



CHARBERT

DIV. OF NFA CORP.

December 10, 2007

299 CHURCH STREET
ALTON, RI 02894
Phone (401) 364-7751
Fax (401) 364-3390

David E. Chopy, P.E.
Supervising Sanitary Engineer
Office of Compliance and Inspection
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, RI 02908

**Re: Consent Agreement/ In re: Charbert, Division of NFA
AAD No. 04-007-MM**



Dear Mr. Chopy:

This is in response to your November 27, 2007 letter regarding the above-referenced Consent Agreement. We are please to inform you that Charbert submitted to DEM the referenced Sediment Sampling Plan per paragraph (C)(4)(j) of the Consent Agreement earlier this week. In addition, Charbert also has already completed the additional analyses of the constituents listed in your letter, under UIC Order of Approval #1108 (OA), as part of its required fourth quarter sampling. As it has since entering into this agreement in July 2005, Charbert intends to continue to comply with all requirements of the Consent Agreement.

I did want to take this opportunity to note that we disagree with your specific conclusion that "Charbert has not met the requirements and deadlines in paragraph (C)(4)(d) of the Agreement." Charbert did not miss Consent Agreement deadline for completing this evaluation, as your letter suggests. As you know, Charbert is not completing the wastewater treatment facility because it is closing its facility.

In any event, notwithstanding our disagreement with your characterization, Charbert agrees that closing its facility triggers the requirements of Paragraph (C)(4)(b) and (C)(4)(j), and Charbert plans to proceed to complete the requirements of Consent Agreement. In addition, as you may know, Charbert has also already taken actions to complete the obligations in Paragraph (C)(4)(o) with respect to the restoration of the freshwater wetlands. Charbert has submitted plans for Mr. Bruce Ahearn's review; Mr. Ahearn has conducted a site visit at Charbert and approved our proposed plans, and Charbert is proceeding with this work this construction season, with plantings to occur in the spring.

Please call me if you have any questions regarding the above.

Sincerely

Michael S. Healey

cc: Dean Albro
Cynthia Gianfrancesco
Craig Roy

JAENVG2795-26.trg/32795.26 MHealey let.doc