



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND
5 POST OFFICE SQUARE – SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

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

July 22, 2013

R&J Realty, LLP
175 James Street
Worcester, MA 01603

c/o Nancy Hamilton, General Partner
2701 Mahogany Place
Palm Beach Gardens, FL 33418

and

Sheila Perlman, General Partner
300 2nd Avenue
Needham Heights, MA 02494

Re: Notice of Potential Liability and Invitation to Perform or Finance Proposed
Cleanup Activities for the Creative Packaging and Paper Site, Worcester, MA

Dear Ms. Hamilton and Ms. Perlman:

This letter serves to notify you of potential liability regarding the Creative Packaging and Paper Site in Worcester, MA ("Site"), as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), commonly known as the federal "Superfund" law. This letter also notifies you of planned removal activities at the Site which you are invited to perform or finance and which you may be ordered to perform at a later date.

NOTICE OF POTENTIAL LIABILITY

Under CERCLA, the United States Environmental Protection Agency ("EPA") is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment, *i.e.*, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site located at 261 Clover Street (a/k/a 175 James Street), Worcester County, Worcester, Massachusetts. The property is further defined at the Worcester Assessor's Office as Parcel ID 28-030-00001.

Hazardous substances involved in the release or threat of release of hazardous substances at the Site include, but are not limited to: ferric sulfate, kerosene, sodium hydroxide solution, caustics, volatile organic compounds, semi-volatile organic compounds, cyanide and asbestos-containing materials (ACM). EPA has spent public funds and is considering spending additional public

funds to investigate and address the releases and/or threatened release(s) at the Site. Based on information presently available to EPA, EPA has determined that you are potentially liable under CERCLA for the cleanup of the Site, which you are invited to perform or finance and which you may be ordered to perform at a later date. Unless a potentially responsible party (“PRP”) or parties commit to properly performing or financing such actions, EPA will perform these actions pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604.

EXPLANATION OF POTENTIAL LIABILITY

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6973, and other laws, potentially responsible parties (“PRPs”) may be required to implement cleanup actions deemed necessary by EPA to protect public health, welfare, or the environment. PRPs may also be responsible for all costs incurred by the Government in responding to any release or threatened release at the Site. Such actions and costs may include, but are not limited to: expenditures for investigations, planning, response, disposal, oversight and enforcement activities.

PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the Site, and persons who accepted hazardous substances for transport and selected the Site to which the hazardous substances were delivered.

Based on information gathered during investigations of the Site, EPA believes that you are a PRP under Section 107(a) of CERCLA with respect to the Site. Specifically, EPA has reason to believe that you are an owner of the Site and have potential liability for the Site. You are urged to voluntarily perform or finance those response activities that EPA determines are necessary at the Site.

OUTLINE OF SITE RESPONSE ACTIVITIES

In accordance with CERCLA and other authorities, EPA has taken the following response actions at the Site under the authority of the Superfund Program including: a Preliminary Assessment and Site Inspection (“PA/SI”) in order to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases from the Site.

Due to the presence of hazardous substances at the Site, and in light of other factors, EPA has determined that there is an imminent and substantial endangerment to public health, welfare, or the environment. In response, EPA plans to conduct the following immediate removal activities at the Site: 1) assess structural safety layout of the Site and determine required equipment, personnel and utilities; 2) provide site security as necessary based on Site conditions; 3) conduct additional sampling as needed to determine the extent of contamination; 4) perform air monitoring at the perimeter of the Site throughout invasive Site activities; 5) pump out

contaminants from any vats or tanks and then neutralize, clean and disable containers; 6) remove and dispose of containerized chemicals, confirmed ACM and other incidental hazardous substances at an EPA approved disposal facility; and 7) repair any response-related damage.

INVITATION TO PERFORM SITE RESPONSE ACTIVITIES

Before EPA spends additional public funds to undertake the removal action at the Site, EPA urges you to participate in removal activities or finance all the removal activities outlined above. Any such work performed by you in your capacity as a PRP may be conducted pursuant to an administrative order and an EPA-approved work plan as authorized by Section 106(a) of CERCLA, 42 U.S.C. § 9606(a). Prior to final issuance of such an order, a draft order would be sent to you or your representative for review and comment. Enclosed is a copy of a summary of a generic Scope of Work. This document should provide an understanding of the types of plans and activities typically required by such an Order.

Be advised that even if you do not indicate a willingness to perform or finance necessary response actions, EPA explicitly reserves any rights it may have to order you to undertake such actions under Section 106 of CERCLA, 42 U.S.C. § 9606. Failure to comply with a Section 106(a) administrative order may result in a fine of up to thirty-seven thousand five hundred dollars (\$37,500) per day under Section 106(b) or imposition of treble damages under Section 107(c) (3) of CERCLA. Further, you may be held liable under Section 107(a) for the cost of the response activities EPA performs at the Site and for any damages to natural resources. In addition, by virtue of Section 113 of CERCLA, 42 U.S.C. § 9613, other PRPs who agree to perform the necessary response action may seek contribution protection.

FINANCIAL CONCERNS/ABILITY TO PAY SETTLEMENTS

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a Site may be substantially limited. If you believe, and can document, that you fall within that category, please contact Tina Hennessy or Michelle Lauterback at the addresses below for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements. You will be asked to fill out form(s) about your finances and to submit financial records including business federal and state income tax returns. If EPA concludes that you have a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

In the event you intend to or have already filed for dissolution or reorganization under bankruptcy laws, you are hereby requested to include EPA-Region 1 on any mailing or notice lists used in that proceeding. The United States reserves the right to file a proof of claim or application for reimbursement of administrative expenses in such a proceeding.

PRP RESPONSE AND EPA CONTACT

You should contact EPA within **ten (10) business days** after receipt of this letter to indicate your willingness to perform or finance the response activities outlined above. If EPA does not receive a response within that time, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the response and that you have declined any involvement in performing response activities. Be advised, however, that liability under CERCLA is joint and several; therefore, each PRP is potentially liable for undertaking all response actions or reimbursing the Government for the entire amount of its response costs.

Please provide the name, address, and telephone number of a designated contact for future communications. Your written response, including any technical comments or questions concerning the proposed response activities, should be directed to the EPA On-Scene Coordinator (“OSC”) or the Enforcement Coordinator (“EC”) for the Site:

Allen Jarrell, OSC
U.S. Environmental Protection Agency
Emergency Response & Removal Section 1 (OSRR02-2)
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
(617) 918-1314

Tina Hennessy, EC
U.S. Environmental Protection Agency
Emergency Response & Removal Section 1 (OSRR02-2)
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
(617) 918-1216

Legal questions and all communications from counsel should be directed to:

Michelle Lauterback, Senior Enforcement Counsel
U.S. Environmental Protection Agency
Office of Environmental Stewardship (OES04-3)
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
(617) 918-1774

DECISION NOT TO USE SPECIAL NOTICE

Under Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), EPA has the discretionary authority to invoke special notice procedures to formally negotiate the terms of an agreement between EPA

and the PRPs to conduct or finance response activities. The use of special notice procedures triggers a moratorium on certain EPA activities at the Site while formal negotiations between EPA and the PRPs are conducted.

Due to the exigencies posed by conditions present at the Site, removal activities must be conducted as expeditiously as possible. EPA has, therefore, decided not to invoke the Section 122(e) special notice procedures with respect to CERCLA removal actions at this Site. Nonetheless, EPA is willing to discuss settlement opportunities without invoking a moratorium, but will continue the response action as planned unless such discussions lead expeditiously to a settlement.

ADMINISTRATIVE RECORD

Pursuant to Section 113(k) of CERCLA, 42 U.S.C. § 9613(k), EPA will establish an administrative record containing documents that serve as the basis of EPA's decision on the selection of a cleanup action for the Site. The Administrative Record files may be inspected and comments may be submitted by contacting the OSC for the Site, Allen Jarrell, at the above address.

The Administrative Record Files with corresponding index should be available for inspection at a repository near the Site within sixty (60) days of initiation of on-site removal activities, as well as the Superfund Records Center, U.S.E.P.A., 5 Post Office Square, Suite 100, Boston, MA 02109 (617) 918-1440.

SITE ACTIVITY OUTSIDE EPA ACTIONS

If you are already involved in discussions with state or other local authorities or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise or direct you to restrict or discontinue any such activities. However, you are advised to report the status of any such 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.

CONSENT TO ACCESS

EPA hereby requests access to the Site through your written consent, so that EPA can perform or oversee the response actions discussed above. This request is enclosed.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You

may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblrbra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (“SBREFA”), which is enclosed with this letter.

PURPOSE AND USE OF THIS NOTICE

The factual and legal discussions contained in this letter are intended solely to provide notice and information. Such discussions are not intended to be, and cannot be, relied upon as EPA's final position on any matter set forth herein.

Please give these matters your immediate attention and consider consulting with an attorney. If you have any questions regarding this letter, please contact either Michelle Lauterback or Tina Hennessy at the telephone numbers referenced above.

By copy of this letter, EPA is notifying the Commonwealth of Massachusetts and the Natural Resources Trustees of EPA's intent to perform, or to enter into negotiations for the performance or financing of, response actions at the Site.

Thank you for your attention to this matter.

Sincerely,



Stanley D. Chin, Acting Chief
Emergency Planning and Response Branch

Enclosures

cc: Nick Child, MassDEP
Andrew Raddant, Regional Environmental Officer - U.S. DOI
Ken Finkelstein, National Oceanic & Atmospheric Administration - NOAA
Allen Jarrell, EPA On-Scene Coordinator – OSRR02-2
Tina Hennessy, EPA Enforcement Coordinator – OSRR02-2
Michelle Lauterback, EPA Senior Enforcement Counsel – OES04-3

Holly Inglis, EPA Records Center – OSRR01-5
Patti Ludwig, EPA CERCLIS Coordinator – OSRR01-5

SUMMARY OF GENERIC SCOPE OF WORK

This summary of the Generic Scope of Work is provided for informational purposes only. More detailed provisions will be set forth in the site-specific Scope of Work. Provisions may vary from site to site.

When EPA determines that a Potentially Responsible Party (PRP) has the ability to promptly and properly prevent, mitigate, or eliminate the threats posed by hazardous substances at the Site, EPA may issue an Administrative Order (Order) to such party (the Respondent) with an attached Scope of Work (SOW). The Order and SOW, among other things, compel the Respondent to develop a plan to clean up the Site. The components of the plan (also called a "deliverable") must be submitted to EPA for approval before implementation. Detailed instructions for generating each component shall be provided in the SOW. The plan shall consist of the components listed below.

- 1) **Site Security** - The Respondent shall provide on-site security service. Site security shall be maintained until EPA determines the threats posed by conditions at the Site are eliminated or substantially mitigated.
- 2) **Notification of Contractor Selection** - The Respondent shall notify EPA of the proposed cleanup contractor selected to perform work required under the Order.
- 3) **Site-Specific Health and Safety Plan (HASP)** - The Respondent shall develop and implement a HASP for all activities to be conducted at the Site. The HASP shall be developed to protect all on-site personnel and must comply with all applicable health and safety regulations.
- 4) **Quality Assurance Plan (QAP)** - The Respondent shall develop a QAP to be utilized in conducting all field and laboratory analysis. The QAP shall ensure that analytical results generated are of known quality.
- 5) **Site Assessment Plan (SAP)** - The Respondent shall develop a SAP specifying the overall strategy of the field investigative work necessary to characterize site contamination.
- 6) **Site Assessment** - A Site Assessment shall be conducted following EPA approval of the SAP.
- 7) **Site Assessment Report and Cleanup Plan (SAR/CP)** - Following completion of the Site Assessment, the Respondent shall develop a SAR/CP that summarizes the Site Assessment and proposes cleanup methods necessary to substantially mitigate and/or eliminate the threats posed by hazardous substances present at the Site.
- 8) **Site Cleanup** - The Site Cleanup shall be conducted according to the EPA approved Cleanup Plan.
- 9) **Completion of Work Report (CWR)** - Upon completion of the Site Cleanup, the Respondent shall submit a CWR summarizing the work performed under the Order and SOW and outlining any remaining contamination.

At any time prior to or after the completion of the work specified in this SOW, EPA may determine that additional tasks are necessary in order to achieve the objectives of the Order, the SOW and CERCLA.



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Attn: OSC Allen Jarrell

CONSENT FOR ACCESS TO PROPERTY FOR A REMOVAL ACTION

Site Name: Creative Packaging and Paper Site

Site Address: 261 Clover Street (a/k/a 175 James Street) (Parcel ID 28-030-00001)
Worcester, MA

I (We) consent to the officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives of the United States Environmental Protection Agency ("EPA") entering and having continued access to the above-referenced property for the following purposes:

- Conducting removal actions or overseeing potentially responsible parties performing removal actions, to mitigate the hazards posed by hazardous substances found at the Site to include: assessing structural safety layout of the Site and determine required equipment, personnel and utilities; providing site security as necessary based on Site conditions; conducting additional sampling as needed to determine the extent of contamination; performing air monitoring at the perimeter of the Site throughout invasive Site activities; pumping out contaminants from any vats or tanks and then neutralize, clean and disable containers; removing and disposing of containerized chemicals, confirmed ACM and other incidental hazardous substances at an EPA approved disposal facility; and repairing any response-related damage.
- Reviewing and copying any documentation found on-site regarding: 1) materials including hazardous substances, pollutants or contaminants, or hazardous waste that were generated, treated, stored or disposed of at the Site;
- Taking any other response actions or evaluating the need to take other response actions.

I (We) realize that these actions by EPA are undertaken pursuant to EPA's response and enforcement authorities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §9601 et seq. and the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq.



Consent for Access – R&J Realty, LLC
Creative Packaging and Paper Site

I (We) give this written permission voluntarily with knowledge of my right to refuse without threats or promise of any kind.

Signature of Property Owner or
Owner's Authorized Representative

Date

Name: _____

Title: _____

Address: _____

Phone: _____

Email: _____

CONSENT OF ADDITIONAL OWNER(S)

Signature of Property Owner or
Owner's Authorized Representative

Date

Name: _____

Title: _____

Address: _____

Phone: _____

Email: _____



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners



U.S. EPA SMALL BUSINESS RESOURCES

Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center

(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act

(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information. (www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers (www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.

(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse

(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline

(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information

(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.

(1-202-554-1404)

Wetlands Helpline

(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman

(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage

(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy

(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy

(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.