



## Environment and Natural Resources Division

Boston Field Office  
Environmental Enforcement Section  
One Gateway Center  
Suite 616  
Newton Corner, MA 02458

Telephone (617) 450-0442  
Facsimile (617) 450-0448

Stamping Mills

10.6

275795

March 5, 2007

VIA FACSIMILE AND FIRST-CLASS MAIL

Patrick T. Conley  
1445 Wampanoag Trail  
Suite 203  
East Providence, RI 02915  
Fax: 401-273-1791

Re: Plat 5, Lot 33, School Street, North Smithfield,  
R.I.; Petition to Foreclose Tax Lien, PM No. 06-4578

Dear Mr. Conley:

I am in receipt of your letter dated February 20, 2007 concerning the above-referenced property. In your letter, you indicate that the Superior Court has issued a decree granting the petition of Colleen Conley to foreclose the right of redemption with respect to the property. You also state that Ms. Conley is renewing her request to become a "bonafide purchaser" and that she intends to refrain from recording the decree until "bona fide status is received."


As discussed in my letter of October 13, 2006, EPA does not "designate" whether a particular purchaser of property meets the criteria for bona fide prospective purchaser ("BFPP") status under Section 101(40) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601(40). Whether Ms. Conley would qualify for BFPP status would depend on whether she could establish that she meets the various criteria set forth in Section 101(40) of CERCLA. Also, as noted in my October 13 letter, parties with BFPP status avoid liability under Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1), but are still subject to a potential windfall lien with respect to the property in question. Section 107(r) of CERCLA, 42 U.S.C. § 9607(r).

You also request in your February 20 letter a meeting at the property in order to determine the exact nature of Ms. Conley's obligations and the precise use presently allowed on the property in view of EPA restrictions. Please get in touch with Byron Mah, the EPA Remedial Project Manager, to arrange for such a meeting. He can be reached at 617-918-1249.

In your letter of September 26, 2006, you indicated that Ms. Conley would agree to record a restrictive easement with respect to the property, as discussed in my letter of September 22, 2006, As set forth in my September 22 letter, EPA seeks the filing of a restrictive easement that: (1) prohibits the use of groundwater, (2) prohibits any disturbance of the treatment system located on the Property, (3) prohibits the excavation of soils in the areas currently being treated, (4) allows excavation of soils in other areas of the Property only with the prior approval of EPA, and (5) grants to EPA, the Rhode Island Department of Environmental Management, and Kayser-Roth Corporation (the party that is implementing EPA's remedy under a unilateral order) the right to enter onto the Property to implement the operation and maintenance of the remedial action and/or to implement further remedial action if EPA determines that such action is necessary. After you meet with Byron Mah at the Site, we will forward to you a draft of such an easement.

Please let me know if you have any questions concerning this matter.

Sincerely,

  
Donald G. Frankel  
Trial Attorney

cc: Lloyd Selbst, EPA  
Byron Mah, EPA  
Susan Akers, DOJ