



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

60 WESTVIEW STREET, LEXINGTON, MASSACHUSETTS 02173

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

AUG 05 1988

Carlo Rovelli  
c/o William Cohn, Esq.  
Third National Bank Building  
Main Street  
Springfield, MA 01089

Superfund Records Center

SITE: Advanced Labs. Chemical

BREAK: 11-9

OTHER: 596637



SEMS DocID

596637

Re: NOTICE OF POTENTIAL LIABILITY  
Advanced Laboratories Chemical Fire  
Springfield, MA, hereinafter referred to as the "Site"

Dear Mr. Rovelli;

The EPA has documented a release or a substantial threat of release into the environment of hazardous substances, pollutants or contaminants from the Advanced Laboratories Chemical Fire Site (the Site) in Springfield, MA. The Site is located in a thickly settled residential area which is bound to the north by Hickory Street, to the south and west by Allen Street, and to the east by Watershops Pond. These hazardous substances include, but are not limited to, Trichloro-ethylene, 4-Nitrophenol, Benzidine, 4,6-Dinitro-2-Methylphenol, Xylene, Hexanoic Acid, Hydrazine Carboxylic Acid, Phenylmethyl Ester, Octadecanoic Acid and Tetradecanoic Acid. In response the EPA has undertaken, and may continue to undertake, certain actions pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. Section 9604, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), PL 99-499.

The EPA has determined that there may be an imminent and substantial endangerment to public health, welfare or the environment and that additional response actions are necessary to protect public health, welfare or the environment. Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. Sections 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6973 and other laws, responsible parties have been implementing and will continue to implement relief actions deemed necessary by EPA and may be held 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 or operators of the Site, generators of hazardous substances found at the Site, persons who arranged for disposal of hazardous substances found at the Site and persons who accepted hazardous substances for transport to the Site. The EPA has evaluated evidence in connection with its investigation of the Advanced Laboratories Chemical Fire Site and determined that you, as property owner, are a potentially responsible party with respect to the Site. By this letter EPA formally notifies you of your potential liability with regard to this matter.

Before EPA spends public funds to undertake additional necessary response actions at the Site, EPA invites you, as a potentially responsible party, to reimburse EPA for costs incurred to date and to voluntarily perform or finance future response activities EPA determines are required pursuant to its authority under CERCLA, RCRA or other laws.

Since you may potentially be held accountable for any additional response activities EPA deems necessary to protect public health, welfare or the environment, EPA invites you to view the administrative record and to submit, as soon as possible, but in no event later than August 29, 1988, any comments you have concerning proposed EPA actions. These comments should be in writing and will be included in the administrative record.

A notice letter has also been sent to Henry Deleo, Advanced Laboratories in care of John Pereira and Weather King, Inc in care of John Pereira. You or your attorney may wish to discuss the matters set forth in this letter with such persons or their attorneys. Please be advised, however, that liability under CERCLA is joint and several and therefore, each responsible party is potentially liable for undertaking all response actions or reimbursing the government for the entire amount of response costs.

EPA proposes to schedule a meeting with all potentially responsible parties during the week of August 14, 1988. The purpose of this meeting is to discuss plans of compliance to ensure that Site clean-up measures necessary to satisfy all applicable federal requirements are initiated.

You should notify EPA within seven (7) calendar days from receipt of this letter of your willingness to perform or finance necessary response activities at the Site. If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the Site and that you have declined any involvement in performing response actions at the Site. Be advised that in the absence of voluntary participation in response actions EPA may, nonetheless, order you to undertake such actions under Section

106 of CERCLA, 42 U.S.C. Section 9606 or EPA may itself undertake necessary response actions and seek reimbursement for its expenditures through civil litigation in federal district court.

A written response to this letter should include any comments you may have concerning the matters discussed herein and the appropriate name, address and telephone number of a designated contact for future correspondence. Your response and any technical questions you may have should be directed to:

David A. Ferenz  
U.S. Environmental Protection Agency  
60 Westview Street  
Lexington, MA 02173  
(617) 860-4360

Legal questions concerning matters discussed herein should be directed to:

Jeremy Firestone  
U.S. Environmental Protection Agency  
Office of Regional Counsel  
JFK Federal Building - Room 2203  
Boston, MA 02203  
(617) 565-3444

If you are already involved in discussions with the State or local authorities, engaged in voluntary clean-up activities or involved in a lawsuit regarding this Site, you should continue these activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities. You are, however, advised to report the status of 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.

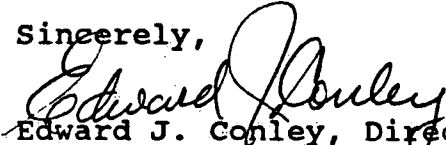
Since the exigencies of the situation require that work at the Site be carried out as expeditiously as possible, be advised that this letter does not constitute a special notice pursuant to Section 122(e) of CERCLA, 42 U.S.C. Section 9622(e).

The factual and legal discussions in this letter are intended solely to provide notice and information. 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 Massachusetts and the Natural Resources Trustee of our intent to enter negotiations for the performance or financing of response actions at the Site.

Thank you for your attention to this matter.

Sincerely,

  
Edward J. Conley, Director  
Environmental Services Division

cc:

Director, Office of Emergency and Remedial Response  
Director, Office of Waste Programs Enforcement  
David A. Ferenz, On-Scene Coordinator  
Jeremy Firestone, Office of Regional Counsel  
Lee MacMichael, Enforcement Support  
Robert Boyce, MA Dept. of Environmental Quality Engineering  
Steve Joyce, MA Dept. of Environmental Quality Engineering-  
Western Region  
William Patterson, Natural Resources Trustee, Dept. of the  
Interior  
William Cohn, Attorney for D & R Realty