



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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BOSTON, MASSACHUSETTS 02114-2023

June 21, 2002

Superfund Records Center
SITE: Peterson/Puritan
BREAK: 11.09
OTHER: 32560

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

Louis Zednik
Sr. Environmental Attorney
Kmart Corporation
3100 West Big Beaver Road
Troy, Michigan 48084-3163

Re: **Notice of Potential Liability** Pursuant to Section 104 of CERCLA for Operable Unit 2 of the Peterson/Puritan, Inc. Superfund Site in Cumberland, Rhode Island.

Dear Mr. Zednik:

This letter serves to formally notify the Kmart Corporation ("Kmart") of the potential liability which it has or may have incurred with respect to Operable Unit 2 of the Peterson/Puritan, Inc. Superfund Site, in Cumberland, Rhode Island ("Site").

NOTICE OF POTENTIAL LIABILITY

The United States Environmental Protection Agency ("EPA") has documented the release or threatened release of hazardous substances, pollutants or contaminants at the Site. EPA has spent and is considering spending public funds on actions to investigate and control such releases or threatened releases. Unless EPA reaches an agreement under which a responsible party or parties agree to perform or finance such actions, EPA may itself perform these actions or order responsible parties to perform these actions pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 *et seq.* ("CERCLA"), 42 U.S.C. § 9604, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA").

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), and other laws, responsible parties may be obligated to undertake actions deemed necessary by EPA to protect the public health, welfare or environment. Responsible parties may also be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such costs may include, but are not limited to, expenditures for investigation, planning, clean-up response and enforcement activities. In addition, responsible parties may be required to pay damages for injury to, destruction of, or loss of natural resources, including the costs to assess

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such damages.

Responsible parties under CERCLA include persons who are current or former owners and/or operators of a site, persons who arranged for disposal of hazardous substances at a site, or persons who accepted hazardous substances for transport to a site selected by such persons.

EPA has evaluated a large body of evidence in connection with its investigation of the Site, including Site business records, manifests, state records, and corporate records. Based on this evidence, EPA has information indicating that you are a potentially responsible party ("PRP") with respect to this Site. Specifically, EPA has reason to believe that you arranged by contract, agreement or otherwise for disposal or treatment, or arranged with a transporter for transport for disposal or treatment of hazardous substances found at the site.

RESPONSE ACTIVITIES AT THE SITE

EPA has already conducted the following activities at the Site:

1. A time-critical removal action in response to tanks, still bottoms and drums located at the Site and to restrict access to the Site in the construction of a fence;
2. A time-critical removal action in response to asbestos disposal and fence repair.

EPA is planning to conduct the following activities at the Site:

1. Remedial Investigations to identify the local characteristics of the Site and to define the nature and extent of soil, air, surface water and ground water contamination at the Site;
2. Feasibility Studies to evaluate the feasibility of possible remedial actions to remove or contain hazardous substances, pollutants and contaminants at the Site;
3. Design and implementation of a Remedial Action for the Site to be approved by EPA; and
4. Operation, maintenance and monitoring of the Site as deemed necessary by EPA.

In addition to those enumerated above, EPA may, pursuant to its authorities under CERCLA and other laws, decide that other response activities are necessary to protect public health, welfare or the environment.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

At an appropriate point in the future, you will receive an additional notice informing you that one or more of the above activities is pending and that your cooperation is being requested to negotiate the terms of an agreement to perform or finance these activities.

This forthcoming notice will serve to inform you that EPA is using either the CERCLA Section 122(e) Special Notice procedures to formally negotiate the terms of a consent order or consent decree to conduct or finance site response activities at the site or it will inform you that EPA is not using such procedures pursuant to Section 122(a). If EPA does not use Section 122(e) Special Notice procedures, the Section 122(a) notice will explain why the Special Notice procedures were not appropriate in this case. Under Section 122(e), EPA has the discretionary authority to invoke Special Notice procedures if EPA determines that such procedures would facilitate an agreement between EPA and the PRPs and would expedite remedial action at the site. Use of the Special Notice procedure triggers a moratorium on certain EPA activities at the site. The purpose of the moratorium is to provide a period of time when PRPs and EPA may enter into formal negotiations allowing PRPs the opportunity to conduct or finance the response activities at the Site.

INFORMATION TO ASSIST RESPONSIBLE PARTIES

EPA would like to encourage good faith negotiations between you and the Agency and among you and other parties potentially responsible for the Site. To assist responsible parties in preparing a proposal and in negotiating with EPA concerning this matter, EPA is providing the following information:

Site Information:

- A description of the Site, specifically Operable Unit 2 which includes the J. M. Mills Landfill.
- A list of the names and addresses of potentially responsible parties to whom this notification was provided. This list represents EPA's preliminary findings on the identities of potentially responsible parties for Operable Unit 2. EPA's responsible party search is continuing. Inclusion on or exclusion from the list does not constitute a final determination by the Agency concerning the liability of any party for the hazard or contamination at the Site.

PRP Steering Committee:

EPA recommends that all PRPs meet to form a PRP steering committee which will function as a group representing and pursuing the interests of the PRPs. Establishing a manageable group is a critical component of the negotiation process. To facilitate negotiations at an appropriate time in the future, EPA will conduct a meeting with responsible parties. At the meeting, EPA will detail the existing knowledge about conditions at the Site and describe the past response activities that have been taken at the Site to date. Since there may be a large number of PRPs, EPA may request that the individual persons or company representatives who attend the meeting appoint a committee to represent them in negotiations.

Administrative Record

In accordance with Section 113(k) of CERCLA, EPA must establish an administrative record

containing the documents used by EPA to select the appropriate response action for the Site. An administrative record for Operable Unit 1 of the Site has been previously established. An administrative record for Operable Unit 2 of the Site will also be established. The administrative record will be available to the public for inspection and comment at:

EPA Records Center
1 Congress Street
Boston, MA 02114-2023
Telephone No. 617-918-1440

Another copy of the administrative record will also be made available at the Cumberland Public Library at 1464 Diamond Hill Road in Cumberland, Rhode Island.

TIMING AND FORM OF RESPONSE TO THIS LETTER

In addition to your continued obligations with respect to the ongoing Information Request, you as a potentially responsible party, should notify EPA in writing within **twenty-one (21) days** from receipt of this letter regarding your willingness to perform or finance the response activities described above. If EPA does not receive a timely response, EPA will assume that your company does not wish to negotiate a resolution of its liabilities in connection with the Site and that your company has declined any involvement in performing the response activities.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary clean-up action, or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

Your response letter should be sent to:

David J. Newton
Remedial Project Manager
U.S. Environmental Protection Agency
P.O. Box 6329
Boston, MA 02114-6329

If you have general questions concerning the Site, please contact David Newton at (617) 918-1243. If you have any legal questions relevant to the Notice of Liability, the ongoing obligation to the Information Request, or if your attorney wishes to communicate with EPA on your behalf, please contact Michelle Lauterback, Enforcement Counsel, U.S. Environmental Protection Agency, 1 Congress Street, Suite 1100 (SES), Boston, MA 02114-2023, or at (617) 918-1774.

The factual and legal discussions in this letter are intended solely to provide notice and information, and such discussions are not to be construed as a final agency position on any


matter set forth herein. Due to the seriousness of the environmental and legal problems posed by conditions at the Site, EPA urges that immediate attention and a prompt response be given to this letter.

By copy of this letter, EPA is notifying the State of Rhode Island and the Federal Natural Resource Trustee(s) of our intent to perform or enter into negotiations for the performance or financing of response actions at the Site.

We again appreciate and look forward to your prompt response to this letter. EPA is convinced that appropriate investigation and clean-up of hazardous sites can be accomplished only through full participation of interested citizens, and we note your contribution to this effort through your response to this letter.

Thank you for your cooperation in this matter.

Sincerely,


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

Enclosures

cc. Bruce Marshall, Chief, Superfund Enforcement Support Section
Michelle Lauterback, EPA Office of Environmental Stewardship
David J. Newton, EPA Remedial Project Manager
Louis R. Maccarone, RIDEM Project Manager
Sheldon Whitehouse, Office of Rhode Island Attorney General
Terrence Gray, Office Waste Management, RI Dept. of Environmental Management
Andy Raddant, DOI, US Fish and Wildlife Service, Federal Natural Resource Trustee
Ken Finkelstein, NOAA, Federal Natural Resource Trustee

PETERSON/PURITAN, INC. SUPERFUND SITE
OPERABLE UNIT TWO SITE DESCRIPTION

The Peterson/Puritan, Inc. Superfund Site (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 OU 2 portion of the Site, which contains the J.M. Mills Landfill, is surrounded by industrial, residential and semi-rural properties. Bordering OU 2 to the north is the Hope Global company, located at 88 Martin Street, Cumberland. Hope Global is part of the OU 1 area of the Site. To the south of OU 2 is the Stop and Shop Market (and strip mall) on Mendon Road, Cumberland (Route 122). The eastern boundary of OU 2 includes a portion of the Mackland Sand and Gravel operations and wetlands formerly known locally as the New River. Finally, the western boundary of OU 2 is the Blackstone River.

OU 2 contains many different parcels. EPA believes that the most contaminated parcel is the privately owned 52 acre J. M. Mills Landfill which accepted mixed municipal and industrial waste from 1954 through 1986. Adjacent to the J.M. Mills Landfill is a privately owned 34 acre unnamed island located in the Blackstone River. EPA recently discovered solid wastes disposed on this island and believes that the island's soils were used to provide daily cover materials for the landfill and, perhaps, was even used as an additional disposal location during the time in which the landfill was operating. Down river from the unnamed island is the Pratt Dam, which provides an access point to the island. The Site also includes the 26 acre Lincoln Quinville Wellfield and the Cumberland Lenox Street municipal well. These wells were used by the towns of Lincoln and Cumberland as a municipal water supply until 1979 when they were closed by the Rhode Island Department of Health due to the presence of volatile organic contaminants found in the water. A section of the Providence and Worcester Railroad line runs through OU 2 and forms the eastern extent of the landfill slope while the river forms the landfill's western boundary. A former privately owned transfer station arranged for waste to be disposed of at the J.M. Mills Landfill. This transfer station was located on the southern portion of the Site. Other areas of OU 2 include portions of the Blackstone River and an adjacent canal, the Blackstone River Bikeway and a privately owned sand and gravel operation.

Preliminary samples taken from OU 2 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, preliminary sampling of the soils along the river have been found to be contaminated with polychlorinated biphenyls, polyaromatic hydrocarbons and heavy metals.

EPA included the Peterson/Puritan, Inc. Site on the Superfund National Priorities List on September 8, 1983. EPA conducted a removal action on the OU 2 area in 1992 to construct a fence around the former J. M. Mills Landfill and to remove 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 to address recently disposed 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.

An investigation into the nature and extent of contamination at the J.M. Mills Landfill and surrounding areas is currently underway. Following the completion of this study, a final cleanup remedy will be selected, a remedial design will be completed and the remedial action will be initiated.

GENERAL NOTICE

Peterson/Puritan, Inc. Operable Unit 2

**A list of the names and addresses of Potentially Responsible
Parties to whom this notification was provided.**

Acme Service
985 Plainfield Street
Johnston, RI 02919

Adv. Envir. Tech.
Onyx Environmental Services, L.L.C.
Greig Siedor
General Counsel
Onyx Environmental Services, L.L.C.
700 East Butterfield Road, Suite 201
Lombard, IL 60148

Aerovox
Dan Lopes
Facility Manager
Aerovox
167 John Vertenta Boulevard
New Bedford, MA 02745

American Optical Lens Co.
Len Prunier
American Optical Lens Co.
P.O. Box 8020
Southbridge, MA 01550

Amperex Electronics
c/o Philips Electronics North America
Risa H. Weinstock, Esq.
1251 Avenue of the Americas
New York, NY 10020

Armstrong Cork, Inc.
Armstrong World Industries, Inc.
c/o Elizabeth B. Davis, Esq.
Womble Carlyle Sandridge & Rice
3500 One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309

A.T. Cross Company
President
A.T. Cross Company
1 Albion Road
Lincoln, RI 02865-3700

Mr. David J. Brask
217 O'Neil Boulevard
Attleboro, MA 02703

CCL Custom Manufacturing, Inc.
(Successor to Peterson/Puritan, Inc.)
6133 North River Road, Suite 800
Rosemont, IL 60018

City Hospital
Boston Medical Center
Offices of Facility Management
715 Albany Street
Boston, MA 02118

Clean Harbors, Inc.
385 Quincy Avenue
Braintree, MA 02184

Coastal Service
Coastal Transportation Services
26 Autumn Pond Park
East Boston, MA 02128

Compugraphic Corp.
80 Industrial Way
Wilmington, MA 01887

Corning, Inc.
1 Riverfront Plaza
Corning, NY 14830

Crosby Valve
Ellen Roberts
Controller
Anderson Greenwood
3950 Greenbriar
Stafford, TX 77477

Digital Equipment
Walt Rosenberg
Environmental Division-Compaq
Computer Corporation
P.O. Box 692000
Houston, TX 77269

E.C. Whitney
E.C. Whitney & Son
Donald P. Nagle, Esq.
Law Offices of Donald P. Nagle, P.C.
5 Main Street Extension, Suite 300
Plymouth, MA 02360

Eye Research Institute
Kimberly Geer
Schepens Eye Research Institute
20 Staniford Street
Boston, MA 02114

Faulkner Hospital
Paul Keating
Material Management Supervisor
Faulkner Hospital
1153 Centre Street
Jamaica Plain, MA 02130

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Vice President Controller
GTE Operations Support, Inc.
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Mark Herwig
Leader, Environmental Programs
General Electric
1000 Western Avenue (MD 164X9)
Lynn, MA 01910

General Tire
Rick Ledsinger
Continental General Tire, Inc.
1800 Continental Boulevard
Charlotte, NC 28273

Gerson Co.
Dave Anteski
Plant Manager
Louis M. Gerson Company
15 Sproat Street
Middleboro, MA 02346

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McDermott, Will & Emery P.C.
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Hazeltine
Sue Tynan
BAE Systems
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Wilmington, DE 19850-5438

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Houston, TX 77057

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William Pakunis
Manager, Environmental Affairs
Kaman Aerospace
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Kmart Corporation
Louis Zednik, Esq.
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Envirite Corp.
James Cassidy
President
Envirite Corp.
620 West Germantown Pike, Suite 250
Plymouth Meeting, PA 19462

Maine Electronics
Maine Electronics Rockwell International
River Road
Lisbon, ME 04250

Ms. Linda Marszalkowski
4651 Gulf Shore Boulevard #1501
Naples, FL 34103

Michael John Realty
176 Sherman Avenue
Seekonk, MA 02771-4914

Microwave Associates
Northwest Industrial Park
South Avenue
Burlington, MA 01803

Morse Cutting Tool Division
William Hagen
President
Morse Cutting Tool Division
31695 Stephenson Highway
Madison Heights, MI 48071

MW Carr
M.W. Carr
68 Gorham Street
Somerville, MA 02114

Nunes Disposal, Inc.
Mendon Road
Cumberland, RI 02864

Owens Corning World Headquarters
Tom Merlino, Esq.
Director of Environmental Liabilities
One Owens Corning Parkway
Toledo, OH 43659

Polaroid
Kim Herman Goslant, Esq.
784 Memorial Drive
Cambridge, MA 02139

Polyvinyl Chemical
Zeneca, Inc.
Joseph C. Kelly, Esq.
P.O. Box 751
1800 Concord Pike
Wilmington, DE 19850-5438

P&W Railroad
President
Providence and Worcester Railroad Company
75 Hammond Street
Worcester, MA 01610

Raytheon
Ken Tierney
Environmental Health & Safety Officer
Raytheon Company
141 Spring Street
Lexington, MA 02421

Re-upping
Rueping East Tannery
491 West Water Street
Taunton, MA 02780

Revere Copper
Wayne Linn
Environmental Manager
Revere Copper Products
24 North Front Street
New Bedford, MA 02740

Scott Graphics
195 Appleton Street
Holyoke, MA 01040

Sequa
Bill Gendreau
Operations Manager
General Printing Ink
320 Forbes Boulevard
Mansfield, MA 02048-1806

Shiple Co.
455 Forest Street
Marlborough, MA 01752

Teknor Apex Company
David F. Yopak
Director of Environmental, Health and Safety
505 Central Avenue
Pawtucket, RI 02861-1900

Texon
Jack Dempsey
Personnel Manager
Texon USA, Inc.
1190 Huntington Road
Russell, MA 01071

Three R's Trucking

Three R Transportation, Inc.

c/o Robert G. Funke, Esq.

58 Tremont Street

P.O. Box 628

Taunton, MA 02780

Timex Clock Co.

Timex Corporation

P.O. Box 310

Middlebury, CT 06762

Union Carbide

401 Gage Street

Bennington, VT 05201

VA Hospital

Tim S. McClain

General Counsel

Department of Veterans Affairs

810 Vermont Avenue

Washington, D.C. 20420

Ventron

154 Andover Street

Danvers, MA 01942

Ventron

Congress Street

Beverly, MA 01915

Waste Management of North America

3003 Butterfield Road

Oak Brook, Il 60521

Western Electric

1600 Osgood Street

North Andover, MA 01845

Western Electric

705 Mt. Auburn Street

Watertown, MA 02472

ROUTING AND TRANSMITTAL SLIP

Date 6/24/02

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