with this Order shall be enforceable pursuant to Section 104(e)(5) of CERCLA, U.S.C. §§ 9604(e)(5). A court may impose a civil penalty on the Respondent of up to thirty-two thousand five hundred dollars (\$32,500) for each day that the Respondent unreasonably fails to comply with this Order, as provided in Section 104(e)(5) of CERCLA, 42 U.S.C. §§ 9604(e)(5) and the Civil Monetary Penalty Inflation Adjustment Rule, 60 Fed. Reg. 7121, 40 C.F.R. Part 19.4. Nothing herein shall preclude EPA from taking any additional enforcement actions, and/or other actions it may deem necessary for any purpose, including the prevention or abatement of a threat to the public health, welfare or the environment arising from conditions at the Site, and recovery of the costs thereof.

32. Nothing in this Order constitutes a waiver, bar, release or satisfaction of or a defense to any cause of action which EPA has now or may have in the future against Respondent, or against any entity which is not a party to this Order.

33. Nothing in this Order shall affect in any manner the right of EPA to issue any other orders or to take any other administrative or civil action against the Respondent or any other parties under CERCLA which relate to this Site or any other site.

34. Nothing in this Order constitutes a decision on preauthorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

## **VII. ADMINISTRATIVE RECORD**

35. EPA has established an Administrative Record which forms the basis for the issuance of this Order. It is available at the EPA offices in Boston, Massachusetts. To review the Administrative Record, please contact Michelle Lauterback, Senior Enforcement Counsel, whose contact information is provided in Paragraph 36, below.

### **VIII. OPPORTUNITY TO CONFER**

36. Within **three (3)** business days after receipt of this Order by Respondent, Respondent may request a conference with EPA to be held no later than **two (2)** business days after Respondent's request, on any matter pertinent to this Order, including its applicability, the factual findings and the determinations upon which it is based, the appropriateness of any actions Respondent is ordered to take, or any other relevant and material issues or contentions which the Respondent may have regarding this Order. This conference is not an adversarial proceeding and is not part of any proceeding to enforce or challenge this Order. The Respondent may appear in person or by an attorney or other representative at the conference. The Respondent may also submit written comments or statements of position on any matter pertinent to this Order no later than the time of the conference, or two business days before the effective date of this Order if Respondent does not request a conference. EPA will deem the Respondent to have waived its right to the conference or to submit written comments if it fails to request the conference or submit comments within the specified time period(s). Any request for a conference or written comments or statements should be submitted to:

Michelle Lauterback, Senior Enforcement Counsel  
United States Environmental Protection Agency  
One Congress Street, Suite 1100 (SES)  
Boston, MA 02114-2023  
Tel: (617) 918-1774  
Fax: (617) 918-1809

### **IX. EFFECTIVE DATE AND COMPUTATION OF TIME**

37. This Order shall be effective **ten (10) business days** after receipt by Respondent, unless a conference is timely requested as provided above. If a conference is timely requested, then at the conclusion of the conference or after the conference, if EPA determines that no modification to the Order is necessary, the Order shall become effective immediately upon notification by EPA of such determination. If modification of the Order is determined by EPA to be necessary, the Order shall become effective upon notification by EPA of such modification. Any EPA notification under this paragraph may, at EPA's discretion, be provided to the Respondent by facsimile, electronic mail, or oral communication; provided that if EPA does use such a form of notification, it will also confirm such notification by first class, certified or express mail to Respondent or its legal counsel. Any amendment or modification of this Order by EPA shall be made or confirmed in writing.

38. For purposes of this Order, the term "day" shall mean a calendar day unless expressly stated to be a business day. "Business day" shall mean a day other than a Saturday, Sunday or federal legal holiday. When computing any period of time under this Order, if the last day would fall on a Saturday, Sunday, or federal legal holiday, the period shall run until the next business

day.

## **X. APPENDICES**

39. The following appendices are attached to and incorporated into this Order:  
"Appendix A" is an aerial map of the Site and the Town of Cumberland's assessors plat maps 14 and 34.  
"Appendix B" are the deeds transferring the Property to Respondent.

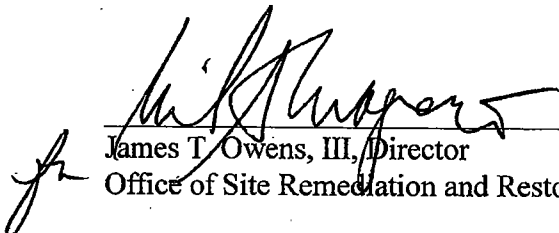
## **XI. NOTICE OF INTENT TO COMPLY**

39. On or before the effective date of this Order, Respondent shall notify EPA in writing whether Respondent will comply with the terms of this Order. Respondent's failure to notify EPA of its unconditional intent to fully comply with this Order by the time the Order becomes effective shall be: 1) construed as a denial of EPA's request for access, and 2) as of the effective date of the Order, and continuing thereafter until Respondent complies with the Order, treated as a violation of the Order. Such written notice shall be sent to Michelle Lauterback at the address identified above.

## **XII. TERMINATION**

40. This Order shall remain in effect until James T. Owens, III, Director Office of Site Remediation and Restoration or his designee notifies Respondent in writing that access to the Property is no longer needed for the purpose of implementing the response actions referenced in this Order.

**SO ORDERED.**

  
James T. Owens, III, Director  
Office of Site Remediation and Restoration

  
Date

Administrative Order for Access: Operable Units 1 and 2 of the Peterson/Puritan, Inc. Superfund Site

I am notifying the U.S. Environmental Protection Agency that the Seaconke Wampanoag Tribe – Wampanoag Nation, Inc., will comply with the Administrative Order for Property Access, CERCLA Docket No. 01-2008-0056.

\_\_\_\_\_  
Wilfred W. Greene

President

Seaconke Wampanoag Tribe

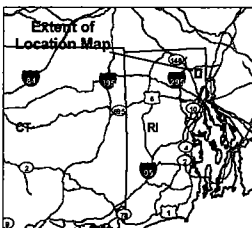
Wampanoag Nation, Inc.

\_\_\_\_\_  
Date

Administrative Order for Access:  
Operable Units 1 and 2 of the  
Peterson/Puritan, Inc. Superfund Site

Appendix A

Aerial Map of the Site  
Town of Cumberland's Assessors Plat Maps 14 and 34



Map created by the EPA Region 1 GIS Center  
Map Tracker ID: 4007  
June 17, 2008

**Notes:**

1. Boundaries depicted are estimated and are for general descriptive purposes only.
2. OU1 includes the Quinnville wellfield as a receptor of OU1 groundwater contaminants.



Aerial Photo Date 4/14/03 from RIGIS

Map of Properties Owned  
by the Seaconke Wampanoag Tribe

Peterson Puritan Superfund Site  
Cumberland, Rhode Island







ED GEOGRAPHICS, Inc.  
Engineering People With Spatial Solutions

0 85 170 340 510 680 Feet  
1 inch equals 160 feet  
1:1,920

Town of Cumberland,  
Rhode Island  
Assessors Plat  
34



Legend	
	Parcels
	Easements
	Edge of Pavement
	Water Bodies

Date of Print: December 7, 2006

Administrative Order for Access:  
Operable Units 1 and 2 of the  
Peterson/Puritan, Inc. Superfund Site

Appendix B

Deeds Transferring Property to Respondent

04/14/2008 02:04PM  
B/P:001421/000529  
Inst#:00026621  
Cumberland, RI

**"CORRECTIVE"**  
**QUIT CLAIM DEED OF GIFT**

**PATRICK T. CONLEY and GAIL CAHALAN CONLEY**, One Bristol Point Road, Bristol,  
Rhode Island 02809

for consideration paid, grant to **SEACONKE WAMPANOAG TRIBE-WAMPANOAG  
NATION, INC.**, a Rhode Island Corporation, c/o Wilfred W. Greene "Chief Eagle Heart",  
2220 Warwick Avenue, Apt. H-10, Warwick, Rhode Island 02889

**with QUIT CLAIM COVENANTS**

That certain lot or parcel of land with all the buildings and improvements  
thereon situated South West of Rail Road Tracks In the Town of Cumberland,  
County of Providence, State of Rhode Island, and further designated as Lot 23 on  
Assessor's Plat 14 situated South West of Rail Road Tracks, consisting of  
50 acres, more or less.

Subject to all municipal liens, taxes, and encumbrances of record.

The purpose of this Corrective Quitclaim Deed of Gift is to correct the  
erroneous legal description affixed to that certain Quitclaim Deed of Gift dated  
December 26, 2006, and recorded in the Town of Cumberland on February 7, 2007  
in Book 1370 at Page 581.

THIS TRANSFER IS A GIFT SO THAT NO DOCUMENTARY STAMPS ARE  
REQUIRED AND NO R.I.G.L. 44-30-71.3 IS REQUIRED AS THIS IS NOT A  
TRANSFER FOR VALUE.

THIS TRANSFER IS EXCLUDED FROM THE SMOKE DETECTOR AND  
CARBON MONOXIDE LAW AS PROVIDED IN SECTION 23-28.35-14 BECAUSE THE  
PROPERTY CONTAINS NO RESIDENTIAL DWELLINGS.

WITNESS our hands this 10th day of April, 2008.

  
PATRICK T. CONLEY


  
GAIL CAHALAN CONLEY

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

In East Providence on the 10th day of April 2008, before me personally  
appeared PATRICK T. CONLEY and GAIL CAHALAN CONLEY to me known and  
known by me to be the parties executing the foregoing instrument and they  
acknowledged said instrument by them executed to be their free act and deed.

Grantee's Address:

2220 Warwick Ave.  
Apt. H-10  
Warwick, RI 02889

  
Anna Maria Loiselle, Notary Public  
My Commission Expires: 11/24/10

**QUIT CLAIM DEED OF GIFT**

**PATRICK T. CONLEY and GAIL CAHALAN CONLEY** of One Bristol Point Road,  
Bristol, Rhode Island 02809

for consideration paid, grants to **SEACONKE WAMPANOAG TRIBE-WAMPANOAG  
NATION, INC.**, a Rhode Island Corporation, c/o Wilfred W. Greene "Chief Eagle Heart"  
2220 Warwick Avenue, Apt. H-10, Warwick, Rhode Island 02889

02/07/2007 02:54PM  
B/P:001370/000584  
Inst#:00017383  
Cumberland, RI

with **QUIT CLAIM COVENANTS**

**FOR LEGAL DESCRIPTION  
SEE EXHIBIT "A" ATTACHED HERETO  
AND INCORPORATED HEREIN BY REFERENCE**

Said parcel is further designated as Lot 249 on Assessor's Plat 34 situated  
on Martin Street, consisting of 5.7 acres, more or less.

Subject to all municipal liens, taxes, and encumbrances of record.

THIS TRANSFER IS A GIFT SO THAT NO DOCUMENTARY STAMPS ARE  
REQUIRED AND NO RIGL 44-30-71.3 WITHHOLDING IS REQUIRED AS THIS IS  
NOT A TRANSFER FOR VALUE.

THIS TRANSFER IS EXEMPT FROM THE SMOKE DETECTOR AND CARBON  
MONOXIDE LAW AS PROVIDED IN SECTION 23-28.35-14 BECAUSE THE  
PROPERTY CONTAINS NO RESIDENTIAL DWELLINGS.

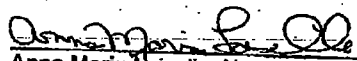
WITNESS our hands this 26th day of December, 2006.

  
PATRICK T. CONLEY

  
GAIL CAHALAN CONLEY

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

In East Providence on the 26<sup>th</sup> day of December, 2006 before me personally  
appeared **PATRICK T. CONLEY** and **GAIL CAHALAN CONLEY** to me known and  
known by me to be the parties executing the foregoing instrument and they  
acknowledged said instrument by them executed to be their free act and deed.

  
Anna Maria Loiselle, Notary Public  
My Commission Expires: 11/24/10

**Grantee's Address:**  
2220 Warwick Avenue  
Apt. H-10  
Warwick, Rhode Island 02889

02/07/2007 02:54PM  
B/P:001370/000585  
Inst#:00017383  
Cumberland, RI

EXHIBIT "A"

That certain Parcel of Real Estate located in the Village of Berkeley, in the Town of Cumberland, County of Providence, State of Rhode Island, bounded and described as follows;

Beginning at a stone bound at the northeasterly corner of land now or formerly of Standard Romper Company, Inc., which point is S.  $81^{\circ}-30'$  W. eighty-seven and  $63/100$  (87.63) feet from station 452+78.09 on the monumented base line of New York, New Haven and Hartford Railroad Company and running northerly parallel to and sixty and no/100 (60.00) feet westerly from the westerly right-of-way line of New York, New Haven and Hartford Railroad Company five hundred seven (507) feet, more or less, to the southerly line of Martin Street; thence running easterly along said southerly line of Martin Street sixty-one (61) feet, more or less, to the westerly right-of-way line of New York, New Haven, and Hartford Railroad Company; thence running southerly to southeasterly along said westerly right-of-way line of New York, New Haven and Hartford Railroad Company about two thousand two hundred sixty-five (2,265) feet to the northerly corner of land now or formerly of J. M. Mills, Inc., which point is in range with the north side of a culvert under the railroad track which north side of culvert is at station 435+90.92 on the monumented base line of New York, New Haven and Hartford Railroad Company; thence running S.  $48^{\circ}-16'-40''$  W. in range with said north side of culvert bounding southeasterly on said land now or formerly of J. M. Mills, Inc. sixty (60) feet, more or less, to a point which is sixty and no/100 (60.00) feet southwesterly from the southwesterly right-of-way line of New York, New Haven and Hartford Railroad Company; thence running northwesterly to northerly in a line which is parallel to and sixty and no/100 (60.00) feet southwesterly and westerly from the westerly right-of-way line of New York, New Haven and Hartford Railroad Company about one thousand seven hundred forty-five (1,745) feet to the point of beginning. Contains approximately three (3) acres of land. Said last course bounds southwesterly and westerly on land now or formerly of said Standard Romper Company, Inc.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
ONE CONGRESS STREET, SUITE 1100  
BOSTON, MA 02114-2023

**URGENT LEGAL MATTER - PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

APR 14 2009

Wilfred Greene, President  
Seaconke Wampanoag Tribe  
Wampanoag Nation, Inc.  
2220 Warwick Avenue, Apt. H10  
Warwick, RI 02889-3166

Seaconke Wampanoag Tribe  
Wampanoag Nation, Inc.  
c/o Patrick Conley, Esq.  
Attorney At Law  
200 Allens Ave  
Providence, RI 02903

RE: Administrative Order for Property Access – Plat 58, Lot 69  
Peterson/Puritan, Inc. Superfund Site, Cumberland and Lincoln, RI

Dear Mr. Greene:

Enclosed is an Administrative Order for Property Access (the "Order") for a parcel of property owned by the Seaconke Wampanoag Tribe, Wampanoag Nation, Inc. ("Respondent"), located within Operable Unit One ("OU 1") of the Peterson/Puritan, Inc. Superfund Site ("Site"). Access is required for the purpose of implementation of remedial work.

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Seaconke Wampanoag Tribe, Wampanoag  
Nation, Inc., c/o Patrick Conley,  
Attorney at Law  
Street, Apt. No.,  
or PO Box No. 200 Allens Ave.  
City, State, ZIP+ 4 Providence, RI 02903

PS Form 3800, January 2001 See Reverse for Instructions

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Wilfred Greene, President, Seaconke  
Wampanoag Tribe, Wampanoag Nation, Inc.  
Street, Apt. No.: 2220 Warwick Ave., Apt. H10  
or PO Box No.  
City, State, ZIP+ 4 Warwick, RI 02889-3166  
PS Form 3800, January 2001 See Reverse for Instructions