

**LITTLE MEDEIROS KINDER
BULMAN & WHITNEY PC**



SEP - 7 2007

September 6, 2007

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Re: Town of Richmond v. RI DEM and Charbert

Dear Counsel:

Recently David Lang of Groundwater Consultants Inc., the Town of Richmond's groundwater expert, analyzed groundwater samples split with Charbert from three well locations near the textile mill. For two years, the Town has been asking Charbert for a complete groundwater investigation following the Rhode Island Department of Health's (RIDOH) advisement that local residents not use wells for household uses due to Charbert's contamination of groundwater. The three well locations provide only a partial view of potential contamination in the area. However, the results of Mr. Lang's analysis, attached, are significant and require immediate further action. For example, the contaminant PCE was detected at levels over 1000 times higher than RIDEM's state standards for GAA aquifers (ground waters presumed suitable for drinking water) of 5 ug/L. Mr. Lang received this data by splitting samples from groundwater collected by Charbert's engineer, GZA. We presume that GZA's results were the same as Mr. Lang's and therefore Charbert already has these findings.

The samples were collected and split on June 21, 2007. From each of the three wells, three intervals were tested for a total of nine samples collected for volatile organic compounds. A duplicate sample was collected at GZML 3-1 and was named GZML-4 to test the laboratory precision and accuracy. A trip blank was also included to make sure no contamination was collected during transit. Two samples were also collected for semivolatile organics and hexavalent chromium.

The most contaminated area was in the shallow ^{bedrock} ground water near the large water tank in the location of former documented spills (GZML 3-1). This is also the area where it is believed that drums may have been stored outdoors. Tetrachloroethene (PCE) was found at this location at 5700 ug/L, while trichloroethene (TCE) was detected at 100 ug/L. The RIDEM and USEPA

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- Not true

Drinking Water Standard for both chemicals is 5 ug/L, so the results greatly exceed the standard. GZML-2 which is between the mill and River Street (where Town residents live) contained toluene at lower concentrations and PCE at trace levels. No semivolatile organics or hexavalent chromium were detected.

The results indicate the presence of volatile organic compound at levels much greater than originally represented, including the presence of chemicals indicative of more recent releases than had been generally discussed in Charbert's engineering data. The level of contamination detected also raises significant concerns about the scope of contamination throughout the mill site and surrounding areas.

Given the significance of the findings, RIDEM should require Charbert to take immediate further action in three major areas. First, Mr. Lang recommends that Charbert conduct additional site investigations to assess the extent of contamination. This would include additional sampling of existing wells and drilling at least three more wells sites in the vicinity of GZML 3-1, with testing at depths determined by field screening during well installation. Charbert has not indicated any plans to drill additional wells or conduct further testing.

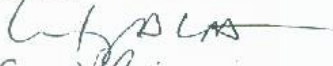

Second, to mitigate the effects of existing contamination, Mr. Lang recommends that Town residents along River Street continue to use bottled water or filtration systems until PCE concentrations are reduced to RIDEM standards at all well sites. To the extent these facilities are not being provided to Town residents free of charge, Charbert should be doing so. Obviously, Charbert should also conduct regular testing to detect any changes in chemical concentrations.

Third, Charbert should be implementing wastewater technologies that both reduce the volume of wastewater and treat wastewater effectively before seepage into bedrock aquifers. The Town has, at its own cost, provided consulting services from Dr. Eugene Park, including several reports; recommending cost-effective wastewater treatment and disposal systems. To date, we have not learned of any changes in Charbert's technology as a result of Dr. Park's services.

The Town has for years objected to the so-called "Consent Agreement" between Charbert and RIDEM regarding the August 13, 2004 NOV, in part due to RIDEM's failure to require a complete Site Investigation Report (SIR) and remedial measures that address groundwater contamination. The June 21 testing provides strong and compelling evidence of Charbert's failure to protect the groundwater and public health, necessitating a complete SIR and remediation much broader in scope than required by the "Consent Agreement." Please provide us with a copy of GZA's results from the sampling with confirmation that they were forwarded to DEM, including any response from DEM. The Town demands that the above three action items be undertaken immediately, with appropriate remedial measures as testing reveals the full scope of groundwater contamination.

We look forward to your prompt response.

Sincerely,

Christopher H. Little
Laura J. Bottaro
Counsel for Town of Richmond

Enclosures

Cc: David J. Lang
Dr. Eugene Park
Town of Richmond Town Council Members