



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
235 Promenade Street, Providence, RI 02908-5767 TDD 401-222-4462

November 27, 2007

CERTIFIED MAIL

Michael S. Healey, P.G.
Director of Environmental Affairs
Charbert, Division of NFA Corp.
299 Church Street
Alton, RI 02894

In re: Executed Consent Agreement
Charbert, Division of NFA Corp

Dear Mr. Healey:

I am writing as a follow up to your telephone discussion on November 5, 2007 with Craig Roy of the DEM Office of Water Resources concerning the NFA Corporation's plan to close the Charbert facility. In that discussion you advised Mr. Roy that Charbert would not be proceeding with plans to install the approved interim RIB system and the submission to DEM of a final Wastewater Alternatives Report.

Paragraph (C)(4)(d) of the above referenced Consent Agreement required Charbert to submit a report that identified the wastewater alternatives evaluated and propose one or more wastewater treatment system alternatives and a schedule for completion of the planning, design, permitting, and construction of the wastewater treatment system.

In accordance with paragraph (C)(4)(h)(3) of the Agreement, DEM is hereby advising Charbert that it has not met the requirements and deadlines in paragraph (C)(4)(d) of the Agreement. Charbert must proceed with the closure of the Holding Pond pursuant to paragraph (C)(4) of the Agreement. The sampling plan required in paragraph (C)(4)(j) must be submitted within **thirty (30) days of your receipt of this letter.**

Please be advised that Charbert is no longer authorized to use the Holding Pond in accordance with paragraph (C)(4)(h) of the Agreement and any such use may subject Charbert to noncompliance penalties as specified in the Agreement and/or additional administrative penalties up to \$25,000 per day.

Also, in accordance with stipulation 10 of the UIC Order of Approval #1108 (OA) issued on December 3, 1992, DEM can impose additional monitoring requirements where necessary based upon the on-site determination of DEM. Charbert is hereby advised that DEM has determined additional monitoring is necessary and is requiring Charbert to modify its wastewater and groundwater monitoring as outlined in stipulation 5 of the OA as follows:

Pump house effluent shall continue to be monitored as required under the OA with the addition of analytical testing for dissolved chromium and bis(2-Ethylhexyl)Phthalate. Groundwater monitoring wells MW-1A (GP-29), MW-2A, MW-3 (RIZ-15), MW-4A, MW-5B(GP-30) and MW-6(RIZ-20) shall continue to be monitored as required under the OA with the addition of analytical testing for total chromium, dissolved chromium, bis(2-Ethylhexyl)Phthalate and TPH. These modifications shall become effective immediately with results of the additional testing requirements to be included in the next round of quarterly monitoring to be submitted to the UIC Program by the last day of the month of December 2007.

Lastly, please be advised that pursuant to the OA, Charbert is required to operate the 3 lagoons properly so that no breaches or overflows from the lagoons occur.

DEM is willing to meet with Charbert to discuss this letter and the status of all the open issues in the Agreement (as you requested in your recent telephone conversation with Cindy Gianfrancesco). If you would like to meet or have any questions concerning this letter, please call me at 222-4700 extension 7257.

Sincerely,



David E. Chopy, P.E.
Supervising Sanitary Engineer

cc. Michael J. Sullivan, Director, DEM
Terrence Gray, Assistant Director, DEM
Alicia Good, Assistant Director, DEM
Dean Albro, Chief, Office of Compliance and Inspection, DEM
Russell Chateauf, Chief, Office of Water Resources, DEM
Patty Allison Fairweather, DEM Executive Legal Counsel
John Langlois, DEM Legal Counsel
Cynthia Gianfrancesco, Office of Waste Management, DEM
Alexandra J. Callam, Esquire
Christopher H. Little, Esquire