



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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November 14, 2006

ENVIR. APPEALS BOARD

BY FEDERAL EXPRESS

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

Re: Centredale Manor Superfund Site
Docket Number: CERCLA-1-2001-0032
Petition Number: CERCLA 106(b) 05-02

Dear Ms. Durr:

I have enclosed a Joint Motion to Continue Stay of 106(b) Petition in connection with a petition for reimbursement dated July 8, 2005 and filed by Howard Castleman on behalf of Brook Village Associates Limited Partnership (Petition No. CERCLA 106(b) 05-02).

Thank you for your attention to this matter.

Sincerely,

Eve Stolov Vaudo
(P): 617-918-1089
(F): 617-918-1809
vaudo.eve@epa.gov

enclosures

cc: Howard Castleman, Esq.

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BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

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ENVIR. APPEALS BOARD

In re:

Centredale Manor Superfund Site
(North Providence, RI)

Petitioner,

CERCLA 106(b) 05-02

JOINT MOTION TO CONTINUE STAY OF SECTION 106(b) PETITION

Pursuant to Section 106(b) of CERCLA, 42 U.S.C. § 9606(b), Brook Village Associates Limited Partnership ("Brook Village") petitioned the Environmental Appeals Board (the "Board") for reimbursement of the reasonable costs, plus interest, of compliance with the United States Environmental Protection Agency's ("EPA") Unilateral Administrative Order, Docket No. CERCLA-1-2001-0032, relating to removal activities at the Centredale Manor Restoration Project Superfund Site in North Providence, Rhode Island (the "Site"). By joint motion filed on July 29, 2005, Brook Village and EPA requested a stay of the proceedings in this reimbursement matter pending a decision by the United States District Court for the District of Rhode Island ("District Court") approving or disapproving a proposed settlement consent decree lodged with the District Court on May 6, 2005 (United States v. Brook Village, et al., C.A. No. 05-195S (the "Consent Decree")). (The Consent Decree resolves Brook Village's liability for contamination at the Site.) On August 4, 2005, the Board issued an Order staying the proceedings pending the District Court's decision and requiring the parties to jointly notify the Board within ten days of the District Court's decision approving or disapproving the Consent Decree.

On November 6, 2006, the District Court approved the Consent Decree. Emhart Industries, the intervener in the District Court proceedings, has sixty days to appeal the District Court's decision. The Consent Decree becomes effective when all appeal periods have lapsed or the Court's entry of the Consent Decree has been affirmed by the United States Court of Appeals for the First Circuit ("First Circuit") or, as applicable, the United States Supreme Court. Pursuant to the Consent Decree, Brook Village waives its right to pursue this petition for reimbursement. Therefore, if the Consent Decree becomes effective, Brook Village's petition for reimbursement will be rendered moot.

EPA and Brook Village hereby request that the stay be continued until the sixty-day appeal period has expired and no appeal has been filed; or any appeal filed by Emhart has been decided by the First Circuit. The parties will jointly notify the Board within ten days of the expiration of the sixty-day appeal period or the First Circuit's decision, as applicable, and will include a discussion of whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for EPA to file a response to the petition.

UNITED STATES
ENVIRONMENTAL
PROTECTION AGENCY,
By its attorney,
Eve S. Vaudo
Eve S. Vaudo
Senior Enforcement Counsel
U.S. Env'tl. Protection Agency,
R1
One Congress Street
Suite 1100 (SES)
Boston, MA 02114
(617) 918-1089

BROOK VILLAGE ASSOCIATES
LIMITED PARTNERSHIP,
By its attorneys,
Howard Castleman/es
Howard J. Castleman
Holland & Knight LLP
10 St. James Avenue-11th Floor
Boston, MA 02116
(617) 523-2700

Dated: November 14, 2006