



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

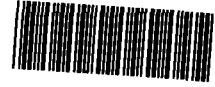
J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

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

Wells  
11.9  
094202

April 20, 1988

Peter Grace, President  
c/o Mark Stoler, Esq.  
W.R. Grace & Co., Inc.  
62 Whittemore Avenue  
Cambridge, MA 02140



SDMS DocID

294202

Re: Notice of Liability to the W.R. Grace Co., Inc. for their property located at 369 Washington Street, Woburn, MA., hereinafter referred to as "the facility".

Dear Mr. Stoler:

NOTICE OF POTENTIAL LIABILITY

This letter is to notify you of potential liability which the W.R. Grace & Co. may incur or may have incurred with respect to the Wells G & H Superfund Site; to make a formal demand for reimbursement of the costs, including interest thereon, that have been incurred in response to the environmental problems at the Site; and to notify you of forthcoming cleanup response activities at the Site which you will be asked at a later date to perform or finance.

The United States Environmental Protection Agency (EPA) has documented the release and/or threatened release of hazardous substances, pollutants and contaminants at the above referenced Site from your facility. EPA has spent and is considering spending public funds on actions to investigate and control such releases or threatened releases at the Site. Unless EPA reaches an agreement under which a responsible party or parties will properly perform or finance such actions, EPA will itself perform these actions pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA).

Under Section 106(a) of CERCLA, Section 107(a) of CERCLA, 42 U.S.C. §9606(a) and §9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. §6973 (RCRA), and other laws, responsible parties may be obligated to implement

relief actions deemed necessary by EPA to protect the public health, welfare or environment and may 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, response and enforcement activities.

Responsible parties under CERCLA include current and former owners and operators of facilities, as well as persons who arranged for disposal of hazardous substances found at any facility, or persons who accepted hazardous substances for transport to the facility.

EPA has evaluated a large body of evidence in connection with its investigation of the Site, including data collected from soil and groundwater sampling, United States Geologic Survey aquifer test, federal, state and local records, corporate records, deeds, and court transcripts.

Based on this evidence, EPA has information indicating that you are a potentially responsible party with respect to this Site. Specifically, EPA has reason to believe that you are the current owner/operator of the facility. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to reimburse EPA for the costs incurred to date and to voluntarily perform or finance the response activities described below that EPA has determined are required at the Site.

#### DEMAND FOR PAYMENT OF COSTS INCURRED TO DATE

In accordance with CERCLA and other authorities, EPA has already undertaken certain actions and incurred certain costs in response to conditions at the Site. These response actions include, but are not limited to, removal actions, monitoring, assessing, and evaluating the release or threat or release of hazardous substances, and related investigations, planning, and enforcement activities. The cost to date of the response actions performed through EPA funding at the Site is currently approximately \$2.1 million. The Agency anticipates expending additional funds for response activities at the Site under the authority of CERCLA and other laws, including those response activities described below. In accordance with Section 107(a)(4)(D) of CERCLA, as amended by Section 107(b) of SARA, demand is hereby made for payment of the above amount plus any and all interest authorized to be recovered under that Section or under any other provisions of law.

Demand is also hereby made under these authorities for payment of interest on all future costs that EPA may accrue in regard to the Site.

FORTHCOMING RESPONSE ACTIVITIES AT THE SITE

EPA is planning to conduct the following studies and/or activities at the Site:

1. Design and implementation of the remedial action selected and approved by EPA for the Site;
2. Operation, maintenance and monitoring necessary at the Site.

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

ADMINISTRATIVE RECORD

The EPA will be assembling an Administrative Record which will contain all documents that form the basis for the Agency's decision on the selection of remedy. The record will be open to the public for inspection and comment. The Record will be maintained at the office of For a Cleaner Environment (F.A.C.E.) in Woburn, at the Woburn Public Library, and at EPA located at 90 Canal Street, 1st floor in Boston. The Administrative Record will be continually updated until a decision on a remedy is made.

TIMING AND FORM OF RESPONSE TO THIS LETTER

At an appropriate point in the future, you will receive additional notice 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 those activities. In the interim, as a potentially responsible party, you should notify EPA in writing within twenty (20) days from receipt of this letter of your willingness to perform or finance the 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:

Barbara Newman, Project Manager  
Massachusetts Superfund Section  
Waste Management Division  
U.S. Environmental Protection Agency  
JFK Federal Building, HRS-CAN3  
Boston, MA 02203  
Telephone: (617) 573-5736

You may direct any legal questions to M. Gretchen Muench of the EPA Office of Regional Counsel at (617) 565-3316.

To facilitate negotiations, EPA will conduct a meeting with responsible parties on April 27, 1988, at 10:00 a.m. in the J.F.K. Federal Building, 22nd floor, Boston, Massachusetts. At the meeting, EPA will detail the existing knowledge about conditions at the Site and describe the response activities that have been taken at the Site to date.

#### 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 a list of the names and addresses of potentially responsible parties to whom this notification is being provided. This list represents EPA's preliminary findings on the identities of potentially responsible parties. 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.

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 Commonwealth of Massachusetts 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.

Sincerely,



Merrill S. Hohman, Director  
Waste Management Division

Enclosure

cc: Michael Deland, Regional Administrator  
Alice Corley, Office of Waste Programs Enforcement  
Edward Reich, Office of Enforcement and Compliance Monitoring  
Gretchen Muench, Office of Regional Counsel  
Cindy Gilder, Acting Chief, Superfund Enforcement Support Section  
Barbara Newman, Project Manager  
Henry Guzman, Office of General Counsel, DEQE  
Rodine DeRice, RPM, DEQE  
Ken Finkelstein, NOAA  
Ken Carr, U.S. Fish & Wildlife Service

List of Responsible Parties Notified

Aldo Croatti, President  
Unifirst Corporation  
c/o Jeffrey Bates, Esq.  
Goodwin, Proctor & Hoar  
Exchange Place  
Boston, MA 02109

Aldo Croatti  
Croatti Family Partnership  
c/o Jeffrey Bates, Esq.  
Goodwin, Proctor & Hoar  
Exchange Place  
Boston, MA 02109

George Boiko, President  
Prospect Tool and Die  
310 Salem Street  
Woburn, MA 01801

George whitten, Trustee  
Olympia Nominee Trust  
c/o Louis Massery, Esq.  
Cooley, Manion, Moore & Jones  
530 Atlantic Avenue  
Boston, MA 02210

Walter Kearin, CHR  
New England Plastics  
310 Salem Street  
Woburn, MA 01801

Peter Grace, President  
c/o Mark Stoler, Esq.  
W.R. Grace & Co., Inc.  
62 Whittemore Avenue  
Cambridge, MA 02140

John J. Riley, President  
Wildwood Conservation Corp.  
c/o Mary Ryan, Esq.  
Nutter, McClennen & Fish  
One International Place  
Boston, MA 02110-2699

Carol Coghlan Gavin, Esq.  
Beatrice Company  
2 North LaSalle Street  
Chicago, IL 60602