

## Joseph Martella

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**From:** Simpson, Greg - Corporate EHS [gsimpson@Textron.com]  
**Sent:** Tuesday, November 07, 2006 3:34 PM  
**To:** Joseph Martella  
**Cc:** Schiff, Jamieson; McCabe, Dave  
**Subject:** Response to RIDEM November 6, 2006 Letter

Joe,

In response to RIDEM's November 6, 2006 letter, based upon generator knowledge, Textron believes the slag material, even if excavated, would be exempt from RCRA regulations. Currently, Textron has information that confirms a smelter was operated many years ago and that lead-bearing slag was generated. We would need to research thoroughly the extensive archives relating to the Gorham manufacturing operations to see if there are historic records that would answer your questions regarding the exemption for slag from primary lead processing to RIDEM's satisfaction.

However, the thrust of Ken Kastner's memo is that it doesn't matter. The RCRA regulations do not apply to material deposited prior to when the regulations came in place when that material is not actively managed but remains in the ground. This is regardless of whether such material, if removed, would be characterized as hazardous waste for purposes of disposal. In an effort to move this project along, despite our belief as to its exempt status, Textron would be willing to assume that any material that is excavated out of the ground in the former slag area must be managed for its disposal as a hazardous waste in the absence of it passing the TCLP. But per Mr. Kastner's memo, TCLP is not an appropriate test for material left in the ground because such is not regulated by RCRA.

It is our hope that RIDEM will concur with the information above and allow us to move forward with the proposed removal and test pitting activities identified in the October 26, 2006 Former Slag Area Supplemental Removal Action Work Plan. Completion of activities associated with the former slag pile are in the best interest for all parties.

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